

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

CALL TO ORDER

Mayor Neil Henry called the October 15, 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
Councilman Louis Garubo
Councilman Brad Badal

Also present: Fred Semrau, Borough Attorney
Administrator Ellen Sandman
Maureen Massey, Borough Clerk

Absent: Councilwoman Veronica Daly

CONSENT AGENDA:

- Approval of the minutes of the Regular Meeting of 10/1/12
- Appointment of Robert John Baranoski-Member Mendham Fire Dept.
- Blue Light Permit-Charles Grebenstein Mendham Borough Fire Dept.

Motion to approve the consent agenda was made by Councilman Witzcak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Badal abstained from the approval of the minutes since was not in attendance at the 10/1/12 meeting.

Absent: Daly

DISCUSSION:

ORDINANCE INTRODUCTION:

ORDINANCE #12-12

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 168, SEWERS, OF THE CODE OF THE BOROUGH OF MENDHAM

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #12-12

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 168, SEWERS, OF THE CODE OF THE BOROUGH OF MENDHAM

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

November 5, 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 introduce Ordinance #12-12 was made by Councilman Witczak
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Witczak, Sharkey, Garubo, Badal
Opposed: None
Abstain: None
Absent: Daly

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #8-12 Revised
**AN ORDINANCE OF THE BOROUGH OF MENDHAM AMENDING
CHAPTER 215, ZONING, ARTICLE III, GENERAL REGULATIONS,
§ 215-8, BILLBOARDS, SIGNBOARDS AND ADVERTISING SIGNS,
OF THE CODE OF THE BOROUGH OF MENDHAM**

Was published in full in the Observer Tribune
(A copy of Ordinance #8-12 is attached to these minutes)

Mayor Henry opened the public hearing.

George Connelly, 22 Hampshire Drive, stated that Charles Topping was unable to come to the meeting this evening but asked that he thank everyone for their work on this ordinance. He continued that Mr. Topping suggested that there be an education process for the residents and business owners with the police department and administration in all aspects of the ordinance in order to attain maximum benefit. Mr. Connelly asked if there was a pre-existing/non conforming exemption for 'neon signs'. Mayor Henry responded that in the new ordinance prohibits neon signs. He continued that the Borough Zoning Officer will be responsible for enforcement. Atty. Semrau added that unless there was a specific approval received for a neon sign which would be considered pre-existing/non-conforming. Mayor Henry suggested that the Land Use Coordinator Diana Callahan go back through any plans to list anyone who has received this approval.

Councilman Sharkey and Atty. Semrau thanked the sub-committee and all involved for their hard work on this ordinance. Atty. Semrau thanked Diana Callahan for her many reviews of the ordinance to make it consistent with Mendham Borough.

Mayor Henry asked the Administrator Sandman, Chief Liberto and Zoning Office Pat Fischer to review the ordinance together.

Mayor Henry closed the public hearing.

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

ORDINANCE #8-12 Revised
**AN ORDINANCE OF THE BOROUGH OF MENDHAM AMENDING
CHAPTER 215, ZONING, ARTICLE III, GENERAL REGULATIONS,
§ 215-8, BILLBOARDS, SIGNBOARDS AND ADVERTISING SIGNS,
OF THE CODE OF THE BOROUGH OF MENDHAM**

Be passed and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

Ordinance #8-12: (Cont'd.)

Motion to adopt Ordinance #8-12 was made by Councilman Sharkey

Atty. Semrau noted that this ordinance has been reviewed and accepted by the Planning Board for consistency and was provided to Chuck McGroarty Borough Planner for review as well. There is an additional correction pointed out this evening by Councilman Badal which needs to be adjusted to provide consistency. Page 3, 5-Civic Event Signs, (4) needs to be changed to reflect the removal of signs... 'two days after the event.' Atty. Semrau referenced individual memos from his office, Planner Chuck McGroarty and Diana Callahan Land Use Coordinator, which outlined and showed solidarity with all the minor changes and which was circulated to the governing body with the agenda.

Atty. Semrau noted that there were some housekeeping and non-substantial changes made to this ordinance since introduction.

Councilman Sharkey made a motion to amend his initial motion to adopt Ord. #8-12, to include the housekeeping and non-substantial changes made to the introduced ordinance.

Second by Councilman Andrus

Discussion: No further discussion

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #11-12

ORDINANCE PROVIDING FOR IMPROVEMENT OF PLEASANT VALLEY ROAD IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$125,000 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

Was published in full in the Observer Tribune
(A copy of Ordinance #11-12 is attached to these minutes)

Mayor Henry opened the public hearing. There were no public comments regarding this ordinance.

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

ORDINANCE #11-12

ORDINANCE PROVIDING FOR IMPROVEMENT OF PLEASANT VALLEY ROAD IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$125,000 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

Be passed and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

Motion to adopt Ordinance #11-12 was made by Councilman Witczak

Second by Councilman Andrus

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

ACTIONS TO BE TAKEN:

Res. #121-12 Grant/Department of Transportation for Talmage Road

(Copy of Res. #121-12 attached to these minutes)

Motion to adopt Resolution #121-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: It was noted that will allow the Borough to apply for the grant.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #122-12 Sanitary Sewer Application-B305/L11-Deborah Ingersoll

(Copy of Res. #122-12 attached to these minutes)

Motion to adopt Resolution #122-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: It was noted that will allow the Borough to apply for the grant.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**Res. #123-12 PSA Holtaway Electrical Engineering Services-DPW Standby
Power System**

(Copy of Res. #123-12 attached to these minutes)

Motion to adopt Resolution #123-12 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: Councilman Andrus asked Administrator Sandman how much this will cost.

Administrator Sandman reported that the DPW had no power during the October storm last year and had approximately 17 days without power in the year. She noted that originally there was the intent to add another floor to the building. The work needed to install this system is complicated by the cement ceilings. An installation of two breakers and high voltage to the two buildings is very technical. Ms. Sandman quoted approximately \$50,000-\$60,000 to complete the job. This project will be funded by money left over from prior ordinances and FEMA monies received by the Borough.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

ADMINISTRATOR REPORT: (Written report circulated prior to the meeting)

Administrator noted that the governing body has received an invitation to preview “Unforgettable”, a Mendham TV presentation.

Ms. Sandman announced that the Borough WRF Superintendent Doug Wright has received the “2012 N.J. Chapter of the American Public Works Association’s Superintendent/Director Award”. Mr. Wright will receive this award at the Atlantic City Conference in November.

Ms. Sandman referenced an attachment to her report regarding a recycling agreement which was initiated by Superintendent O’Brien. Mr. O’Brien explained that he has requested a 2 year contract vs. a 4 year. He noted that the contract presently costs the Borough \$71,000 a year. He noted that it would cost more if the Borough decided to do the recycling because presently we do not have the trucks or equipment. Mayor Henry asked the Public Works Committee review and make recommendations to the Council.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported on his work with Mendham First Aid, Fire and the Police Department on a document for special needs residents that will be posted on the Borough website. Atty. Semrau has worked on the HAPA language and has sent it to Administrator Sandman.

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

Councilman Badal noted the concern over home robberies in our and neighboring communities. He confirmed that there are initiatives in place to protect our Borough. He continued to report that First Aid Squad has expressed concerns and he will reach out to the Council for suggestions and suggested the reflective-painting of the street names on the concrete signs for a summer project. Administrator Sandman offered to contact Frank Pinto at the County to discuss possible options and suggestions on how to get the labor for this project.

Mayor Henry reported that Councilwoman Daly was excused from the meeting this evening.

Councilman Garubo commended Recreation for a great job with the Labor Day parade.

Councilman Sharkey shared the same sentiments as stated prior and that was that Diana Callahan did a wonderful job assisting in the process of finalizing the sign ordinance. He stated that this ordinance will keep Mendham as it is. He further reporting on the continuing of tree planting in the Borough and noted help from resident Chris Nicholson. The tree ordinance will be discussed at the Planning Board and the solar and wind ordinances will be considered by the Council in early 2013.

Councilman Andrus reported that there would be a finance committee next week to discuss a bond ordinance for the financing of the new fire truck and for paving costs of Borough streets. Administrator Sandman noted that 5 bid packages have been picked as of today.

Councilman Witczak noted the excellent job on Pleasant Valley Road and noting the working well together of the Borough and Township and the saving of money for both with the grant monies received. Mr. Witczak recommended the Borough provide a lunch for the DPW workers for the Township and Borough to get them to socialize after a good job done. Administrator Sandman noted for the record that \$125, 000 was received through the grant. Mr. Witczak further stated that the eaves on the Phoenix House will be repair and the next project for DPW.

ATTORNEY ITEMS:

Atty. Semrau had no comments. Mr. Semrau has discussion items for the executive session.

MAYOR'S ITEMS:

Mayor Henry reported to Council that he has signed a proclamation for "Pancreatic Cancer" and declaring 'November as Pancreatic Cancer Awareness Month.'

The Mayor noted that Mr. Bertland is busy working on preparatory work for the Borough's historic district nomination in March when the State of New Jersey will vote. Land Use Coordinator Diana Callahan added that there will be public hearing held here in the Borough, in February when residents in the historic district can comment on the nomination and possible formal listing in the National Registry.

Mayor Henry updated the governing body and the public on the Mayor's meetings on the high school funding formula. Mr. Henry noted that all towns are holding firm on their options for the study with Washington Township offering to fund the portion of the study that is objected to by other municipalities. He noted that the Borough has budgeted \$10,000 for the study but stressed that it needs all 5 towns to be in agreement. He will continue to consult and discuss with the Mayor's until the end of December. Mayor Henry stressed the best way to proceed, is to have all the five towns agree on all of the options on the table. The next meeting is on October 29th in the Washington Township municipal building.

PUBLIC COMMENT:

Laurie Felber, 9 Townsend Road, invited Councilman Sharkey to the next Environmental Commission meeting to be held in the Phoenix House on Thursday at 8PM (October 18th).

PUBLIC COMMENTS: (Cont'd.)

Laurie Felber:

There will be discussion held regarding a tree ordinance. Ms. Felber commented on 'emergency response' and made a recommendation for assistance in procedures and use of some extraordinary equipment that is being used by other municipalities. She continued by expressing her dissatisfaction with a prior Superintendent being paid by the local school district for a trip taken during her employment and labeled for education purposes. Ms. Felber recommended regionalization. Mayor Henry responded that effort has been made to come together on this issue with Mendham Township.

Allen Bowen, 19 Valley Way, applauded the efforts and commented that the Mega K-12 option made no sense. Mayor Henry responded that there is support and much time has been put into these meetings but the Mayor's have to reach agreement.

Steve Moore, 1 Ogden Way, commented on the meetings for a feasibility study and suggested moving forward. Mayor Henry responded that Washington Township is agreeing to fund the portion of the study that is objected to, moving the process forward.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated October 15, 2012

Motion to approve the October 15, 2012 bill list was made by Councilman Andrus

Second by Councilman Garubo

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:

Res. #124-12-Personnel, Atty.-Client Privilege, Contract Negotiations

Motion to adopt Resolution #124-12 was made by Councilman Garubo

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

On a motion duly made, seconded and unanimously carried, the Council returned to open session.

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 9:50 P.M. next to convene at the Regular Meeting on November 5, 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