

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

**CALL TO ORDER**

Mayor Henry called the June 21, 2010 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.

Mayor Henry announced the resignation of Councilman Stephen Carr. The Mayor thanked Councilman Carr for his service. He noted that a letter will be sent to Republican Chairperson, Olga Lee regarding this resignation. Mayor Henry further noted that the Councilman's term of office expires 12//31/10.

**ATTENDANCE:**

Mayor Neil Henry

Council President David Murphy  
Councilman Louis Garubo  
Councilman Stanley Witczak

Also present: Fred Semrau, Esq.  
Ellen Sandman, Administrator

Absent: Councilman Brad Badal, Councilman John Andrus

**CONSENT AGENDA:**

Approval of minutes of the Regular Session Meeting of June 7, 2010  
Res. #103-10 Tax Appeal Judgement-B1401/L65-\$762.50  
Res. #104-10 Special Item of Revenue-Clean Communities Grant  
Res. #105-10 Special Item of Revenue-Body Armor Replacement Fund

Mayor Henry amended the amount of the special item of revenue in Resolution #104-10 to reflect the amount of the check received which was \$9,162.42.

Mayor Henry asked if any member of the Council or any member of the public wished to have any item removed from the Consent Agenda. No requests were made.

Motion to approve the Consent Agenda was made by Councilman Murphy  
Seconded by Councilman Garubo  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Garubo, Witczak, Murphy  
Opposed: None  
Abstain: None  
Absent: Badal, Andrus

**DISCUSSION:**

**2nd Annual Harvest Hustle: Amy Johanson/Tracy Marchesi:**

Amy Johanson gave the Mayor and Council an update on the planning of the 2nd Annual Harvest Hustle and noted that registration is now open. She reported that this year Verizon Fios, Maple Crest Ford of Mendham and Accenture are the major sponsors. The course is certified and new from last year. Dean Road is removed from the course taking the runners away from Mt. View School. The Mayor asked for about a certificate of Insurance and if one was not submitted to have the Borough named as an additional insured. Ms. Johanson commented that one should have been sent already by the insurance company but will copy the one she has and have it filed in the Borough.

DISCUSSION: (Cont'd.)

Permits for the signs and the removal after the race were addressed. Ms. Johanson noted that this is a not for profit event coordinated by the Home School Association and the funds raised will be used for the school and a scholarship fund in recognition of Sgt. Morales.

Administrator Sandman commented on the hours estimated for police duty. An estimated \$900.00 in overtime will be accrued and will be paid by donations with no expense to the Borough. Superintendent Ken O'Brien was in the audience and responded that he would coordinate donated time from DPW.

Temporary Sign Permit- R. Stanzione:

A request was made for a temporary sign to be placed at West Field for Roland Stanzione. There was a lengthy discussion over the use of public areas for profit. Atty. Semrau reminded the Council that legally if this is allowed for one individual or group it has to be applied equally across the board to all citizens applying equal standards to all. Administrator Sandman commented that Mr. Stanzione's request for use of West Field and temporary sign are separate from his business "The Body Secret" in Mendham. It was noted that West Field was part of the Green Acres program and noting the Atty. Semrau suggested an executive session under attorney-client privilege to discuss this matter and the approval already given to Mr. Stanzione by the Borough for use of the field for a profit making event. Atty. Semrau commented that going forward a written policy should be considered and adopted by the Borough to avoid any confusion or conflicts in the future. He further suggested that this policy should establish standards and priorities. It was suggested that the Council consider only the temporary sign permit request and take action this evening.

Motion to deny the request for a temporary sign permit for Mr. Roland Stanzione was made by Councilman Murphy

Seconded by Councilman Garubo

Discussion: No further discussion was held.

Roll Call – the vote was as follows:

In favor: Murphy, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Badal, Andrus

ORDINANCE INTRODUCTION:

ORDINANCE #9-10

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 102, FEES, SECTION 102-4, FEES FOR COPIES OF PUBLIC DOCUMENTS, OF THE CODE OF THE BOROUGH OF MENDHAM**

(A copy of Ordinance #9-10 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 **July 19, 2010** 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.

Councilman Murphy, seconded by Councilman Garubo moved this for discussion.

Councilman Murphy questioned whether this had to do with OPRA and the recent news with regard to the amounts charged for copies. Atty. Semrau responded that the Appellate Court rendered a decision that the charge for copies should be in the range of 5 cents to 15 cents.

Motion to approve the introduction of Ordinance #9-10 was made by Councilman Garubo

Second by Councilman Witczak

Discussion: No further discussion

**ORDINANCE #9-10: (Cont'd.)**

Roll Call - the vote was as follows:  
In favor: Murphy, Garubo, Witczak  
Opposed: None  
Abstain: None  
Absent: None

**ORDINANCE PUBLIC HEARING/ADOPTION:**

**ORDINANCE #8-10 Revised 6.16.10  
AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING  
THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF  
CHAPTER 161 ENTITLED "RENTAL DWELLING UNITS, REGISTRATION,  
CERTIFICATION & OCCUPANCY LIMITATIONS OF"**

Was published in full in the Observer Tribune

Atty. Semrau reviewed changes to be made to this ordinance upon the recommendation of Planning Board Attorney Peter Henry. Changes were made to the housing space language, Section 116-6 changed to a 90 day requirement for certification, and review on an annual basis briefly were the changes made. There was a brief discussion on the fee fro a missed inspection and annual inspection fees.

Atty. Semrau noted that these changes are not significant or substantive and recommended that the Council go forward and consider this ordinance for adoption with the changes noted.

After this discussion the Clerk confirmed with Atty. Semrau that the copy presented to the Council this evening and before the Mayor for signature was the final and correct copy.

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 #8-10 Revised 6.16.10  
AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING  
THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF  
CHAPTER 161 ENTITLED "RENTAL DWELLING UNITS, REGISTRATION,  
CERTIFICATION & OCCUPANCY LIMITATIONS OF"**

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 approve the adoption of Ordinance #8-10 as amended with referenced changes as discussed was made by Councilman Garubo

Second by Councilman Murphy

Discussion: None

Roll Call - the vote was as follows:

In favor: Murphy, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Badal, Andrus

**ACTIONS TO BE TAKEN:**

**Res. #106-10 Authorize the Issuance of Bond Anticipation Notes**

(A copy of Resolution #106-10 is attached to these minutes)

Motion to approve Resolution #106-10 was made by Councilman Murphy

Second by Councilman Witczak

Discussion: None

Roll Call-the vote was as follows:

In favor: Murphy, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Badal, Andrus

**ADMINISTRATOR REPORT:**

Administrator Sandman commented that she submitted no written report for this meeting. She reported receipt of a letter from the State of NJ with regard to reimbursement to the Borough in the amount of \$27,188.00 for submitting the proper documentation and completion of Modules 1, 2 and 4 with regard to the Highland Act. Ms. Sandman noted the scheduling of a pre-construction meeting by Morris County for the milling of East Main Street.

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

Councilman Garubo reported on a meeting he attended this evening with the Jr. Women's Club and a donation by them for defibulators for the Borough fields. The information gathered will be circulated to the Mayor and Council. Another meeting will be held for further discussion.

Councilman Witczak reported work will commence for the First Aid Squad for the building to house the oxygen system. The Councilman further reported that the DPW Superintendent Ken O'Brien has discussed with him the removal of specifically two large, old trees in the Borough which have become a safety hazard. A crane will need to be rented and will result in an added expense. Mr. O'Brien estimates that the rental for this equipment will be \$2,500-\$3,500 a day but is a necessity. This is for information only and further details will be communicated to the Borough Administrator.

Councilman Witczak noted that Mr. David Sharkey was in the audience. Mayor Henry thanked Councilman Witczak for bringing it to the attention of all present and congratulated Mr. Sharkey for winning the Republican primary. The Mayor extended congratulations to Ms. Veronica Daly also. Ms. Daly was not present at this meeting.

Administrator Sandman noted the Garden Club receipt of the Morris Tomorrow "McFlowertown" award for the Phoenix House Garden Restoration. Councilman Garubo suggested that when any monies are used from the Fletcher Trust a plaque and recognition should be given in memory of Mr. Fletcher.

**ATTORNEY ITEMS:**

Atty. Semrau reported that he is gathering legal information on questions with regard to the personnel policy and procedures. He will forward this information to the Mayor and Council by Wednesday.

**MAYOR'S ITEMS:**

Mayor Henry noted that the DPW Superintendent in the Township has retired and presently there is an acting superintendent filling this position. He suggested the possibility of shared services in the DPW area be explored.

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

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated June 21, 2010  
Motion to approve was made by Councilman Murphy  
Second by Councilman Garubo  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Witczak, Murphy  
Opposed: None  
Abstain: None  
Absent: Badal, Andrus

**EXECUTIVE SESSION:**

**Res. #107-10 Executive Session- Atty./Client Privilege**

(A copy of Resolution #107-10 is attached to these minutes)

Motion to approve Resolution #107-10 was made by Councilman Garubo

Second by Councilman Witczak

Discussion: None

Roll Call-the vote was as follows:

In favor: Witczak, Murphy, Garubo

Opposed: None

Abstain: None

Absent: Badal, Andrus

There was a break.

On a motion duly made, seconded and unanimously carried, the Council returned to open session.

**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 9:35 P.M. next to convene at the Regular Meeting on July 19, 2010 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