

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

**CALL TO ORDER**

Mayor Neil Henry called the May 7, 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, Borough Attorney  
Maureen Massey, Borough Clerk

Absent: Councilman Louis Garubo, Administrator Ellen Sandman

**CONSENT AGENDA:**

- Approval of the minutes of the Regular Meeting of 4/16/12
- On-Premise 50/50 Cash Raffle-P.G. Chambers School-6/4//12-11am-7pm
- On-Premise Draw (Merchandise)Raffle-P.G. Chambers School-6/4//12-11am-7pm
- Off-Premise Draw 50/50 Cash Raffle-St. Joseph's Catholic Church
- Pastime Club Circus-Borough Park-May 18, 2012

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Sharkey and Councilwoman Daly abstained from approval of the 4/16/12 minutes due to their absence at this meeting.

Absent: Garubo

**DISCUSSION:** Ms. Susan Skuraton: 2011 Softball Champs: Sign  
(Previously discussed at the 9/6/2011 Borough Council meeting)

Ms. Susan Skuraton and Coach Lori Margiotta reported to the Mayor and Council that they made another visit to the park and have decided that the sign be installed on the dugout and would like it to be approximately 3x5. There was some discussion with regard to the requested size being too big and suggested 3x4. Councilman Sharkey suggested keeping in mind that there needs to be room for other sports groups to post signs as well. The suggested color of a navy colored background with red and white lettering was acceptable after some discussion. The sign will be installed by the sign maker and the material of the sign was acceptable to the governing body after viewing the sample presented at the meeting.

2011 Softball Champs: Sign (Cont'd.)

In conclusion, Ms. Skuraton and Ms. Margiotta sign was approved for installation. Ms. Skuraton asked for clarification on the size and the consensus of the Council was to allow the 3x5 sign. They considered the concern that the smaller size would squeeze the lettering and might be too hard to read.

**Public Hearing: 2012 Budget:** Mayor Henry opened the public hearing on the adoption of the budget. There were no public comments. The Mayor closed the public hearing.

**Res. #59-12- 2012 Budget Adoption: The Borough Clerk read the resolution aloud.**

(Copy of Res. #59-12 attached to these minutes)

Motion to adopt Resolution #59-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**ORDINANCE INTRODUCTION:**

**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**

(A copy of Ordinance #3-12 is attached to these minutes)

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 **May 21, 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 approve the introduction of 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, Daly, Badal

Opposed: None

Abstain: None

Absent: Garubo

**ORDINANCE PUBLIC HEARING/ADOPTION:** None

**ACTIONS TO BE TAKEN:**

**Res. #60-12 Return of Engineering Escrow Fees**

(Copy of Res. #60-12 attached to these minutes)

Motion to adopt Resolution #60-12 was made by Councilman Badal

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Garubo

ACTIONS TO BE TAKEN: (Cont'd.)

**Res. #61-12 Sanitary Sewer Application-B2701/L5 (QC014D) (QC015D)**

(Copy of Res. #61-12 attached to these minutes)

Motion to adopt Resolution #61-12 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

**Res. #62-12 Appt. Paul Ferriero/Ferriero Engineering, Inc.-Borough Engineer**

(Copy of Res. #62-12 attached to these minutes)

Motion to adopt Resolution #62-12 was made by Councilwoman Daly

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**Res. #63-12 Gov. Deals, Inc. -Borough Property-On Line Auction**

(Copy of Res. #63-12 attached to these minutes)

Motion to adopt Resolution #63-12 was made by Councilman Witczak

Seconded by Councilwoman Daly

Discussion: Councilman Badal expressed concern that this on-line auction appealed to a limited audience and would result in very little return on the cars posted. Superintendent O'Brien responded that it has in the past been very successful and corrected the misconception that it appealed to a limited audience by citing the fact that it is for government agencies and open to the general public. Councilman Badal withdrew his objection.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**Res. #64-12 Contract-QC Labs-Monitoring Well Testing**

(Copy of Res. #64-12 attached to these minutes)

Motion to adopt Resolution #64-12 was made by Councilman Witczak

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**Res. #65-12 Tax Appeal Settlements-Years 2008-2012**

(Copy of Res. #65-12 attached to these minutes)

Motion to adopt Resolution #65-12 was made by Councilman Badal

Seconded by Councilman Witczak

Discussion: Atty. Semrau noted that these appeals have been negotiated by Tax Assessor Scott Holzhauser. Councilman Andrus questioned how many years back an appeal settlement could be considered. Atty. Semrau noted that these appeals have been pending and are not retroactive.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ACTIONS TO BE TAKEN: (Cont'd.)

**Res. #66-12 Appointment of Acting Court Administrator**

(Copy of Res. #66-12 attached to these minutes)

Motion to adopt Resolution #66-12 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: Mayor Henry noted that these appointments are for substitutes in the absent of the Administrator to keep the Court running smoothly. This resolution revised adopted resolution #62-03.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**Res. #67-12 Emergency Appropriation-2012 Temporary Budget**

**Res. #68-12 Emergency Appropriation-2012 Sewer Budget**

Res. #67-12 and Res. #68-12 were withdrawn. The State approved the Borough's 2012 budget at the final hour so these resolutions were not necessary.

**Res. #69-12 Resolution of Certification of the 2011 Audit**

(Copy of Res. #69-12 attached to these minutes)

Motion to adopt Resolution #69-12 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**ADMINISTRATOR REPORT: Administrator Sandman was not present at this meeting.**

Administrator Sandman had prepared and circulated a hard copy of her administrator's report prior to this meeting.

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

Councilman Badal reported that the Fire Department has the draft specs for the new truck and are doing a final review. They should be released by next week and bid publication is anticipated for mid June. The Fire Department is hosting an 'open house' in the upcoming weeks. Mayor Henry suggested this be placed on website and/in the Mendham Messenger. Mr. Badal commented that the fishing derby went well and complimented/thanked Police Officer Kennedy for another good job.

Councilwoman Daly reported that the personnel reviews and salary adjustments will be reviewed and decided at a meeting to be held on Monday, May 14<sup>th</sup>. Mayor Henry noted that interviews for the Zoning Officer position still need to be conducted and suggested that a date be finalized to complete this task.

Councilman Sharkey reported on the successful planting of trees by the DPW. Mr. Sharkey commented that with the Tree City designation is the responsibility to create public awareness. The Boy Scouts have planted trees/shrubs at Mountainview School and the Cosma Track as a community project. Councilman Andrus requested that the tree budget not be exhausted since there will need to be money for planting at the JCP&L power station.

Councilman Andrus has questions on the draft Sanitary Sewer Ordinance that was circulated. It was suggested by the Mayor that he send his questions to the attention of Borough Engineer Paul Ferriero and Attorney Fred Semrau with copies to Atty. Jane Cobiello, Administrator Sandman and Jim Wancho. Councilwoman Daly asked that the Council be copied in on this correspondence. It was suggested further that this item be placed on the next agenda for open discussion.

Councilman Witczak reported that the Sanitary Sewer Ordinance is moving in the right direction. There will be more capacity to allocate and some to keep in reserve. He confirmed that

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

Engineer Paul Ferriero is available and will be present at the next council meeting to answer any questions.

Councilman Andrus asked that the list for capacity requests that has been maintained be copied to the Council for reference.

Councilman Witczak reported that a fence is being installed at Tranquility Garden, plantings at Mountainview School with Superintendent O'Brien's volunteer assistance, waiting for funding from FEMA for wood chipping storm debris and the training of Travis Darche of the DPW for tree climbing certification.

**ATTORNEY ITEMS:**

Atty. Semrau has spoken with Engineer Paul Ferriero regarding the Sanitary Sewer Ordinance. Mr. Semrau further noted the Mendham landfill closure and assured the governing body that the site was closed properly. The firm Metcalf and Eddy hired by the Borough to complete the closing of the landfill left some administrative work incomplete. Atty. Semrau will have additional information at the next meeting.

Atty. Semrau noted that the Borough has the fewest tax appeal in Morris County for 2012 and he believes this is due to the completed reassessment and the adjustments that were made.

Mr. Semrau anticipates a resolution to the Comcast cable negotiations for the next meeting.

**MAYOR'S ITEMS:**

The Mayor will be attending a Mayor's meeting in Chester Township on Thursday, May 10<sup>th</sup> at 7:00PM. Meeting is open to the public.

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

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated May 7, 2012

Motion to approve the May 7, 2012 bill list was made by Councilman Andrus

Second by Councilman Badal

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:** 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 8:45P.M. next to convene at the Regular Meeting on May 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