

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

CALL TO ORDER

Mayor Henry called the November 5, 2012 meeting of the Mayor and Council to order at 8:00p.m. in the Mendham Borough Fire House, 24 East Main Street, Mendham, New Jersey. (Change in location due to Storm Sandy)

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 Witzak
Council President John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly* (Arrived after meeting started)
Councilman Louis Garubo
Councilman Brad Badal

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

Absent: None

CONSENT AGENDA:

- Approval of Off-Premise Draw Raffle-Minutemen Sports Club-Mendham HS Girls Basketball
- Approval of Off-Premise Draw 50/50 Cash Raffle-Minutemen Sports Club-Mendham HS Lacrosse
- Approval of New Members-Sal Bracco and Duncan Brown-Mendham First Aid Squad

Motion to approve the consent agenda was made by Councilman Witzak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DISCUSSION: No discussion items this meeting.

ORDINANCE INTRODUCTION:

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 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

ORDINANCE #13-12:

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 **November 19, 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 #13-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

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:

ORDINANCE #12-12

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 168, SEWERS, OF THE CODE OF THE BOROUGH OF MENDHAM

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

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 168, SEWERS, OF THE CODE 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 #12-12 was made by Councilman Garubo

Second by Councilman Andrus

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ACTIONS TO BE TAKEN:

Res. #125-12 Release Performance Bond-Tiger Realty

(Copy of Res. #125-12 attached to these minutes)

Motion to adopt Resolution #125-12 was made by Councilman Badal

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

ACTIONS TO BE TAKEN:

Res. #126-12 Capital Budget Amendment

(Copy of Res. #126-12 attached to these minutes)

Motion to adopt Resolution #126-12 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, Badal

Abstain: None

Absent: None

ADMINISTRATOR REPORT: (No written report circulated prior to the meeting)

Administrator Sandman reported that the Direct Install work has been completed. She will verify before releasing the Borough's 30% of the cost. Ms. Sandman noted that the plans on the dam at the park were reviewed and in good shape. Ms. Sandman a participant on a conference call between OEM, Police Chief Libertino and the County. The upcoming storm was noted.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal supplied figures on the number of deer culled for the Borough program. The first responders and the police department were complimented for their services during Storm Sandy. Mr. Badal noted that there was no loss of life in the Borough and quoted a figure of 100 people a night serviced by the shelter at the Sisters of Christian Charity. A decision to purchase 3,000 gallons of fuel was noted and complimented as a good decision by Mayor Henry.

Councilman Badal continued his report by noting that at the upcoming public safety meeting, there will be an overall review of Storm Sandy. The postponing of the fire truck bid process was announced with notice that an addendum was sent to all those who pick up a bid package and the new date and time was published in the newspaper.

Councilman Sharkey reported an upcoming discussion to outline the procedure for posting of 'banners' across Main Street. Mr. Sharkey extended his thanks to the first responders. He further noted that a time line and documentation has been prepared to respond to any questions with regard to the prohibiting of neon signs.

Councilman Andrus reported that taxes are due November 1st and that only the legislature can extend the grace period.

Councilman Witczak thanked DPW, Police, Doug Wright and the first responders for their performance during Storm Sandy. Mr. Witczak stated that the WRF operated by generator and that Doug was moving out approximately 16, 000 gals of sludge tomorrow.

Mr. Witczak continued to comment on the storm, noting that there were approximately 73 utility poles down from the storm, thankful that Holly Manor was taken care of and that the Borough did respond and assisted with the fatality in the Township.

Mr. Witczak concluded that the Borough DPW needs their equipment updated.

ATTORNEY ITEMS:

Atty. Semrau was not present at this meeting. Atty. Coviello had no items to report.

MAYOR'S ITEMS:

Mayor Henry continued with comments on the storm and his numerous contacts with JCP&L. He reported that there are presently 25 crews working in Mendham.

PUBLIC COMMENT:

Paula Oswald, Captain First Aid Squad, noted that the members slept over in the town for 3 days and would like to discuss this in the future. She thanked the Sisters of Christian Charity, Chief Libertino and DPW. Ms. Oswald reported that there was discussion held with Daytop with regard to non-emergent transport to the hospital for their residents. Daytop officials were responsive and alternate transportation will be made by them for the future.

Dave Murphy, Member First Aid Squad, complimented Paula Oswald and Michael Carr for frequent checking on the general welfare of the shelter residents at SCC.

Mr. McCurdy, 4 Chestnut Glen Court, complained that he still had no power. He wanted to know when power would be restored to homes off Talmage Road. The Administrator suggested he continue to call the outage into JCP&L and will include his concerns when she receives her expected call from JCP&L in the morning.

Ken Kelsack, Windymere Lane reported no power yet at his home. Administrator Sandman will add this road in her conversation in the morning with JCP&L.

Carol Brady asked for better communication from the Borough during times of emergency. She thanked Mendham-Chester Patch for their reporting on the storm and DPW for their services.

Thomas Berenbak, OEM, noted that the Borough was declared a disaster area making us eligible for FEMA reimbursement.

Superintendent O'Brien will continue the brush pick up in a month or so. He received a fuel delivery today and noted that he will use the prepaid fuel first. He reported that he may need to employ some part time help to work on clean up

Councilman Badal requested an officer at the firehouse for tomorrow for the elections. It was further noted by Chief Libertino that a reverse 911 call to residents to note that all polling districts will be located at the firehouse.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated November 5, 2012

Motion to approve the November 5, 2012 bill list was made by Councilman Andrus

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION:

Res. #127-12-Personnel, Contract Negotiations

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 9:50 P.M. next to convene at the Regular Meeting on November 19, 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