

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

CALL TO ORDER

Mayor Henry called the November 19, 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 Witzczak
Council President John Andrus
Councilman Louis Garubo
Councilman Brad Badal

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

Absent: Councilwoman Veronica Daly, Councilman David Sharkey

CONSENT AGENDA:

Approval of the minutes of the regular meeting of 10.15.12
Approval of the minutes of the executive session meeting of 10.15.12
Approval of the minutes of the regular session meeting of 11.05.12
Approval of the minutes of the executive session meeting of 11.05.12
Approval of appointment as Junior Member-Fire Dept.-Zachary Bedrosian

Addition:

Raffle Application-Minutemen Sports Club On-Premise Raffle (Merchandise) 12/6/12
Raffle Application-Minutemen Sports Club On-Premise Raffle 50/50 Cash 12/6/12
Mayor Henry noted and read out loud the additional items to the consent agenda.

Motion to approve the consent agenda was made by Councilman Andrus
Councilman Badal noted a revision to the executive session minutes of 10.15.12 which had him as absent from the meeting. The Clerk will revise accordingly. Councilman Witzczak noted that the 11.5.12 minutes need to be corrected under the 'call to order' to show the meeting was held at the Mendham Fire House due to storm Sandy. The Clerk will revise accordingly.

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzczak, Andrus, Garubo

Opposed: None

Abstain: None

Absent: Daly, Sharkey

DISCUSSION: No discussion items this meeting.

ORDINANCE INTRODUCTION: No new ordinances for introduction.

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #13-12

BOND ORDINANCE APPROPRIATING \$1,875,000, AND AUTHORIZING THE ISSUANCE OF \$1,404,670 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

Ordinance #13-12: (Cont'd.)

Was published in full in the Observer Tribune
(A copy of Ordinance #13-12 is attached to these minutes)

Mayor Henry opened the public hearing.
No one from the public wished to be heard, Mayor Henry closed the public hearing.

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #13-12

BOND ORDINANCE APPROPRIATING \$1,875,000, AND AUTHORIZING THE ISSUANCE OF \$1,404,670 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

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 #13-12 was made by Councilman Andrus
Second by Councilman Witczak
Discussion: None
Roll Call - the vote was as follows:
In favor: Andrus, Witczak, Garubo, Badal
Opposed: None
Abstain: None
Absent: Daly, Sharkey

ACTIONS TO BE TAKEN:

Res. #128-12 Return Engineering Escrow/Cash Bonds-Certain Applications

(Copy of Res. #128-12 attached to these minutes)
Motion to adopt Resolution #128-12 was made by Councilman Andrus
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus
Abstain: None
Absent: Daly, Sharkey

Res. #129-12 Professional Svc. Agreement-Clifford J. Weininger, Esq. /Legal Services-Ptl. C. Hopf

(Copy of Res. #129-12 attached to these minutes)
Motion to adopt Resolution #129-12 was made by Councilman Badal
Seconded by Councilman Andrus
Discussion: Councilman Witczak recused himself from voting on this resolution.
Roll Call – the vote was as follows:
In favor: Badal, Andrus, Garubo
Abstain: None
Absent: Daly, Sharkey

**Res. #130-12 Sanitary Sewer Application/Philip & Jessica Reilly
B1902-L8 (14 New Street)**

(Copy of Res. #130-12 attached to these minutes)
Motion to adopt Resolution #130-12 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Andrus, Garubo
Abstain: None
Absent: Daly, Sharkey

Res. #131-12 Salary Resolution-DPW Employee-L. Smith

(Copy of Res. #131-12 attached to these minutes)
Motion to adopt Resolution #131-12 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Garubo, Badal, Witczak
Abstain: None
Absent: Daly, Sharkey

Res. #132-12 Transfer of Funds (Roads SW-Gasoline OE)

(Copy of Res. #132-12 attached to these minutes)
Motion to adopt Resolution #132-12 was made by Councilman Andrus
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus
Abstain: None
Absent: Daly, Sharkey

Res. #133-12 Tax Court Judgments-2008-2009-2011

(Copy of Res. #133-12 attached to these minutes)
Motion to adopt Resolution #133-12 was made by Councilman Badal
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus
Abstain: None
Absent: Daly, Sharkey

Res. #134-12 Hire Part-Time DPW- A. Cascais-\$12/Hr.

(Copy of Res. #134-12 attached to these minutes)
Motion to adopt Resolution #134-12 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus
Abstain: None
Absent: Daly, Sharkey

ADMINISTRATOR REPORT:

Administrator Sandman's report was circulated to the governing body prior to this meeting. Ms. Sandman noted that there would be a report from Laurie Felber on the 'Road Safety Audit' conducted through Rutgers University which is referenced in her Administrator's Report.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak commented on the good idea the DPW had when they ordered two roll-off containers for storm debris. The DPW is still down 2 employees and have advertised for the position. Mr. Witczak reported that residents have complimented the DPW on their attention to the brush pick up. Mr. Witczak complimented the Borough Clerk, Maureen Massey on the smooth running of the polls on Election Day in lieu of storm Sandy. He reported that there was one incident and the police officer acted quickly and the problem was resolved and he thanked the governing body for approving the use of an officer for this day. He stressed that residents be told not to rake the leaves into the street since they stop the flow of water into the sewers. It was suggested that this information be put into the newsletter or on the website.

Councilman Andrus reported that four (4) budget dates have been circulated to the governing body. He requested that if any of the dates do not work for them to contact him. It was reported that there will be finance and personnel committee meetings held to solidify figures for the upcoming budget meetings in an attempt to move the process along quicker than last year.

Mr. Andrus noted that there was a banner policy meeting this evening with him, Diana Callahan, Ellen Sandman and Maureen Massey to discuss a procedure for requesting the hanging of a banner, types of organizations who will be considered, number of weeks allowed,

and recommending placement of the new poles at the old location in the center of town.

Councilman Garubo had nothing new to report but wanted to concur with Councilman Witczak's compliments to the Borough Clerk, Maureen Massey on the successful operation and organization of the election process on Election Day in spite of storm Sandy.

ATTORNEY ITEMS:

Atty. Semrau reported on the conclusion of the Combe Landfill litigation and the return of \$6,961.17 to the Borough. He further reported meeting with Land Use Coordinator Diana Callahan on a "Newly Elected Officials Packet" for her boards and commissions. The document was reviewed by him and Diana and has been sent to the Excess Liability Fund for review and comment and to seek credit on the coverage for the town. This document is very well organized and will be a preventative measure for newly elected individuals. Atty. Semrau extended compliments to Diana Callahan.

MAYOR'S ITEMS:

Mayor Henry commented on the salary resolution on the agenda for Lisa Smith, DPW. He noted that Ms. Smith is compiling an email list of residents who want to be notified in emergency situations. She will also be in charge of social media and act as communicator for the Borough. The Mayor noted that there was a shared services meeting scheduled with the Township for the night of storm Sandy and will be rescheduled. He reported on continuing talks with Chester Borough and a new meeting will be scheduled shortly. It was reported that the Mendees this year will honor Mr. Gerald Dolan of the Borough for community service.

Councilman Witczak asked if the Reorganization meeting would be held on Tuesday, January 1, 2013. After a brief discussion, the meeting was rescheduled to January 7, 2013, at 7:30PM at the Mendham Fire House.

PUBLIC COMMENT:

Laurie Felber, 9 Townsend Road, inquired if the Garabrant Center could be opened during the next storm as a 'warming center'. She felt it would be more convenient that the SCC for some residents to get to when roads are closed. Councilman Badal responded that there will be a meeting held shortly to discuss storm Sandy and how to improve for the next one. Ms. Felber recommended the Borough consider Nixle received information throughout storm Sandy that was most helpful. She also named Global Connect.

Ms. Felber reported that she participated in the Rutgers-Road Safety Audit. She circulated the report compiled by the group after visiting and going throughout the Borough. She noted that the group was interested in spots in the town where accidents occur. She was interested in the area of Hilltop and Heather Hill for a bike/walking path. Ms. Felber asked for the status of information she has submitted regarding the Safe Streets Grant. The Mayor suggested she met with the Administrator and Lisa Smith to complete paperwork for applying.

Police Chief Libertino asked to read a letter he wrote to County Prosecutor Robert A. Bianchi thanking him and Chief Schievella for their personal involvement with the Borough during storm Sandy.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated November 19, 2012
Motion to approve the November 19, 2012 bill list was made by Councilman Andrus
Second by Councilman Badal
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Daly, Sharkey

EXECUTIVE SESSION: There was not executive session held this evening.

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 8:41 P.M. next to convene at the Regular Meeting on December 3, 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