

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

**CALL TO ORDER**

Mayor Neil Henry called the May 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 Witzcak  
Council President John Andrus  
Councilman David Sharkey  
Councilman Louis Garubo  
Councilman Brad Badal

Also present: Jane Coviello, Esq.  
Administrator Ellen Sandman  
Maureen Massey, Borough Clerk

Absent: Councilwoman Veronica Daly

**CONSENT AGENDA:**

- Approval of the minutes of the Regular Meeting of 5/7/12
- Approval of Request for Road Closure-Hoffman Rd.-6/10/12-1PM/8PM

Motion to approve the consent agenda was made by Councilman Witzcak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**DISCUSSION:**

(Items were discussed in this order. The governing body wanted to wait for Borough Engineer Paul Ferriero to arrive and be a part of the discussion)

**Amy Johanson-Harvest Hustle 5K Event:**

Ms. Johanson noted that the event will be held the same as last year, resulting in a very successful event, both in funds raised and in accomplishing a wonderful community event. She noted that the Council had received and approved the application submitted for road closures which mapped the route that will be followed. Ms. Johanson answered questions regarding the amount that was raised and how the funds have been and will be used. In brief, she responded that funds have been and will be used in memory of St. Morales and will promote his passion for health and fitness in schools. Funds have been used for lighting, painting and a new scoreboard at the Mountainview School; this summer the floors of the gym will be refinished. The Morales family has requested that funds be allocated for scholarships and this has been done at St. Joe's and Mountainview and will be made available at the high school once they are set up to receive and designate the funds.

Amy Johanson-Harvest Hustle 5K Event: (Cont'd.)

Mayor Henry asked how the use of Mendham Borough Police and the Department of Public Works employees will be monetarily compensated. Ms. Johanson responded that there is a good working relationship between all involved. There was a brief discussion with input from Sgt. Libertino and Administrator Sandman regarding insurance coverage for police officers who work for this event. They will need to be paid through the Borough in order for them to obtain insurance coverage. This same coverage would not be allotted to the Department of Public Works employees. Ms. Johanson noted that if a rider for insurance coverage was needed for DPW or any other Borough employees; she would do what was necessary to supply coverage to them for the day. It was also agreed that using Park Avenue last year for the awards was a good alternative and will be done again this year.

**Draft Sewer Ordinance Review**

A copy of this draft ordinance was circulated to the governing body the week prior for their review. There was a recap of the draft and it was noted that an additional 100,000 gals have become available for use due to the investment by the Borough to complete and Inflow/Infiltration program. This ordinance will set aside 30,000 gals for use and the creation of a reservation list. The remaining gallons will be saved for future use and expansion. Councilman Andrus questioned the use of "sewer committee" in the draft and present code. It was determined and agreed that the intent and change will be made to "Borough Council". He asked for further clarification with regard to the basic cost for reserve gallons and its relationship to design flow; calculations and accuracy and relevance of the block/lot list compiled by prior Administrator Woodhull from 1994. After the arrival of Borough Engineer Paul Ferriero and his clear explanation of the concerns expressed the discussion centered around the DEP's (Department of Environmental Protection) approval of the Borough's Discharge Permit due to this new excess capacity. Mr. Ferriero expressed his opinion that this would not be an issue.

Discussion continued on further ways to offer the 30,000 gals to both residential and commercial customers, reserve list expiration after a 5 year period, offering of gallons to sanitary sewer applicants granted restricted approvals, and the contacting of residents for current information named on the 1994 list. A legal notice for publication should state that being placed on a sewer reserved list does not guarantee Board of Adjustment and/or Planning Board approvals. Paul Ferriero responded to the question of the reservation fee with a figure of \$4800.

In conclusion, it was agreed to the fine tuning of the gallons for reserve between residential, business and other than single family residential. The Borough Engineer will compile a list of all applicants given restricted approvals, with a follow in June and introduction of this ordinance in July.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE PUBLIC HEARING/ADOPTION:**

**ORDINANCE #3-12**  
**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR**  
**PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF**  
**MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AND**  
**APPROPRIATING \$180,000 THEREFOR FROM FUNDS AVAILABLE**  
**UNDER ORDINANCES OF THE BOROUGH HERETOFORE ADOPTED**

Was published in full in the Observer Tribune  
(A copy of Ordinance #3-12 is attached to these minutes)

Mayor Henry opened the public hearing. There were no public comments regarding this ordinance.

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

**ORDINANCE #3-12**  
**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR  
PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF  
MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AND  
APPROPRIATING \$180,000 THEREFOR FROM FUNDS AVAILABLE  
UNDER ORDINANCES OF THE BOROUGH HERETOFORE ADOPTED**

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 #3-12 was made by Councilman Andrus  
Second by Councilman Sharkey  
Discussion: None  
Roll Call - the vote was as follows:  
In favor: Andrus, Witczak, Sharkey, Garubo, Badal  
Opposed: None  
Abstain: None  
Absent: Daly

**ACTIONS TO BE TAKEN:**

**Res. #70-12 Interlocal Agreement-SRO-Mendham Borough/West Morris Regional**

(Copy of Res. #70-12 attached to these minutes)

Motion to adopt Resolution #70-12 was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: It was noted that his interlocal agreement has been in effect for approximately 7 years. The SRO besides being located at the school, he directs the traffic in the morning and afternoon, and teaches classes. A consensus of the governing body agreed that this agreement be reviewed next year.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**Res. #71-12 Sanitary Sewer Application B1501/L11(Amendment) Zenjon Enterprises**

(Copy of Res. #71-12 attached to these minutes)

Motion to adopt Resolution #71-12 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**Res. #72-12 Sanitary Sewer Application B1501/L41-Donna Hastings-6 Hilltop Rd.**

Ms. Hastings withdrew her Planning Board. She will resubmit for a different location. It will be resubmitted for a different location. This resolution was also withdrawn for consideration and adoption.

**Res. #73-12 Sanitary Sewer Application B1501/L41-The Grand Bazaar-6 Hilltop Rd.**

(Copy of Res. #73-12 attached to these minutes)

Motion to adopt Resolution #73-12 was made by Councilman Witczak

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**Res. #74-12 Update Borough Personnel Policy/Procedures Manual**

(Copy of Res. #74-12 attached to these minutes)

Motion to adopt Resolution #74-12 was made by Councilman Badal

Seconded by Councilman Sharkey

Discussion: The Mayor questioned if emails and use of the internet were covered in the Policy/Procedures. The Administrator noted that this update was to assure the Borough a reduction in our deductible by keeping policies and procedures updated. The Administrator further responded to questions with a confirmation that she is the Personnel Administrator and that requests for employment information by outsiders is handled with confirmation of employment and the dates of hire and separation. Ms. Sandman noted that the "Whistle Blower Information Sheet" will be put in with the next paycheck to all employees. Ms. Sandman continued that there will be additional changes to the policies and procedures recommended to the governing body in the near future.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**Res. #75-12 Civil Rights Resolution**

(Copy of Res. #75-12 attached to these minutes)

Motion to adopt Resolution #75-12 was made by Councilman Badal

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**ADMINISTRATOR REPORT:**

Administrator Sandman reported no further update from JCP&L regarding the work at the pump station. Ms. Sandman's report was distributed to the Council prior to the meeting.

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

Councilman Witczak reported that the shredding/electronics recycling event was a success. It was further reported that Superintendent Kenneth O'Brien will be exploring the option of having a drop-off electronic recycling container at the DPW facility. Mr. Witczak reported that the Circus has come and gone from Mendham with no incidents and the DPW is rehabilitating storm drains in the Borough.

Councilman Andrus is awaiting the figures requested from the CFO on the municipal court. Administrator Sandman responded that this report was completed and sent to the Mayor for review. The Mayor stated he did not receive it and asked that a copy be resent to him and all of the governing body.

Councilman Sharkey reported that a wind power ordinance has been drafted and would be on for discussion at the next council meeting. He further reported continued work on the sign ordinance.

Councilman Garubo reported that the preparations for the summer camp have begun.

Councilman Badal reported that the personnel committee has reviewed the employee evaluations and has given the calculated amounts to the department heads for distribution. The final numbers will be given to the governing body for their approval.

Administrator Sandman reported for Councilwoman Daly that she reviewed the two resolutions that were adopted this evening with regard to the policies and procedures manual of the Borough. Passage of these resolutions will give the Borough the best premium and a lower deduction for insurance coverage through the Morris County Joint Insurance Fund.

**ATTORNEY ITEMS:**

Atty. Semrau was not present at this meeting. Atty. Jane Coviello was present. Atty. Coviello commented that the implementation of the additions/revisions to the personnel policy, with the adoption of the two resolutions this evening, will reduce the Borough's deductible from 50% to 20% and will insure that the best coverages are realized.

**MAYOR'S ITEMS:**

Mayor Henry reported his attendance at the May, Mayor's meeting on funding formulas reconfiguration held in Chester Township. Mr. Henry will be forwarding the minutes of the meeting to the governing body and requested that they give him their feedback on the options offered for a feasibility study.

He further reported that he will meet with Mr. Callahan of the Pastime Club in June to coordinate permits and procedures for the Labor Day parade; and his attendance at a shared services meeting with Mendham Township for assessment of fire equipment.

**PUBLIC COMMENT:**

Frank Lupo, 17 Dean Road, commented that a municipality can dictate the size, design and character of solar panels that are placed on the utility poles in their town.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated May 21, 2012  
Motion to approve the May 21, 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, Sharkey  
Opposed: None  
Abstain: None  
Absent: Daly

**EXECUTIVE SESSION:** There was no executive session 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 9:30P.M. next to convene at the Regular Meeting on June 4, 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