

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

**CALL TO ORDER**

Mayor Henry called the April 18, 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, and remembrance of the two year anniversary of our beloved police officer Richard Morales. This was 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 Witzczak

Councilman John Andrus

Councilman David Sharkey

Councilwoman Veronica Daly (Arrived at approx. 8:15PM)

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

Absent: None

**CONSENT AGENDA:**

Approval of the minutes of the Regular Session Meeting of April 4, 2011  
Raffle License-Hilltop Church-6/21/11/Off-Premise 50/50 Cash Raffle  
Res. #58-11 Escrow Return Waterstone Marketing -B1501/L12

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Witzczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: Councilman Sharkey was not present at the April 4, 2011 meeting. He did not vote for approval of the minutes of this meeting.

Absent: Daly (Arrived at approx. 8:15PM)

**DISCUSSION:**

**Highlands Grant:**

**Professionals Present: Paul Ferriero, Engineer; David Banish, Planner;  
Adrian Humbert, Planner; Paula DeBona, Esq.**

Mayor Henry opened the discussion by requesting input as to whether or not a survey requested by the State of New Jersey, Office For Planning Advocacy, should be completed (due April 20<sup>th</sup>) and for direction from the professionals on how to respond.

Adrian Humbert and Paul Ferriero outlined Module #3 and the impact on the Borough. It was noted that the Supreme Court has not ruled on the appeal filed by numerous municipalities with regard to COAH. It was recommended that Module #3 not be completed until the COAH rules are in place.

**Highlands Grant: (Cont'd.)**

In conclusion it was agreed that the survey would be completed and submitted by Adrian Humbert with emphasis on the Borough willingness to continue the process but stressing the "lack of funding."

David Banish reviewed the options to the Borough with regard to modules #5 and #6. He concluded the one option would be to halt the process or the Planning Board and Governing Body review the documents already prepared and submit.

Paul Ferriero recommended that the Borough not halt the process, continue going forward since there are still so many uncertain areas to be considered. The Borough should apply; receive conditional approval which will have additional requirements that could take from 6 months to 2 years. This will buy some time for all the uncertain areas to be resolved. Before final approval there are resolutions to be adopted, Master Plan revisions, and land use ordinances to be written and introduced. When the land use ordinances are adopted is when the process is complete. This will all take time and will give the Borough the time needed to fully consider a decision.

It was concluded that the Borough would complete Modules #5 and #6, the Survey will be completed and submitted by Adrian Humbert and the Highland Ad Hoc Committee will reconvene. It was noted that Adrian Humbert will be retiring and resumes are being reviewed for a new planner.

Borough Engineer, Paul Ferriero commented that the Master Plan Re-Examination is not a big budget item and can be kept a simple process.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE PUBLIC HEARING/ADOPTION:**

**ORDINANCE #2-11  
CALENDAR YEAR 2011  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

(A copy of Ordinance #2-11 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 #2-11  
CALENDAR YEAR 2011  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

Motion to adopt Ordinance #2-11 was made by Councilman Andrus  
Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ACTIONS TO BE TAKEN:**

**Res. #59-11 Appoint-Crossing Guard-Kathleen Lilieholm**

Motion to adopt Resolution #59-11 was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ADMINISTRATOR REPORT:**

Administrator Sandman commented that the Borough was awarded \$4,950 under the Municipal Alliance Grant. She further commented that figures regarding savings on the Borough electric bills by entering into the NJSEM should be available soon.

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

Councilman Badal deferred his comment to Atty. Semrau on a police promotion ordinance.

Councilwoman Daly reported that the creation of an objective form for employee reviews is still ongoing.

Councilman Garubo recreation is going well. He reported that Ken O'Brien will put up posts at the ball fields and Chief Taylor will arrange for the batteries to be tested for the new AED's (defibrillators) that have been gifted to the Borough.

It was suggested that the newer AED's might service the public better in the police cars and using the older ones for the ball fields. Councilman Garubo will have this conversation with Ms. Nutt and report back.

Atty. Semrau was questioned on the liability of the Borough with regard to AED's. He responded that Title #59 protects municipalities when serving and protecting the public and encourages participation in this area.

There was a brief discussion with regard to training for sports coaches through the Joint Insurance Fund in conjunction with the Borough's First Aid Squad.

Ms. Nutt would also like to put up a sign showing contributions being made for this project. It was suggested the sign be placed outside the Carriage House after a permit application is completed and approved by our Zoning Officer, Geoff Price.

Councilman Sharkey reported moving forward on the sign ordinance and on the loop trail project.

Councilman Andrus noted that the sign coming into the Borough is being replaced.

**ATTORNEY ITEMS:**

Atty. Semrau reported progress on the police promotion ordinance and anticipating a draft for discussion at the next meeting. He further reported working on the Personnel Evaluation Forms with the Borough Labor Counsel, and following up with Mendham Coop on the moving of their sign with the new Board of Adjustment Attorney and other borough official concluding that the sign could be moved under certain conditions. On condition, that the new location be discussed with residents in the vicinity of the property, and agreement from the Coop to allow the Borough to place an announcement on this sign when necessary giving the Borough the right to approve the relocation of the sign without Land Use approvals.

**ATTORNEY ITEMS: (Cont'd.)**

Confirmation was requested with regard to notification of the residents and an appointment made to discuss the new location with the Borough Zoning Officer, Geoff Price. The Borough Department of Public Works will coordinate the relocation of the sign when all conditions are met.

**MAYOR'S ITEMS:**

The Mayor thanked Recreation Director Bruce DiBisceglie for his work on the Recreation Summer Booklet; noticed a meeting to be held regarding Borough email for Councilmembers and the receiving of resumes for a new Borough Planner.

**PUBLIC COMMENT:**

No public comments.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated April 18, 2011  
Motion to approve the April 18, 2011 bill list was made by Councilman Witczak  
Second by Councilman Sharkey  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Badal, Witczak, Andrus, Daly, Sharkey  
Opposed: None  
Abstain: None  
Absent: None

**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 May 2, 2011 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

---

Maureen Massey, RMC, CMC  
Borough Clerk