

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

**CALL TO ORDER**

Mayor Neil Henry called the August 20, 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 Witzak  
Council President John Andrus  
Councilwoman Veronica Daly  
Councilman Louis Garubo  
Councilman Brad Badal

Also present: Jane Coviello, Atty.  
Administrator Ellen Sandman  
Maureen Massey, Borough Clerk

Absent: Councilman David Sharkey

**CONSENT AGENDA:**

(A copy of Resolution #97-12 will be attached to these minutes.)

- Approval of the minutes of the Regular Meeting of 6/18/12
- Approval of the minutes of the Executive Session of 6/18/12
- Approval of the minutes of the Regular Meeting of 7/2/12
- Approval of the minutes of the Regular Meeting of 7/16/12
- Approval of the minutes of the Executive Session of 7/16/12
- Approval of Road Closure-Garabrant/Mountain/Gunther-9/8/12  
-RD 9/9/12-4PM-11PM
- Approval of Blue Light Permit-J. Wassman-MB Fire Department
- Approval to Amend RL-720-PG Chambers School-9/10/12-Off Premise Draw
- Res. #97-12 Refund Overpayment of Septic Inspection Fee B2001/L13.02
- Approval of Road Closure-Franklin Street-9/8/12-3PM-11PM
- Approval of Road Closure-Forest Dr./Dean Road-9/29/12-3PM-10PM

Motion to approve the consent agenda was made by Councilman Witzak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzak, Andrus, Daly, Garubo

Opposed: None

Abstain: Councilwoman Daly abstained from approval of the regular/executive minutes of 6/18/12 due to her absence from the meeting and Resolution #97-12.

Absent: Sharkey

**DISCUSSION:**

**Fundraiser-Lorraine Hunt Kopacz (RLS Realtors):**

Ms. Kopacz provided the Council with the intent for this event which was to raise funds to purchase a wheelchair for the son of one of their agents. A table will be set up with children's crafts and a dollar donation will be requested. There will be candy and small prizes given out. There will be no visual obstruction and it will be on RLS Realty property. RLS Realtors has insurance. The setup will consist of a small tent and card table.

Fundraiser-Lorraine Hunt Kopacz (RLS Realtors): (Cont'd.)

Councilman Witczak expressed concerns over the size of the tent but was assured it was small in size. There were no further concerns made known by either Atty. Coviello or the governing body. Ms. Kopacz was thanked for attending and her request was approved.

Amy Johanson-Signage Request-Harvest Hustle:

Ms. Johanson has submitted a sign permit for 10 signs and was referred to this meeting for approval. She noted that this was the same request as last year and was confused as to why she had to seek approval this year. It was noted that the proposed changes to the sign ordinance may impact this request in the future, but as of this meeting they are only 'proposed' and the request was approved.

ORDINANCE INTRODUCTION:

**ORDINANCE #6-12**  
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS  
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

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

**ORDINANCE #6-12**  
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS  
AND EMPLOYEES 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 **September 4, 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 #6-12 was made by Councilwoman Daly  
Seconded by Councilman Badal  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrus, Witczak, Daly, Garubo, Badal  
Opposed: None  
Abstain: None  
Absent: Sharkey

ORDINANCE PUBLIC HEARING/ADOPTION:

**ORDINANCE #4-12**  
**ORDINANCE AMENDING CHAPTER 168 OF THE CODE  
OF THE BOROUGH OF MENDHAM**

Was published in full in the Observer Tribune  
(A copy of Ordinance #4-12 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 #4-12**  
**ORDINANCE AMENDING CHAPTER 168 OF THE CODE  
OF THE BOROUGH OF MENDHAM**

Ord. #14-12: (Cont'd.)

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 #4-12 was made by Councilwoman Daly  
Second by Councilman Witczak  
Discussion: None  
Roll Call - the vote was as follows:  
In favor: Andrus, Witczak, Daly, Garubo, Badal  
Opposed: None  
Abstain: None  
Absent: Sharkey

**ORDINANCE PUBLIC HEARING/ADOPTION:**

**ORDINANCE #5-12**  
**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY GRANTING RENEWAL OF MUNICIPAL CONSENT TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATION SYSTEM WITHIN THE BOROUGH OF MENDHAM, NEW JERSEY TO COMCAST**

Was published in full in the Observer Tribune  
(A copy of Ordinance #5-12 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 #5-12**  
**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY GRANTING RENEWAL OF MUNICIPAL CONSENT TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATION SYSTEM WITHIN THE BOROUGH OF MENDHAM, NEW JERSEY TO COMCAST**

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

**ACTIONS TO BE TAKEN:**

**Res. #98-12 Municipal Alliance App-2013 Drug-Free Mendhams' Grant**

(Copy of Res. #98-12 attached to these minutes)

Motion to adopt Resolution #98-12 was made by Councilman Badal  
Seconded by Councilman Andrus  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrus, Daly, Garubo, Badal, Witczak  
Opposed: None  
Abstain: None  
Absent: Sharkey

**Res. #99-12 Award Bid-Pumping/Hauling/Disposal of Sludge-WRF**

(Copy of Res. #99-12 attached to these minutes)

Motion to adopt Resolution #99-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

**Res. #100-12 License Agreement-Mendham Boro/Soc. Of the Sisters of Christian  
Charity of NJ-Use of Mallinckrodt Convent for Emergency Shelter**

(Copy of Res. #100-12 attached to these minutes)

Motion to adopt Resolution #100-12 was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

**Res. #101-12 Approval of SS Connection App-B801/L20-88 East Main Street**

(Copy of Res. #101-12 attached to these minutes)

Motion to adopt Resolution #101-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

**Res. #102-12 Approval of SS Connection App-B801/L20 at 84-86-88 East Main Street**

(Copy of Res. #102-12 attached to these minutes)

Motion to adopt Resolution #102-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

**Res. #103-12 Award Contract-Salt Paste System**

(Copy of Res. #103-12 attached to these minutes)

Motion to adopt Resolution #103-12 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

**Res. #104-12 Appoint Zoning Officer-Patricia Fischer**

(Copy of Res. #104-12 attached to these minutes)

Motion to adopt Resolution #104-12 was made by Councilwoman Daly

Seconded by Councilman Badal

Discussion: None

Res. #104-12: (Cont'd.)

Roll Call – the vote was as follows:  
In favor: Andrus, Daly, Garubo, Badal, Witczak  
Opposed: None  
Abstain: None  
Absent: Sharkey

**Res. #105-12 Tax Exemption-B1902/L22**

(Copy of Res. #105-12 attached to these minutes)  
Motion to adopt Resolution #105-12 was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Daly, Garubo, Badal, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: Sharkey

**Res. #106-12 Tax Appeal-County Judgments-2012**

(Copy of Res. #106-12 attached to these minutes)  
Motion to adopt Resolution #106-12 was made by Councilman Badal  
Seconded by Councilwoman Daly  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Daly, Garubo, Badal, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: Sharkey

**Res. #107-12 Return Escrow Fees-Site Plan Waivers**

(Copy of Res. #107-12 attached to these minutes)  
Motion to adopt Resolution #107-12 was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Garubo, Badal, Witczak, Andrus, Daly  
Opposed: None  
Abstain: None  
Absent: Sharkey

**ADMINISTRATOR REPORT:**

Administrator Sandman was not present at this meeting. There was no report to discuss and Mayor Henry suggested the Councilmembers call Ms. Sandman with any questions.

**COUNCIL REPORTS, OLD & NEW BUSINESS:**

Councilman Badal reported that the Public Safety Committee will meet after Labor Day.

Councilwoman Daly reported that a salary resolution will be on the next agenda for approval.

Councilman Garubo commented that the Labor Day parade arrangements are moving along. Mayor Henry requested further discussion on the condition of the Borough tennis courts with Councilman Garubo and DPW Superintendent Ken O'Brien. Mr. O'Brien reported making contact with the Engineer and a company in Somerset County, while drawing attention to an issue with the fencing around the courts as well.

Mayor Henry reported for Councilman Sharkey that the sign ordinance will be introduced at the September 4<sup>th</sup> Council meeting.

Councilman Andrus has requested Borough CFO Sue Giordano recommend options for financing of the fire truck and road repairs. He will share this information at the September 4<sup>th</sup> Council meeting.

Councilman Witczak reported that the Joint Insurance Fund sent a representative to do a spot

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

inspection of the Department of Public Works. It consisted of checking for safety equipment and its use. The report commented on the use of vests by employees while working on the road and maintaining of eye contact with traffic and their surroundings. The Councilman thanked the department for obtaining a good report.

DPW Superintendent discussed the monument at the Borough Park (Mountain Avenue). Mr. O'Brien reported speaking with the Mayor and Councilman Witczak regarding the changes that would be made and donated. Superintendent O'Brien would like to use a DPW truck to remove the old material and dispose of it. He asked the Council for any suggestions and with no objections on the use of the DPW truck, the program will move on. In response to questions, Mr. O'Brien will update the Women's Club who were the original sponsors of the memorial and responded affirmatively that there will be greens planted as well.

**ATTORNEY ITEMS:**

Atty. Semrau was not present at this meeting. Atty. Jane Coviello was present and had no report for this meeting.

**MAYOR'S ITEMS:**

Mayor Henry asked and received an affirmative response from Chief Libertino that the deer management program will begin on September 1<sup>st</sup>.

**PUBLIC COMMENT:**

Kim Kutlu, 77 Hardscrabble Road, commented on having 4 children and a school busing issue. Mrs. Kutlu reported that her home is not over the 2 miles from the school that is required for courtesy busing. She spoke with the Interim Superintendent and was told to attend a Borough Council meeting to request that her road be labeled 'hazardous' due to poor viability and no shoulder or sidewalk for the children to use to walk to school. Mayor Henry and the Council were unfamiliar with this action, as well as the Attorney and Police Chief Libertino. The request was referred to the Borough Attorney for research on the State criteria for labeling a street 'hazardous', as well as what this action would set in motion as far as any liability for the Borough. Councilman Andrus suggested Mrs. Kutlu speak with the Board of Education President and seek the advise of the Board.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated August 20, 2012  
Motion to approve the August 20, 2012 bill list with the additional supplement to this list was made by Councilman Badal  
Second by Councilwoman Daly  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Badal, Witczak, Andrus, Daly  
Opposed: None  
Abstain: None  
Absent: Sharkey

**EXECUTIVE SESSION:** There was no executive session 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 8:50P.M. next to convene at the Regular Meeting on September 4, 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