

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

CALL TO ORDER

Mayor Neil Henry called the September 17, 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

Council President John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Louis Garubo
Councilman Brad Badal

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

Absent: Councilman Stanley Witczak

CONSENT AGENDA:

- Approval of the minutes of the Regular Meeting of 8/20/12
- Approval of Road Closure-20-40 Phoenix Dr.-9/22/12 RD 10/6-2:30-12:00

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

DISCUSSION:

“Best Practices” Document Completion:

There was discussion held with regard to the completion of this document and submission to the State of New Jersey. The Borough scored a 100%. There was further discussion with regard to #5 and a Pay-to-Play ordinance. Atty. Semrau explained that it was not necessary for the Borough to adopt their own ordinance since our municipality complies with the State law and regulations. The attendance of classes by elected officials was discussed as an area for consideration in the future. Councilman Badal noted that the questions change each year that this document is sent from the State for completion by the municipalities.

The Clerk will complete, sign and submit the necessary paperwork confirming that the “Best Practices” document was reviewed and discussed at an open public meeting.

ORDINANCE INTRODUCTION:

ORDINANCE #9-12

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MUNICIPAL FACILITIES IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$11,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH AND AUTHORIZING THE EXECUTION OF ONE OR MORE DIRECT INSTALL PROGRAM PARTICIPATION AGREEMENTS

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

ORDINANCE #9-12

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MUNICIPAL FACILITIES IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$11,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH AND AUTHORIZING THE EXECUTION OF ONE OR MORE DIRECT INSTALL PROGRAM PARTICIPATION AGREEMENTS

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 **October 1, 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 #9-12 was made by Councilwoman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ORDINANCE INTRODUCTION:

ORDINANCE #10-12

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF PLEASANT VALLEY ROAD IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$26,000 FOR ENGINEERING SERVICES ASSOCIATED THEREWITH FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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

ORDINANCE #10-12

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF PLEASANT VALLEY ROAD IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$26,000 FOR ENGINEERING SERVICES ASSOCIATED THEREWITH FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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 **October 1, 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 #10-12 was made by Councilman Andrus
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Daly, Garubo, Badal
Opposed: None
Abstain: None
Absent: Witzcak

ORDINANCE PUBLIC HEARING/ADOPTION:

(Zoning Officer)

**ORDINANCE #7-12
AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

Was published in full in the Observer Tribune
(A copy of Ordinance #6-12 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:

(Zoning Officer)

**ORDINANCE #7-12
AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES 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.

Motion to adopt Ordinance #7-12 was made by Councilman Witzcak
Second by Councilman Andrus
Discussion: None
Roll Call - the vote was as follows:
In favor: Andrus, Garubo, Sharkey, Daly, Badal
Opposed: None
Abstain: None
Absent: Witzcak

ACTIONS TO BE TAKEN:

Res. #115-12 Paul Ferriero/ Pleasant Valley Road Project

(Copy of Res. #115-12 attached to these minutes)
Motion to adopt Resolution #115-12 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Witzcak

ACTIONS TO BE TAKEN: (Cont'd.)

Res. #116-12 Refund Overpayment 3rd Qtr. Taxes-B406/L2

(Copy of Res. #116-12 attached to these minutes)

Motion to adopt Resolution #116-12 was made by Councilman Andrus

Seconded by Councilwoman Daley

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ADMINISTRATOR REPORT:

Administrator Sandman reported that Scout Matt Marino is waiting for documents from the Boy Scout Council to be approved and returned for this Eagle Scout project at Tranquility Garden. Matt has picked out benches and received Historic Commission approval.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported on items discussed at the public safety meeting last week; Fire Department Open House on 10/14th and a spring –April 28th-Emergency Services Day with our Police Department-Fire Department-First Aid Squad; completion of LOSAP and budgeting for the 2013 budget year; concluding with a discussion of issues with First Aid Captain Paula Oswald.

Mr. Badal followed up on the 'special needs' residents information process with emergency services. It was suggested that this information be uploaded to the computers of our Fire/First Aid/Police vehicles. The Mendham Messenger would be used as the vehicle to compile a list and supply the form for our residents. Councilman Badal requested Atty. Semrau research HAPA laws for our compliance, Joint Insurance Fund requirements and report back to the Borough.

Councilman Badal discussed the use of the Sister of Christian Charity convent as a shelter and the establishment of policies and procedures on when to 'open' and how to run the process. He noted that when to open the shelter as a 'warming station' should be made by the Police Department Supervisor 'on-duty'. To open for a 'full scale' emergency the Mayor authorization would be first; second would be the Public Safety Chairperson or Administrator and third authorization could be that of any Council member.

It was noted by Councilman Andrus that if the facility is open for 'full scale' services, a police officer needs to be present. It was further noted that the entrance to the convent that will be used as the shelter has a long driveway which will need to be plowed and available for driving by residents.

Councilman Badal asked for a consensus from the Council on what has been discussed this evening. He did receive an affirmative response.

Councilman Badal brought to the attention of the Council and the public present that there is a 'burnout' and a critical 'low' number of volunteers. He suggested an article in the Mendham Messenger drawing attention to this urgency and requesting volunteerism.

Mr. Badal cited the past issues with the number of non-emergency First Aid calls received from Holly Manor and their resolve to the problem by contracting with a private service for transport to the hospital. It has become apparent that this same issue is taking place with the Daytop Facility. It was suggested the use of isolation in a safe place at the facility and a private transport be contracted for transportation to the hospital.

Councilman Garubo questioned and received an affirmative reply from Atty. Semrau that an ordinance can be adopted to address a monetary fee for transportation to the hospital by the Borough First Aid Squad.

It was noted by Mr. Garubo that the original agreement with Daytop was for a rehabilitation

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

facility for residents on a 'volunteer basis' not by court-order.

It was suggested by Councilman Andrus to research the files with Diana Callahan for minutes or planning board resolutions and as the suggestion of Administrator Sandman she will contact prior Mayor Ackerman to get a time-frame to narrow down the search.

Councilman Garubo thanked Bruce DiBisceglie and complimented the Grand Marshall (Charles Topping).

Councilman Sharkey reported that the next complex ordinance to be addressed will be the 'tree ordinance'. The language, intent, money, enforcement are considerations and feedback from the community. Past discussions on this topic and a decision not to go forward were noted. There is a tree ordinance for builders but not one that impacts residents and their property. A decision on whether or not the Borough needs or wants these regulations will be discussed.

Our Environmental Commission Chairperson Laurie Felber received a grant and organized a planting of trees on Lake Road-Cosma Park. Councilman Andrus noted that this is leased by the Borough from the school.

Councilman Andrus reported that there will be a Finance Committee meeting on Wednesday, the 26th in the Phoenix House. The purchase of a fire truck and road work completion in the Borough will be discussed. He noted a change in the sewer bill mailing to once a year with payment due quarterly. He noted that the Borough's bond rating was upgraded by Moody's to an AA1, which will result in a lower interest rate when borrowing money by our municipality. Moody's cited the Borough's finance flexibility, healthy money reserves, balance and good financial management for the raise in status.

ATTORNEY ITEMS:

Atty. Semrau has contacted the Planning Board Attorney for his legal review of the sign ordinance (#8-12). Mr. Semrau will follow up and report back to the governing body at the next meeting.

MAYOR'S ITEMS:

Mayor Henry noted for the record that the Observer Tribune published the incorrect date for the public hearing and adoption of the sign ordinance. The correct date is October 15th as published with the legal notice by the Borough.

Mayor Henry reported that he, Administrator Sandman and Land Use Coordinator met with Bob Diffen for his input as he will be out of town for the public hearing on the sign ordinance. Mr. Diffen's remarks would not require substantial changes and could be considered before adoption. It was noted that the hanging of the banners will require a policy which will be developed and shared.

Mayor Henry complimented the volunteers of the First Aid Squad for their service. The Mayor shared a booklet created by Diana Callahan for new residents on the Historic District and he will ask her to circulate to the governing body. He further reported on the success of the Mendham Borough food drive and commented on the discussion of meeting dates for October on the regional high school funding formula Mayor's forum.

PUBLIC COMMENT:

John Morell, 70 East Main Street, asked the Council to consider just the two options decided on by the 5 towns in order to get things moving forward on a study of the funding formula for the regional high school. Mayor Henry responded that he has read quotes in the Observer Tribune from several elected officials and it seems 'they are all over the place.' The Mayor commented that he would like to get clarification on the quotes given and know where each elected official from each town stands, and then take it from there. The governing body members were silent and noted by Mr. Morell with Councilman Brad Badal confirming that he agrees with all that the Mayor has stated. Mr. Morell concluded from the silence, that he will come back after the next Mayor's forum in October for further discussion.

PUBLIC COMMENT: (Cont'd.)

John Vitale, (Local School Board Member), asked if the council members read an article in the Star Ledger approximately 3 weeks ago on the downgrading of the Mendham local school to and "I" District (from a "J"). He noted that this rating is based on a socio-economic standing and not on test scores (affecting the 9-12 school). Mr. Vitale asked if the governing body could inquire why this happened. Mr. Vitale thanked the Borough Clerk Maureen Massey for her helping in locating records that he needed today. He finalized his comments by thanking Councilman David Sharkey for working so hard on the sign ordinance. Mr. Vitale asked about 'banners' in the new sign ordinance. The Mayor responded that they dropped the 'prohibition' of banners from the draft ordinance. It is now being discussed where to place the poles to hang the banners and a policy of scheduling for organization requests. It is anticipated that this will eliminate some of the smaller signs placed throughout the Borough. Mr. Diffen (Member Mendham Business Assoc.) has volunteered to contact JCP&L for any restrictions and concerns they may have.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated September 17, 2012
Motion to approve the September 17, 2012 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Witczak

EXECUTIVE SESSION:

Res. #117-12 Contract Negotiations* (Joint Municipal Court)
Motion to adopt Resolution #117-12 was made by Councilman Sharkey
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Andrus, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: Witczak

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 9:10P.M. next to convene at the Regular Meeting on October 1, 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