

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

**CALL TO ORDER**

Mayor Neil Henry called the October 17, 2011 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 Louis Garubo  
Councilman Brad Badal  
Councilman Stanley Witczak  
Councilman John Andrus  
Councilman David Sharkey  
Councilwoman Veronica Daly

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

Absent: None

**CONSENT AGENDA:**

- Approval of the minutes of the Regular Session Meeting of 10/3/11
- Approval of the minutes of the Executive Session Meeting of 10/3/11
- Appt. W. Engleking-Reg. Member/G. Grobels-Aux. Member/A. Cascais-Jr. Member-Mendham Borough Fire Department
- On-Premise Raffle (Draw-Merchandise)-Minutemen-WMHS-12/1/11
- On-Premise Raffle (Draw-Cash 50/50)-Minutemen-WMHS-12/1/11

Motion to approve the consent agenda was made by Councilman Sharkey

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**DISCUSSION:**

**Proclamation Presentation/Pancreatic Cancer:** Pancreatic Cancer Action Network

There was no one present to represent and receive this proclamation for this organization. The Clerk will forward after the meeting.

**50 West Main Street-Resident Thomas Fuller:**

Encroachment on Borough Property-Request for License

Required: Hold Harmless Agree/Insurance Certificate Naming Borough as Additional Insured

The reason for Mr. Fuller's presence at this meeting was noted which was to discuss a shed that is at the back of his property but is physically on the Borough's property of West Field and whether or not he will be asked to remove it.

Mayor Henry commented that the shed is outside the setbacks and based on past practice the resident would be requested to take the structure down or move it.

50 West Main Street-Resident Thomas Fuller: (Cont'd.)

Administrator Sandman added that the present placement of the shed does not impact the function of our sewer plant or any sewer lines as reported by the Water Reclamation Facility Superintendent Doug Wright.

Councilman Witczak shared his concerns over the deed restrictions placed on West Field and the Borough's approval of the present location of Mr. Fuller's shed.

Further discussion revealed that the shed has been at its present location for approximately 10 years, on cinder blocks, and it can be moved by our DPW department per Superintendent Ken O'Brien.

After this discussion it was agreed that Mr. Fuller needs to clean up the debris and remove the fencing that is around the shed. The shed can stay at its present location until a complaint is received from any resident at which time the shed will be moved to a location on Mr. Fuller's property. Atty. Semrau will meet with Mr. Fuller and Administrator Sandman after which they will report back to the governing body for formal approval.

Kevin Melly-Mendham Cooperative Nursery School: Improvement Project-Roof

Mr. Melly and Mr. Siminelli were present to discuss their improvement project for their school. Mr. Melly discussed the safety improvements and protection from tree branches falling on students and staff and the usability of the site (which is now an open air pavilion) upon installation of a roof.

Question and concern with regard to going out for bid for the contractor for this project was expressed by Councilman. Atty. Semrau answered by assuring the governing body that the process was handled appropriately and since it was Borough property the requirement for paying workers 'prevailing wage' was required. Atty. Semrau will review the lease agreement between the Borough and the Co-Op.

The consensus of the governing body was to suggest the applicant apply for the permits needed and to move forward.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

**Res. #112-11 Appt. Laura Lamont, Board of Health Reg. Member (Unexpired Term)**

(Copy of Res. #112-11 attached to these minutes)

Motion to adopt Resolution #112-11 was made by Councilman Witczak

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #113-11 Return Escrow -Sanitary Sewer Connection Applications**

(Copy of Res. #113-11 attached to these minutes)

Motion to adopt Resolution #113-11 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #114-11 Return Cash Bond/V-Fee Realty-B801/L20**

(Copy of Res. #114-11 attached to these minutes)

Motion to adopt Resolution #114-11 was made by Councilman Badal

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Garubo

Absent: None

**ADMINISTRATOR REPORT:**

It was noted that a copy of the Administrator's report was circulated to the Council with the agenda.

Administrator Sandman noted that the new recycling scheduled will be modified and the Borough will be picked up on the 1<sup>st</sup> Thursday of the new year. The Borough will realized a 5% savings for the upcoming year. The new Borough Planner will be addressing Module #5 and #6 of the Highland Plan and meetings have been held with Fire Chief Mike Bruin and First Aid Captain Paula Oswald regarding LOSAP. It is expected that LOSAP changes will be introduced to the Council before the end of the year.

There were no questions for the Administrator at this time.

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

Councilman Badal noted that Saturday, October 29<sup>th</sup> will be the annual drop off of medications to the Police Department for disposal. This will be in the newspaper and on the website. Once a list of radios/pages from the First Aid Squad and the Fire Department are received they will be sold through Gov. Deals. Councilman Badal noted that there will be a personnel matter discussed in executive session.

Councilman Andrus reported that the sewer and tax collection rate is down. He commented on Senator Bucco's report and the Borough's pension contributions in 2012.

**ATTORNEY ITEMS:**

Atty. Semrau commented that the Borough has consistently renewed with the Joint Insurance Fund while other municipalities will be paying more now to come back in. Comcast negotiations continue and will be discussed further during executive session. Mr. Semrau noted that he and our Administrator have had conversations with Mendham Township regarding their progress with Comcast. There has been a response received from Comcast since the last council meeting.

**MAYOR'S ITEMS:**

Mayor Henry has received comments from Atty. Semrau and the Borough Planner regarding the revisions proposed to the sign ordinance. The Mayor wants to make a site visit to the shopping center to get a visual of how proposed changes to the ordinance could impact this location.

The Mayor reported that meetings between the 4 Mayors regarding the high school and the funding formula will continue.

**PUBLIC COMMENT:** No public comments were made.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated October 17, 2011

Motion to approve the October 17, 2011 bill list was made by Councilman Andrus

Second by Councilman Sharkey

Discussion: There was discussion regarding the purchase of T-Shirts for the Police bike patrol and whether or not this is considered by the contract as "uniforms" which are already covered by an allowance. It was agreed not to hold up payment at this time but that this will be investigated.

APPROVAL OF VOUCHERS: (Cont'd.)

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

**Resolution #116-11 PSA Banish**

(Copy of Res. #116-11 attached to these minutes)

Motion to adopt Resolution #116-11 was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**EXECUTIVE SESSION:**

**Res. #115-11 Contract Negotiations/Personnel** (Read aloud by the Clerk)

(Comcast Franchise Agreement/Personnel)

Motion to adopt Resolution #115-11 was made by Councilman Daly

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

\*Cm Sharkey temporarily left the room and was not available to vote.

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 9:55P.M. next to convene at the Regular Meeting on November 7, 2011 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