

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

**CALL TO ORDER**

Mayor Neil Henry called the January 21, 2013 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 Louis Garubo  
Councilman Brad Badal

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

Absent: None

**CONSENT AGENDA:**

Approval of the minutes of the regular meeting of 12.17.12  
Red Light Permit Application- Capt. Paula Oswald-First Aid Squad  
Res. #23-13 Updates to Reorganization Yearly Appointments  
Res. #24-13 Transfer of Funds  
Res. #25-13 Refund Tax Overpayment-B1901/L37-\$3,482.93-32 W. Main Street  
(A copy of Res. #23-12, #24-12, #25-12 are attached)

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: Andrus, Sharkey, Daly, Garubo, Badal, Witzcak

Opposed: None

Abstain: None

Absent: None

**DISCUSSION:** Proclamation-Arbor Day-April 27, 2013

**Motion:** Submission of Application for Recertification-  
-Tree City USA (2013)

Mayor Henry noted the proclamation for Arbor Day and asked Councilman Sharkey to report on the application for recertification.

Mr. Sharkey responded that many municipalities have realized how valuable trees are as a resource and have made a formal effort to educate the public and school aged children. Due to the efforts of Mendham Borough it has been awarded the title of Tree City USA and this application will be for recertification of this title for 2013.

Motion to approve the submission of this recertification application-Tree City USA for 2013 was made by Councilman Sharkey

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ORDINANCE INTRODUCTION:**

**ORDINANCE #1-13**  
**ORDINANCE OF THE BOROUGH OF MENDHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
AMENDING THE BOROUGH CODE, CHAPTER 215  
“ZONING”, SECTION 215-29, “SUPPLEMENTARY  
HEIGHT AND BULK LIMITATIONS”**

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

**ORDINANCE #1-13**  
**ORDINANCE OF THE BOROUGH OF MENDHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
AMENDING THE BOROUGH CODE, CHAPTER 215  
“ZONING”, SECTION 215-29, “SUPPLEMENTARY  
HEIGHT AND BULK LIMITATIONS”**

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 19, 2013 (Tuesday)** 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 #1-13 was made by Councilman Andrus  
Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ORDINANCE PUBLIC HEARING/ADOPTION:** No ordinances for adoption.

**ACTIONS TO BE TAKEN:**

**Res. #26-13 Professional Service Agreement- Charles T. McGroarty  
of Banisch Associates, Inc.**

(Copy of Res. #26-13 attached to these minutes)

Motion to adopt Resolution #26-13 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

**Res. #27-13 Approve Sanitary Sewer App B1902/L20-Seven Hilltop Holdings LLC**

(Copy of Res. #27-13 attached to these minutes)

Motion to adopt Resolution #27-13 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

**ADMINISTRATOR REPORT:**

Administrator Sandman's report was circulated to the governing body prior to the meeting. Ms. Sandman notified the Council that the Girl Scouts are going to do a rehab of the Garabrant Center as a project and will be attending the next meeting to give a presentation.

Ms. Sandman noted that the police department will be hosting 'Everbridge' a social media network to inform the public on safety issues. She further noted that Twitter and Facebook is now up and running with access by the Office of Emergency Management, Police, Fire, First Aid, Mayor, Administrator and Lisa Smith (DPW). Councilman Andrus expressed his concerns over access to these media sites by too many resulting in inconsistent information being posted. Administrator Sandman assured him that access is limited and will be monitored.

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

Councilman Witczak had no report this meeting.

Councilman Andrus reminded everyone about the Saturday budget meeting.

Councilman Sharkey noted that this is the second year that the Borough will be have the Tree City USA designation. He asked if anyone knows someone who would like to be active in the Shade Tree Commission to contact him.

Councilman Garubo reported Recreation is starting work on preparations for the summer day camp.

Councilwoman Daly reported that she will be working on a computer hardware inventory of the Borough municipal offices and an IT plan for 2013. She will also continue to review and recommend updates to the employee handbook.

Councilman Badal reported on his work with the First Aid Squad on LOSAP calculations. The only differences will be in the point calculations. He will work with Attorney Semrau and a draft will be given for review by the governing body.

Councilman Badal asked the Council to consider the approval of a SUV lease (\$8,000) for the police department during the budget presentations on Saturday. Upon a hindsight review of Storm Sandy, Councilman Badal is in support of this request. Councilman Badal reported that for one year the PD will have an additional vehicle/SUV in the fleet. In the second year, one vehicle will be retired resulting in the same number as the present with the only difference being two SUV's instead of the one.

Councilman Badal further asked Council for their consideration during the budget process, of the one-time purchase of an inter-departmental radio system. This system will be independent of the County and dispatch. The system cost is \$10,000 and suggested taking \$2,000 from budgets of the Fire, First Aid, OEM, Police and DPW. Mr. Badal feels each agency will receive 2 phones and is sufficient.

First Aid Squad President David Murphy and Chief Liberto both spoke in support, with Mr. Murphy stating that it will cut minutes off communicating and the Chief noting the issue with communication during the last emergency.

For the record, Councilman Badal noted that he does own a percentage in a 2-way radio company but he is not selling to the borough. Mayor Henry noted that Councilman Badal has written and signed a letter in the past that he would not seek business from the Borough.

Attorney Semrau noted that Councilman Badal can lend his expertise to the Borough.

**ATTORNEY ITEMS:**

Atty. Semrau reported that there was an email sent to the governing body members regarding an on-line course for elected officials. He noted that the Borough will receive a \$250 credit for each official who completes the course. This credit will be applied to the policy deductible. Mr. Semrau will review all 2013 professional service contracts for consistency.

**MAYOR'S ITEMS:**

Mayor Henry noted that there is still noticeable curbside brush in the Borough. He suggested that this should be clarified on the website to let our residents know that we are back to our normal pick up policy and that a call to DPW is needed.

Mr. Henry noted that there was a \$10,000 line item in the budget for a study on the high school funding formula. Since this will no longer be necessary, this line item will not be in the 2013 municipal budget. The Mayor commented on the finalizing of social media communication for emergencies, meetings and completion of a draft 'banner' policy and mailing of a letter on the prohibition of neon signs to all those involved.

**PUBLIC COMMENT:**

Kristie Prokop, PhD., teacher at Mendham High School was seeking relief from the sign ordinance for a fund raiser for 2013 graduates selling graduation lawn signs. Mayor Henry noted that the present sign ordinance took a 4 year review before adoption. He suggested a meeting with the Borough zoning officer to review her request but the sign ordinance would be implemented as it stands.

David Murphy, President First Aid Squad, suggested checking to see if there is any funding from the federal level for the radio system Councilman Badal has suggested. It was suggested that the First Aid Squad supply the Borough with a certificate of insurance for the files.

Bob Diffen, Mendham Borough Business Association, notified the Council that the poles for the banner would cost approximately \$6,400 an amount to be shared by the MBA and the Borough. He anticipates installation taking place in April of this year.

Mr. Diffen asked if the Borough would consider a donation to the MBA to purchase additional flags so that the entire main street could be included.

Mr. Diffen remarked that the food industry-deli's and bars use neon signs in their business. He asked the governing body to rethink the prohibition of neon signs in the Borough. Attorney Semrau commented that this was not a fair assessment of the sign ordinance. Mr. Semrau noted the amount of time and effort that went into the revisions to this ordinance and the concerns addressed to preserve the integrity of the town. Mayor Henry further noted that the entire review was up front and mentioned every step of the way, including receiving input from Mr. Diffen. Mr. Diffen's recommendations were considered and from his recommendations the hanging of banners across Route #24 was reconsidered and included in the ordinance. Not all Mr. Diffen's recommendations were included in the ordinance but they were all reviewed and discussed.

Mr. Semrau further commented that Mr. Diffen's recommendations for the shopping center were discussed also with the planner and the owner of the shopping center who could have made some changes.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated January 21, 2013

Motion to approve the January 21, 2013 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, Witczak, Andrus, Sharkey, Daly

Opposed: None

Abstain: None

Absent: None

**EXECUTIVE SESSION:**

Res. #28-12 Contract Negotiations (Shared Court)

Motion to approve Resolution #28-12 was made by Councilman Badal

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

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 9:30P.M. next to convene at the Regular Meeting on February 4, 2013 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

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Maureen Massey, RMC, CMC  
Borough Clerk