

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

**CALL TO ORDER**

Mayor Neil Henry called the February 21, 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 Witczak  
Council President John Andrus  
Councilman David Sharkey  
Councilwoman Veronica Daly  
Councilman Louis Garubo

Also present: Patrick Breen, Attorney (Dorsey & Semrau)  
Ellen Sandman, Administrator  
Maureen Massey, Borough Clerk

Absent: Councilman Brad Badal  
Fred Semrau, Borough Attorney

**CONSENT AGENDA:**

- Approval of the minutes of the Regular Meeting of 1/16/12
- Approval of the minutes of the Regular Meeting of 2/6/12
- Approval of Blue Light Permit-Andrew Cascais-Mendham Borough Fire Dept.
- Approval NJ State Firemen's Assoc. Membership Applications:  
Andrew Cascais and William Engleking

Motion to approve the consent agenda was made by Councilwoman Daly

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Garubo abstained from approval of the minutes of the 1/16/12 and 2/6/12 meeting.

Absent: Badal

**DISCUSSION:** No discussion items for this meeting.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE PUBLIC HEARING/ADOPTION:** (Due to publication error Public Hearing to be carried from the February 21, 2012 meeting.)

**ORDINANCE #1-12**

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS  
AND STATE OF NEW JERSEY TO ADOPT BY REFERENCE CHAPTER 206,  
VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF MENDHAM**

Ordinance #1-12: (Cont'd.)  
(A copy of Ordinance #1-12 is attached to these minutes)  
Was published in full in the Observer Tribune

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

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

**ORDINANCE #1-12**  
**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS  
AND STATE OF NEW JERSEY TO ADOPT BY REFERENCE CHAPTER 206,  
VEHICLES AND TRAFFIC, 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 #1-12 was made by Councilman Garubo  
Second by Councilman Witczak  
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. #38-12 Sanitary Sewer App-B1501/L1**  
(Copy of Res. #38-12 attached to these minutes)  
Motion to adopt Resolution #38-12 was made by Councilman Witczak  
Seconded by Councilman Andrus  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Garubo, Witczak, Andrus, Sharkey, Daly  
Opposed: None  
Abstain: None  
Absent: Badal

**Res. #39-12 Morris County Adaptive Recreation Program (McARP)**  
(Copy of Res. #39-12 attached to these minutes)  
Motion to adopt Resolution #39-12 was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Witczak, Andrus, Sharkey, Daly, Garubo  
Opposed: None  
Abstain: None  
Absent: Badal

**Res. #40-12 Refund Overpayment of Taxes-1<sup>st</sup> Qtr. 2012**  
(Copy of Res. #40-12 attached to these minutes)  
Motion to adopt Resolution #40-12 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  
Opposed: None  
Abstain: None  
Absent: Badal

**Res. #41-12 Contract w-Sean Duffy-Review/Recommendations-Fire Truck Specs**

(Copy of Res. #41-12 attached to these minutes)

Motion to adopt Resolution #41-12 was made by Councilwoman Daly

Seconded by Councilman Garubo

Discussion: Atty. Pat Breen discussed a revision to paragraph #7 of the Professional Service Agreement. Due to the nature of the professional service being rendered and the fact that Mr. Duffy will be reviewing documents, a certificate of insurance would not be required. The agreement will be revised to reflect this change. There was no opposition voiced by the governing body.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

**ADMINISTRATOR REPORT:**

Administrator Sandman distributed her report prior to the meeting. Ms. Sandman further reported that 'Tranquility Garden' is in motion and she has discussed with Chris Nicholson of the Historic Preservation Commission the location and installation of the fencing. She noted that she attended a shared services meeting with Environmental Commission Chair Laurie Felber and Diane Tully to discuss the Sustainable Grant and thanked Adam Slutsky for completing the grant paperwork for the loop trail.

The governing body requested that they receive the draft sanitary sewer ordinance for review and received an affirmative response from Administrator Sandman that they would receive it by March 1<sup>st</sup>. She anticipated introduction by the second meeting in March.

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

Councilwoman Daly asked the governing body for their input on the recommended appointments of Ms. Wells and Ms. Sherwin. Ms. Daly briefly noted that both candidates come highly recommended by their peers and received perfect evaluations. Hearing no negative responses from the Council a resolution will be prepared for the appointments of these two individuals.

Ms. Daly reported she has revised the employee evaluation forms and that the Public Safety Committee met and decided to move on the Police Sergeant promotion to run simultaneously as the position of Police Chief.

Mayor Henry suggested that Public Safety Chairman Councilman Badal report back to the Council on this suggestion.

Councilman Garubo reported that the day camp process is in motion.

Mayor Henry noted that the Recreation Commission needs to start the process for picking a Grand Marshall for the Labor Day Parade.

Councilman Sharkey reported on the 'sign draft ordinance' meeting. He noted that there are some areas that need to be discussed with Atty. Semrau and a consensus reached by the Planning Board and Council.

Councilman Sharkey reviewed some of the requests from our Fire Department with Chief Richard DeNicola. The capital improvement item for the floor in the bay area is of concern. Mr. Sharkey noted that it is very slippery and one fireman already took a spill responding to a call. He suggested that Mr. DeNicola get two estimates and return for further discussion. The requested railing will be done in-house by the Department of Public Works, the renovation of the bathrooms and the expansion for storage and training are still to be considered.

Councilman Andrus thanked everyone for their input into the budget process. There is still approximately \$64,500 difference from last year that is still under discussion. Mr. Andrus noted that there will be a savings realized by the Borough for pension and health care, due to the new changes and an increase in employee contributions.

**COUNCIL REPORTS, OLD & NEW BUSINESS:** (Cont'd.)

Councilman Andrus has requested a detail breakout for some items from Borough CFO Sue Giordano.

Councilman Witczak reported that 5 roads in the Borough will be considered this year for repair and maintenance.

Sharing of services between the Mendham's' was briefly mentioned with regard to use of ladder trucks and tankers and training between the Township and the Borough.

Mr. Witczak asked for an explanation of an item on the bill list submitted by Mendham First Aid for uniforms in the amount of \$1,100. He noted that it was not clear if this was a 2011 expense or 2012. This item will be removed for review.

**ATTORNEY ITEMS:**

Atty. Breen reported that Atty. Semrau will update the Council at the next meeting regarding the salary of the Public Defender, Comcast negotiations and the progress on the wastewater allocation ordinance.

Mr. Breen brought to the attention of the governing body the use of the Garabrant Center by Atlantic Health for CPR and the use of AED instruction.

It was noted that the cost per person will be covered by the attendees. Atlantic Health is a non-profit organization and this instruction will benefit the public, as well as our residents and sport coaches. For these reasons, it was determined that the Garabrant Center could be used by Atlantic Health for this certification class.

Motion for approval of the use of the Garabrant Center ay Atlantic Health for this particular instruction after completion of the Facility Use Agreement with a certificate of insurance was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: Administrator Sandman and Recreation Director DiBisceglie will compose and send letters to the coaches regarding the availability of this training.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

**MAYOR'S ITEMS:**

Mayor Henry reminded the Council that there will be a public forum on Thursday at West Morris High School regarding the funding formula. Mr. Henry reported that the proposals received for engineering and zoning will be reviewed by the Personnel Committee and the Planning and Board of Adjustment.

**PUBLIC COMMENT:** There were no public comments.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated February 21, 2012

Motion to approve the February 21, 2012 bill list as revised was made by Councilwoman Daly  
Second by Councilman Garubo

Discussion: Councilman Witczak asked for further information before payment on the voucher for 'Loving Hearts' submitted by the Mendham First Aid Squad.

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Badal

**EXECUTIVE SESSION:** No executive session was 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 9:05P.M. next to convene at the Regular Meeting on March 5, 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