

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

CALL TO ORDER

Mayor Neil Henry called the January 16, 2012 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

Mayor Henry 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:

Mayor Neil Henry

Councilman Stanley Witzcak
Council President John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Brad Badal

Also present: Fred Semrau, Atty.
Ellen Sandman, Administrator

Absent: Councilman Louis Garubo, Maureen Massey, Borough Clerk

CONSENT AGENDA: (Minutes)

- Approval of the minutes of the Regular Session Meeting of 12/19/11

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Witzcak

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzcak, Andrus, Sharkey, Daly

Opposed: None

Abstain: None

Absent: Garubo

DISCUSSION:

- **FEMA Update-Thomas Berenbak Emergency Coordinator**

Mr. Thomas Berenbak updated the governing body on the progress of the paperwork to be submitted to FEMA for Borough reimbursement due to Hurricane Irene and the Halloween storm of 2011. It was reported that the paperwork for Irene is expected to be completed by the end of this week. DPW labor hours/ equipment usage and Fire Department volunteer hours/equipment usage information will be applied for. It was noted that the preliminary reimbursement figure is approximately \$40,000 for which 75% would be the expected amount to be received by the Borough. This is very preliminary and as soon as an official amount is determined this information will be forwarded. Administrator Sandman questioned an amount of \$26,000 that was discussed for reimbursement for the Water Reclamation Facility. It was not known if this figure was included in the preliminary reimbursement amount.

The paperwork for the Halloween storm has just been started and it was noted by Mr. Berenbak that this process should move easier from the experience gained with the completion of the paperwork for Irene. It was reported that there was a kick off meeting with FEMA on Friday. Mr. Berenbak did comment that there is no reimbursement for fuel for the use of equipment but there is monetary consideration for the time it is up and running. He also noted that there will be

DISCUSSION: FEMA Update-Thomas Berenbak Emergency Coordinator: (Cont'd.)
a request for debris removal with this FEMA application. It was further reported that the County will be issuing 'First Responder I.D. Tags' which will require a resolution of acceptance by the governing body. Mr. Berenbak will continue to keep the Borough Administrator up to date as information is received.

ORDINANCE INTRODUCTION:

ORDINANCE #1-12

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS
AND STATE OF NEW JERSEY TO ADOPT BY REFERENCE CHAPTER 206,
VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF MENDHAM**

Atty. Semrau briefly reviewed the prior process of needing the State Department of Transportation approval after adoption of traffic ordinances. In 2009 changes took place on certain traffic ordinance no longer needed State approval. This ordinance will ratify our traffic code and validate our traffic ordinances. This is a 'housekeeping' item.

(A copy of Ordinance #1-12 is attached to these minutes)

Be passed on first reading by title; and

BE IT FURTHER RESOLVED, that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on **February 6, 2012** at 8:00 PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to approve the introduction of Ordinance #1-12 was made by Councilman Badal

Seconded by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

**Res. #26-12 Susan Lichtenberger, Planning Board Member–
Term Expires 12/31/15**

(Copy of Res. #26-12 attached to these minutes)

Motion to adopt Resolution #26-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Res. #27-12 Appoint Electrical Inspector (Replacement)-Robert Smith

(Copy of Res. #27-12 attached to these minutes)

Motion to adopt Resolution #27-12 was made by Councilwoman Daly

Seconded by Councilman Sharkey

Discussion: Mayor Henry noted that Mr. Smith also works for Mendham Township and was considered due to good recommendation.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**Res. #28-12 Professional Service Agreement-Banisch Assoc. Inc.,
Municipal Planner-Charles McGroarty**

(Copy of Res. #28-12 attached to these minutes)

Motion to adopt Resolution #28-12 was made by Councilwoman Daly

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Res. #29-12 Sanitary Sewer App-B801-L20

(Copy of Res. #29-12 attached to these minutes)

Motion to adopt Resolution #29-12 was made by Councilman Badal

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Res. #30-12 Sanitary Sewer App-B1501-L10

(Copy of Res. #30-12 attached to these minutes)

Motion to adopt Resolution #30-12 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Res. #31-12 Transfer of Funds

(Copy of Res. #31-12 attached to these minutes)

Motion to adopt Resolution #31-12 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ADMINISTRATOR REPORT:

Administrator Sandman updated the Council on the continuing progress at Tranquility Garden and working on the layout of the garden with a landscape architect. She further reported that Land Use Administrator Diana Callahan attended the Business Association meeting and reviewed the package she just recently developed to aid residents through the land use process. Attorney Semrau added that this package not only gives a resident all the pertinent facts to make the process run smoothly but adds a personal approach.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Andrus reported that there will be a shared services meeting on Thursday with Mendham Township at 6PM. He further reported that the 'Mendes' have announced the new Hall of Fame nominees and the change in location Assumption College on the Sisters of Christian Charity property.

Councilman Witczak reported the removal of debris at the Borough Park by the DPW (Department of Public Works) and noted the upcoming storm that has been predicted. DPW employees are standing by. He also received 'thank you' correspondence from a

COUNCIL REPORTS, OLD & NEW BUSINESS: (Cont'd.)

Borough resident to the DPW for all their hard work.

Councilman Andrus asked for confirmation of budget meeting dates. After a brief discussion it was decided that February 11th would be the first meeting.

Councilman Sharkey reported continuing work on the sign ordinance that there are three critical aspects that will need Council review and input before this document is ready for introduction.

Councilwoman Daly reported that she will be working and reviewing the new personnel evaluation forms.

Councilman Badal reporting on his progress with identifying shelters for use during storms like the two the Borough encountered in 2011. He had positive discussions with the high school representatives who are willing to open up their athletic facilities which have showers, large area for cots, minor cooking facilities but no generator. Mr. Badal further contacted Mountain View School which could also be used and has showers, kitchen facilities and a generator.

Councilman Badal, Lisa Smith and Administrator Sandman will be attending classes on the use of social media to inform the public during these storms and other major times of change.

ATTORNEY ITEMS:

The Borough Code calls for construction permits based upon the cost of the services provided by the Borough to provide inspections. However, in the case of the Commons, the inspections are performed in a more efficient manner due to the multiple homes that generate construction permits. Accordingly, the Construction Official and the Administrator have recommended that the siding permits issued to the Commons be adjusted.

Mayor Henry led the discussion regarding the issuance of construction permits for siding work at Mendham Commons. Due to a fee adjustment by the adoption of a December ordinance (Ord. #8-12), and at the request of Mr. Joe Robbins. The 4 permits were issued but only 1 job has been started. Attorney Semrau stated that the credit would amount to \$980 and would be used as a credit for future permits issued for work at the Commons. Councilman Andrus stressed the need to apply this same principal to any other permits that have been issued before this fee change and that have not been used. Administrator Sandman replied that no other individual has come forward to request a credit as Mr. Robbins has and the Borough would not have any way of knowing unless the request is made.

Councilman Sharkey asked if there are any other open permits. Administrator Sandman was not sure but commented that unless a request was made there would be no way of knowing if the work has been started.

Councilman Andrus again stressed the need for similar consideration to all residents.

Councilman Sharkey suggested contacting all open permit holders and request notification that if work has not been started that the Borough be notified.

Mayor Henry asked Council for a Motion to authorize the adjustment in the fees for Mendham Commons as they accurately reflect reasonable costs to perform these construction services.

Motion to credit Mendham Commons \$980 based on the previous discussion was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Atty. Semrau reported on the draft wastewater allocation ordinance which was sent to the Borough Engineer for review and comments. A draft will be sent to the Mayor and Council by Wednesday. This will be discussed further at the next public works/utilities meeting.

Atty. Semrau requested an executive session to discuss the progress on the Comcast negotiations.

MAYOR'S ITEMS:

Mayor Henry reported that Attorney will forward a letter of agreement regarding the location of the shed and cleanup at 50 West Main Street for the residents' signature. Once the terms outlined in the agreement are met the Council will pass a resolution. Administrator Sandman will contact the resident regarding the cleanup at this location.

Mayor Henry noted a funding request received for Mendham TV; the adopting of a resolution regarding the power outage and disappointment in JCP&L; receiving a reassurance call from J. Hanna of the Board of Public Utilities and their independent consultant to review JCP&L storm complaints; and an upcoming meeting with JCP&L and the BPU.

The JCP&L/BPU meeting will be attended by Councilman Andrus and Administrator Sandman in the absence of the Mayor who will be out of town.

Mayor Henry reported on his meeting with the Borough's JCP&L representative, John Anderson to address local issues. Councilman Andrus, Administrator Sandman, and Superintendent O'Brien were also present. The cutting of trees and the planting of trees near the power station at Police Headquarters were also discussed along with the storm issues.

The Mayor noted receiving proposals in response to the Borough's request for RFP for engineering and zoning which was placed on the League website.

PUBLIC COMMENT:

Russ Crespolini, Editor-Newsletter site-Mendham/Chester introduced himself and stated that he will be attending future meetings.

Frank Lupo, 17 Dean Road, wanted to recognize the Department of Public Works for their debris and tree trimming work from the storms.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated January 16, 2012

Motion to approve the January 16, 2012 bill list was made by Councilman Andrus

Second by Councilman Badal

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

EXECUTIVE SESSION: Res. #32-12 Contract Negotiations (Rev.)/Atty. Client Privilege
(Comcast Franchise Agreement) (High School Funding Formula)

Motion to approve Res. #32-12 was made by Councilwoman Daly

Second by Councilman Badal

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

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 10:05 P.M. next to convene at the Regular Meeting on February 6, 2012 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk