

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

**CALL TO ORDER**

Mayor Neil Henry called the February 6, 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 Brad Badal

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

Absent: Councilman Louis Garubo

**CONSENT AGENDA:**

- Approval of the minutes of the Reorganization Meeting of 1/3/12
- Off-Premise Draw Raffle (50/50 Cash)-Minutemen Sports Club-5/3/2012
- On-Premise Draw Raffle (Tricky Tray) Minutemen Sports Club-5/3/2012
- Off-Premise Draw Raffle (Merchandise)-Minutemen Sports Club-5/3/2012

Motion to approve the consent agenda was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**DISCUSSION:**

- **National Register Nomination-Historic District**  
Michael Zedalis, Chairman Historic Preservation Commission  
Dennis Bertland, Historic Preservation Consultant  
**(Motion required authorizing the HPC to submit the application  
to the State Historic Preservation Office)**

Michael Zedalis, Chairman of the Borough's Historic Preservation Commission opened the discussion with some history of how this process has evolved. He noted that to get to where we are today it took approximately 4 years of work, involvement of the community, objective study, and review of the affect on the Borough. Mr. Bertland has through his objective study determined that the Borough could expand the historic district. He did find after his review an internal problem in the maps that required adjustment between the Federal and Local, which was corrected.

There was a modification to the Master Plan, addition of the Historic Preservation Element and review of both the contributing and non-contributing properties.

DISCUSSION: National Register Nomination-Historic District: (Cont'd.)

Meetings were held with residents for complaints and to answer questions on the Historic District phases I and II and Main Street Corridor. This helped to productively move the process forward along with the help of Land Use Coordinator Diana Callahan and Attorney Peter Henry.

Mr. Zedalis concluded that the National Register Nomination would support the historic fabric of the Borough. The requirements needed to apply have already been completed and the process was Council approved.

Mr. Dennis Bertland presented the historic district map for viewing by the Council and the public. Upon request of the Council, Mr. Bertland briefly reviewed the process going forward. He began that after Council review and agreement, authorization to the Historic Preservation Commission to send the application to the State Historic Preservation Office would be the first step. The SHPO reviews our applications and will advise of any changes. When they are satisfied it will be placed on the review board agenda, which only meets three times a year. Next, 60 Days before review board meeting date, the State will send a certified letter to all property owners notifying them of a public meeting. This public meeting is required to be held 30 days before their scheduled meeting for the NR application approval. If 50% of the affected property owners send in objections, the nomination is tabled. It is expected that this process will take approximately 1 year.

Councilwoman Daly repeated the statement that being in a historic district offers the properties on Route #24 some protection from highway expansion, but asked and received confirmation that the gray area on the map would be in the national register and are covered in our local ordinances. Ms. Daly asked about the impact to Borough residents if our application to the national register is accepted. Mr. Bertland commented that the national register designation would not dictate what a resident can or cannot do with their property. The local ordinances and the Borough's Historic Preservation Commission would work with the homeowners.

Atty. Semrau summarized for the record that the work accomplished by Mr. Zedalis, Ms. Callahan and the Mayor is 'text book'. Public participation and the use of the right standards for decision making showed a serious and committed dedication to the process.

Mayor Henry noted that a motion was needed to continue the process and for the submitting of an application for the National Register Nomination.

Motion to authorize the submission of a National Register Nomination application to the State Historic Preservation Office 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

Opposed: None

Abstain: None

Absent: Garubo

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: (Due to publication error Public Hearing to be carried to 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**

Motion to table the public hearing on Ordinance #1-12 to the next regular meeting of the Borough Council (February 21, 2012-Tuesday) was made by Councilwoman Daly

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**ACTIONS TO BE TAKEN:**

**Res. #33-12 Appointment of Municipal Court Judge-Gary F. Troxell**

(Copy of Res. #33-12 attached to these minutes)

Motion to adopt Resolution #33-12 was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Andrus, Sharkey, Daly

Opposed: None

Abstain: Witczak

Absent: Garubo

**Res. #34-12 Award contract to QC Laboratories-Acute and Chronic Bioassay Testing**

(Copy of Res. #34-12 attached to these minutes)

Motion to adopt Resolution #34-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**Res. #35-12 Retirement of the Mendham Borough Police Chief**

(Copy of Res. #35-12 attached to these minutes)

Mayor Henry recapped Chief Taylor's years in law enforcement and those here at the Borough.

The Mayor thanked him for his years of service with the town and wished him well.

Motion to adopt Resolution #35-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Sharkey, Daly, Badal

Opposed: None

Abstain: Andrus

Absent: Garubo

**Res. #36-12 Award Phillip A. Coleman Consulting Contract-Chief of Police Position**

(Copy of Res. #36-12 attached to these minutes)

Motion to adopt Resolution #36-12 was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: Mayor Henry noted that Mr. Coleman's resume has been circulated to the Council. Atty. Semrau has worked with and has been in contact with Mr. Coleman for this meeting.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Mayor Henry commented that briefly the process will include a written, psychological exam with an oral interview. The Mayor reported that he will be on the committee along with Councilman Badal, Phillip Coleman, and resident David Murphy.

Councilman Badal commented positively on Mr. Coleman's credentials and noted that he has worked for many years in a town with similarities to Mendham and a staff much like our own.

**Late Addition: Res. #37-12-Tax Court Appeal Refund B2101/L1.02**

(Copy of Res. #37-12 attached to these minutes)

Attorney Semrau summarized the process of tax court appeals and noted that the authorization to settle this appeal was already approved by prior resolution of this Council for settlement. This resolution is for disbursement and is a form of record keeping.

Motion to adopt Resolution #37-12 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

Res. #37-12-Tax Court Appeal Refund B2101/L1.02: (Cont'd.)

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

**ADMINISTRATOR REPORT:**

Administrator Sandman distributed her report prior to the meeting. There were no comments.

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

Councilman Witczak reported on the continuing open dialogue with Mendham Township with regard to shared services. The meetings have resulted in successfully brain storming and there is forward movement. Mr. Witczak noted that there have been hypothetical scenarios addressed with regard to our sewer plant and its capacity. He stressed that these are not real situations and did not want the wrong impression to be made. He continues to work with Superintendent Doug Wright on different scenarios. Upcoming meeting will be February 22<sup>nd</sup>, at 6PM at the Phoenix House.

Councilman Andrus noted the upcoming Budget meeting for Saturday, February 11<sup>th</sup>. Mr. Andrus reported on the meeting held in Roxbury Township with representatives of JCP&L and the Board of Public Utilities Chairman Mr. Hanna. Mr. Andrus found discrepancies in the factual information presented and feels that the major problem JCP& L has is disorganization.

Mr. Andrus suggested unless there are major changes in JCP&L the Borough needs to become proactive with regard to communication with our residents during storms and supervision of the cutting and removal of Borough trees by JCP&L.

Mr. Andrus asked the Administrator to have the BPU form placed on the website for public viewing.

Councilman Sharkey reported that our Tree City USA application was accepted and thanked Maureen Massey, Borough Clerk for her assistance. He also extended his thanks to the Department of Public Works. The work at Tranquility Garden is moving along. Mr. Sharkey has discussed with Laurie Felber, Chair of the Environmental Commission the cleaning up and planting trees at the Cosma Track.

Councilman Andrus cautioned that this is open space and could have future uses and the trees planted could be impacted.

Bruce DiBisceglie was in the audience and responded to the Mayor that Robin Holleran resigned from the Recreation Commission. Mayor Henry noted that the alternate position she held and the Alternate II position now are open. Bruce also reported that Nancy Morales has also resigned as Day Camp Director. He told the Council that he has recommendation for replacement. Atty. Semrau cautioned about discussing personnel issue in public and that this conversation should be concluded by memo and in writing to the Recreation Commission.

Councilwoman Daly reported that employee evaluations, personnel and finance assessments are being addressed. Ms. Daly noted with Atty. Semrau's help, she will review the salary and the payment arrangements with the Township for the Public Defender. The employee handbook will also be reviewed and changes considered, notably in response to Superintendent O'Brien's concerns and comments.

Councilman Badal will review the specs for the ladder truck submitted by the Fire Department.

**ATTORNEY ITEMS:**

Atty. Semrau reported that the sanitary sewer allocation ordinance draft was distributed to the Mayor and Council. He has been negotiating with Comcast and is waiting for a response to his latest correspondence with the items outlined in the last executive session.

Atty. Semrau briefly updated the Council that the cell tower application that was heard by Superior Court and where the applicant was given the opportunity to appeal or come back with a new location may be returning to the Board of Adjustment with a new location.

**MAYOR'S ITEMS:**

Mayor Henry reported that there will be a meeting at the West Morris HS on February 23<sup>rd</sup> to discuss the funding formula. He invited the Council to attend.

The Mayor noted the Request for Proposals for Engineering and Zoning have been received and will be reviewed by him, Bryan Seavey and Richard Kraft. The cutoff for accepting proposals is February 10<sup>th</sup>.

Mayor Henry noted that the promotional announcement for Police Chief will be posted by Chief Taylor this week.

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

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated February 6, 2012

Motion to approve the February 6, 2012 bill list was made by Councilman Andrus

Second by Councilman Sharkey

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**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 10:05 P.M. next to convene at the Regular Meeting on February 21, 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