

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

**CALL TO ORDER**

Council President John Andrus called the October 1, 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:**

Councilman Stanley Witzak  
Council President John Andrus  
Councilman David Sharkey  
Councilwoman Veronica Daly  
Councilman Louis Garubo

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

Absent: Mayor Neil Henry, Councilman Brad Badal

**CONSENT AGENDA:**

- Approval of the minutes of the Regular Meeting of 9/4/12
- Approval of the minutes of the Executive Session of 9/4/12
- Approval of the minutes of the Regular Meeting of 9/17/12
- Approval of the minutes of the Executive Session of 9/17/12
- Approval of the minutes of the Special Meeting of 8/16/12

Motion to approve the consent agenda was made by Councilman Sharkey  
Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Witzak abstained from approval of the regular/executive minutes of 9/17/12 and Councilman Garubo abstained from approval of the regular/executive minutes of 9/4/12.

Absent: Badal

**DISCUSSION:**

**Use of Facilities-Garabrant Center:** 2nd Friday Ea. Month-Neighbors & Newcomers of Mendham- 7PM-Midnight

Council President Andrus led the discussion with regard to this request and concerns with the hours requested, clean up afterwards and the over-use of the Garabrant Center as reported by the Borough Clerk and Superintendent O'Brien. The request was approved by the governing body with the following restrictions: must be out of the building by 11PM, clean up afterward, request approved for 6 months subject to review for subsequent usage and confirmation that the Neighbors & Newcomers were insured. It was confirmed that the request did not include the use of alcohol.

**ORDINANCE INTRODUCTION:**

**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 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 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 15, 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 #11-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

**ORDINANCE PUBLIC HEARING/ADOPTION:**

**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**

Was published in full in the Observer Tribune  
(A copy of Ordinance #9-12 is attached to these minutes)

Council President Andrus 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 #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 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 #9-12 was made by Councilman Witczak

Second by Councilman Sharkey

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

**ORDINANCE PUBLIC HEARING/ADOPTION:**

**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 FUND OF THE BOROUGH AND AUTHORIZING THE EXECUTION OF ONE OR MORE DIRECT INSTALL PROGRAM PARTICIPATION AGREEMENTS**

Was published in full in the Observer Tribune  
(A copy of Ordinance #10-12 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 #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 FUND OF THE BOROUGH AND AUTHORIZING THE EXECUTION OF ONE OR MORE DIRECT INSTALL PROGRAM PARTICIPATION AGREEMENTS**

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 #10-12 was made by Councilman Witczak  
Second by Councilman Sharkey  
Discussion: None  
Roll Call - the vote was as follows:  
In favor: Andrus, Witczak, Sharkey, Daly, Garubo  
Opposed: None  
Abstain: None  
Absent: Badal

**ACTIONS TO BE TAKEN:**

**Res. #118-12 Contract W.J. Harrington & Sons, Inc -Resurfacing of the Basketball Courts**

(Copy of Res. #118-12 attached to these minutes)

Motion to adopt Resolution #118-12 was made by Councilman Garubo  
Seconded by Councilwoman Daly

Discussion: It was noted that this is a public and private partnership of sharing equipment and manpower. The Borough will purchase the materials. This joint partnership was also utilized when completing the sewer plant project about a year ago.

Roll Call – the vote was as follows:

In favor: Garubo, Witczak, Andrus, Sharkey, Daly  
Opposed: None  
Abstain: None  
Absent: Badal

**Res. #119-12 Agreement-Contractors Pleasant Valley Road**

(Copy of Res. #119-12 attached to these minutes)

Motion to adopt Resolution #119-12 was made by Councilman Witczak  
Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Daly, Garubo  
Opposed: None  
Abstain: None  
Absent: Badal

ACTIONS TO BE TAKEN: (Cont'd.)

**Res. #120-12 Authorization to Modify Project Scope/Limits  
Pleasant Valley Road Improvements Project**

(Copy of Res. #120-12 attached to these minutes)

Motion to adopt Resolution #120-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

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

Administrator Sandman showed the public and the governing body a plaque the Borough received for donating the largest number of pounds of food during the food drive contest. This is a new event that was started by Morris County employee Frank Pinto. She further reported that the Harvest Hustle event held this weekend was a success. Ms. Sandman further noted the holding of a finance meeting to discuss tightening up the line items in the budget and proper charging to accounts; consideration of obtaining a 'procurement card' for the Borough; consideration of road repairs that have been put off; repairs to Maple Avenue with FEMA funds and obtaining a SAGE grant to repair Talmage Road.

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

Councilman Witczak reported work commencing on Pleasant Valley with Tilcon scheduled to begin paving next Monday, (October 8<sup>th</sup>) weather permitting.

Councilman Sharkey reported that after conversations with council members and the Department of Public Works, a tree ordinance will not be considered at this time.

Councilman Garubo commented that Recreation business is going well.

Councilwoman Daly suggested attorney review of the employee handbook.

**ATTORNEY ITEMS:** Atty. Semrau was not present.

**MAYOR'S ITEMS:** Mayor Henry was not present.

**PUBLIC COMMENT:**

Romona Balderson, 36 Florie Farm Road, was thankful for the bridge that was erected in the park. Due to her age and that of other residents, she asked the governing body to consider a hand railing on one side to steady her when she walks across. Mrs. Balderson told the Council about the loss of her young grandchild. She asked if she could purchase a bench with a plaque in memory of her grandchild for the park. Council President Andrus noted that he could see no reason why anyone would object to the bench. He asked Superintendent O'Brien to handle both requests.

Rosemary Kristiansen, 53 Dean Road, thanked the Police Chief and governing body for speed limit enforcement in her area. She asked why the Borough needs to purchase a new Hook & Ladder Truck. Council President Andrus responded that the present one has outlived its life and this apparatus is a 'first responder'. He further responded to her question of where in a town with no high structures this would be needed. He noted that with sloped hills at some locations and at the high school it is needed to reach the roof. The purchase is anticipated to be made by paying for half and financing the other half which is estimated at \$400,000.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated October 1, 2012  
Motion to approve the October 1, 2012 bill list was made by Councilman Garubo  
Second by Councilwoman Daly  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Witczak, Andrus, Sharkey, Daly  
Opposed: None  
Abstain: None  
Absent: Badal

**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 8:35P.M. next to convene at the Regular Meeting on October 15, 2012 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