

**MINUTES OF A MEETING
OF THE
MAYOR AND COUNCIL**

CALL TO ORDER

Council President Louis Garubo called the September 6, 2011 meeting of the Mayor and Council to order at 8:00p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Council President Louis Garubo offered a moment of silence meditation, followed by the Pledge of Allegiance.

OPENING STATEMENT

Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the Observer Tribune and the Morristown Daily Record, and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE:

Council President Louis Garubo
Councilman Brad Badal
Councilman Stanley Witczak
Councilman John Andrus
Councilman David Sharkey

Also present: Pat Breem, Atty.
Maureen Massey, Borough Clerk

Absent: Mayor Neil Henry, Fred Semrau, Esq., Ellen Sandman, Administrator
Councilwoman Veronica Daly

CONSENT AGENDA:

- Approval of the minutes of the Regular Session Meeting of 8/15/11
- Approval "Road Closure" request-9/17/11 (Sat.) RD 9/18/11-20/30 Phoenix Dr.
- Approval "Road Closure" request-9/24/11 (Sat.) RD 9/25/11-Florie Farm Road/Mtn. Avenue/Phoenix Drive
- Approval Raffle License-Jr. Achievement-On Premise Draw-10/1/11 (Drawing Borough Park –Harvest Hustle

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Sharkey, Daly, Garubo

Opposed: None

Abstain: None

Absent: None

DISCUSSION:

- **Annual Financial Statement Available For Review**

The Governing Body acknowledged that this document was available for review and the Clerk will duly note the record.

- **"Best Practice Inventory" Review**

A copy of this document was attached to the agenda for prior review by the Council. Councilman Andrus commented on the "No" answers to questions #7 (Require elected officials to attend basic courses on responsibilities and obligations in local government) and #11 ("Absence from Meetings Policy). He further commented that #8 and #9 should have been recorded as a "Yes" and not a "N/A". The Clerk will duly note the record and send the required certification to the Department of Community Affairs that this document was review in public by the governing body.

- **2011 Softball Champs-Permanent Sign-Susan Skuraton**

Ms. Susan Skuraton and Mr. Jim Stanton were present to discuss and represent the 2011 Softball Champs. They stressed to the governing body and the public what an accomplishment this was for this team. They expressed their desire to have a permanent sign place at the field in the Borough Park to honor and acknowledge this win and the players on the team. After a brief discussion and with support of the Council it was recommended that Geoff Price, Zoning Officer be contacted for the procedure to follow. The Council requested that the sign recommendation be tasteful and made of wood to give it a rustic look and fit in with the appeal of the Borough. Councilman Andrus also suggested that a tree with a plaque could be an alternative to a sign. It was finally agreed that it would be attached to the chain linked fence and that it would be paid for by the requestors.

Atty. Breem will complete some research to respond to the Council's question if an approval from the land use boards is required.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #5-11 (Tabled @7/18/11 Mtg.)

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 206, VEHICLES AND TRAFFIC, ARTICLE XIV, SCHEDULES, SECTION 206-43, SCHEDULE I, NO PARKING, AND SECTION 206-44, SCHEDULE II NO PARKING CERTAIN HOURS, OF THE CODE OF THE BOROUGH OF MENDHAM

(A copy of Ordinance #5-11 is attached to these minutes)
Was published in full in the Observer Tribune

Council President Lou Garubo opened the public hearing.
No one wished to be heard, the public hearing was closed.

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #5-11 (Tabled @7/18/11 Mtg.)

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 206, VEHICLES AND TRAFFIC, ARTICLE XIV, SCHEDULES, SECTION 206-43, SCHEDULE I, NO PARKING, AND SECTION 206-44, SCHEDULE II NO PARKING CERTAIN HOURS, OF THE CODE OF THE BOROUGH OF MENDHAM

Motion to adopt Ordinance #5-11 was made by Councilman Badal
Second by Councilman Witczak
Discussion: None
Roll Call - the vote was as follows:
In favor: Garubo, Badal, Andrus, Witczak, Sharkey
Opposed: None
Abstain: None
Absent: Daly

ACTIONS TO BE TAKEN:

Res. # 99-11 Single Stream Recycling-Curbside Recyclable Materials
(This resolution was removed before the meeting)

Res. #100-11 Provident Bank-Release Performance/Cash Bonds-B2701/L2

Motion to adopt Resolution #100-11 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Badal, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly

**Res. #101-11 Morris County Board of Taxation Judgments-Tx Appeal
Adjustments-Decrease 2011 Total Tax Levy by \$34,971.73.**

Motion to adopt Resolution #101-11 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Daly

Res. #102-11 Cancel Reserve -General Capital Account by \$114,500.00

Motion to adopt Resolution #102-11 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Garubo, Badal

Opposed: None

Abstain: None

Absent: Daly

Res. #103-11 National Moment of Remembrance-10th Anniv. of September 11th

Motion to adopt Resolution #103-11 was made by Councilman Badal

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Garubo, Badal, Witczak

Opposed: None

Abstain: None

Absent: Daly

Councilman Witczak asked for prayers and to remember Mr. Frank Skidmore who is truly missed.

ADMINISTRATOR REPORT:

The Council President referred the Council to the Administrator's report in her absence that was submitted prior to this meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal thanked the police, fire, first aid and the department of public works for their response to hurricane "Irene" and its effects. He announced that there will be a public safety meeting held this Thursday.

It was noted that Police Chief Taylor kept the overtime for his department down to \$3,200 during and after the hurricane. These expenses can be submitted to FEMA for reimbursement. The FEMA paperwork will be filed with the Borough'

Councilman Witczak likewise thanked his departments, Public Works and the Water Reclamation Facility employees for all their assistance during and after the storm.

It was noted by Councilman Witczak that Superintendent Ken O'Brien has informed him that there are some large trees that will have to be taken down once the weather dries out, the paving

projects have been pushed to Friday (weather permitting) and the field damage can be handled in-house by the DPW. It was further noted that Mountainside Road was still without power.

Councilman Andrus will schedule a finance committee meeting to discuss capital project funding specifically the basketball and tennis court rehabilitation. Recreation Director Bruce DiBisceglie reported that cushions for the poles and nets have been purchased for the basketball court. Councilman Andrus will ask DPW Superintendent Ken O'Brien to put some weed killer down on the tennis courts.

Councilman Sharkey reported that the sign ordinance is still a work in progress. Our Borough's planner Charles McGroarty has reviewed the draft ordinance and has made constructive suggestions which have been implemented.

Councilman Garubo on the well planned arrangements made for the Labor Day parade and the repair work needed at both the basketball and tennis courts.

It was noted that the fireworks were set off earlier than expected due to the short window of time caused by the weather conditions. Once the charges are loaded, they cannot be unloaded, and for safety reasons need to be fired. There was discussion with regard to who would render the final decision with regard to safety and the fireworks. Atty. Breem will report back to the Council after researching the answer to this question.

ATTORNEY ITEMS:

Atty. Breem reported that Atty. Semrau will discuss the Comcast franchise agreement in closed session at the next meeting. He further mentioned that the Borough Engineer Paul Ferriero will have a sanitary sewer allocation update shortly for the governing body.

Police Chief Taylor asked if during the franchise agreement discussions, service to the municipal offices could be negotiated for no charge.

MAYOR'S ITEMS: Mayor Henry was not present at this meeting.

PUBLIC COMMENT: There were no public comments made.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated September 6, 2011
Motion to approve the September 6, 2011 bill list was made by Councilman Andrus
Second by Councilman Badal
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly

EXECUTIVE SESSION: No executive session was held.

ADJOURNMENT:

There being no further business scheduled for the consideration of the Mayor and Council at this time, on a motion duly made, seconded and unanimously carried by a voice vote, the meeting was adjourned at approximately 8:45 P.M. next to convene at the Regular Meeting on September 19, 2011 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk