

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

Rev. MM 6.11.13

**CALL TO ORDER**

Mayor Henry called the June 3, 2013 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

Council President Stanley Witczak  
Councilman John Andrus  
Councilman David Sharkey  
Councilwoman Veronica Daly  
Councilman Louis Garubo  
Councilman Brad Badal

Also present: Atty. Tracy Wang  
Administrator Ellen Sandman  
Cynthia Delane

Absent: Atty. Fred Semrau, Borough Clerk Maureen Massey

**CONSENT AGENDA:**

Approval of the minutes of the regular meeting of 5.20.13  
Approval of Alexander Cascais-Regular Member-MB Fire Department  
Approval of Road Closure Request-Prospect St.-9/7/13-RD 9/8/13/4-7:30PM  
Approval of Road Closure Request-Hoffman Rd.-6/23/13-2-8:00PM

Motion to approve the consent agenda was made by Councilman Sharkey  
Seconded by Councilwoman Daly

Discussion: Councilman Sharkey, Badal, Andrus abstained from approval of the minutes of the 5.20.13 meeting as they were not in attendance.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**DISCUSSION:**

**Draft Ordinance**

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING THE  
BOROUGH CODE, CHAPTER 147, "PEACE AND GOOD ORDER" TO CREATE  
A NEW SECTION 147-10 ENTITLED "ENGINE BRAKING

**Comments:**

DPW Supervisor, Ken O'Brien explained the mechanics of engine braking and the need for it on heavy equipment vehicles.

Comments: Draft Ordinance: (Cont'd.)

Resident Warren Hansen, 83 West Main Street, expressed to the Council how his quality of life as a resident on Main Street is affected by the noise and vibrations from the heavy trucks, sounds of engine braking, and excessive speeds of drivers. Mr. Hansen mention that he believed New Jersey has a law that prohibits jake braking in populated areas. He is asking that the speed limit be enforced and that the "regular" construction vehicles from the area be educated and controlled.

Chief Libertino stepped forward to initiate a campaign to monitor this area for speed and noise. He will report his findings back to the Council for further evaluation.

The Council entered into discussion as to the origin of the initiation of an ordinance on this matter and determined that at this time no ordinance should be introduced.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE ADOPTION:**

**ORDINANCE #6-13**  
**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY  
OF MORRIS, STATE OF NEW JERSEY AMENDING THE BOROUGH  
CODE, CHAPTER 215 "ZONING", ARTICLE I "TERMINOLOGY,"  
SECTION 215-1 "WORD USAGE AND DEFINITIONS," SUBSECTION B  
"DEFINITIONS," DEFINITION OF "FRONT YARD"**

(A copy of Ordinance #6-13 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 #6-13**  
**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY  
OF MORRIS, STATE OF NEW JERSEY AMENDING THE BOROUGH  
CODE, CHAPTER 215 "ZONING", ARTICLE I "TERMINOLOGY,"  
SECTION 215-1 "WORD USAGE AND DEFINITIONS," SUBSECTION B  
"DEFINITIONS," DEFINITION OF "FRONT YARD"**

Motion to adopt Ordinance #6-13 was made by Councilman Andrus  
Seconded by Councilman Sharkey  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Daly, Garubo, Badal, Witczak, Andrus, Sharkey  
Opposed: None  
Abstain: None  
Absent: None

**ORDINANCE ADOPTION:**

**ORDINANCE # 7-13**  
**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY  
OF MORRIS, STATE OF NEW JERSEY AMENDING THE  
BOROUGH CODE, CHAPTER 81 "BUILDINGS, UNFIT"  
TO PROVIDE THAT THE CONSTRUCTION OFFICIAL  
SHALL BE THE REHABILITATION DIRECTOR**

(A copy of Ordinance #7-13 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 #7-13: (Cont'd.)

**ORDINANCE # 7-13  
ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY  
OF MORRIS, STATE OF NEW JERSEY AMENDING THE  
BOROUGH CODE, CHAPTER 81 "BUILDINGS, UNFIT"  
TO PROVIDE THAT THE CONSTRUCTION OFFICIAL  
SHALL BE THE REHABILITATION DIRECTOR**

Motion to adopt Ordinance #7-13 was made by Councilman Witczak  
Seconded by Councilman Sharkey  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly  
Opposed: None  
Abstain: None  
Absent: None

**ORDINANCE ADOPTION:**

**ORDINANCE # 8-13  
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 \$174,000 THEREFOR FROM VARIOUS FUNDS  
OF THE BOROUGH**

(A copy of Ordinance #8-13 is attached to these minutes)  
Was published in full in the Observer Tribune

Mayor Henry opened the public hearing.

**Public Comments:**

Frank Allen, 33 Maple Ave, inquired how the Borough planned on applying and using these monies. Council responded for the purchase of a hook lift truck for the Department of Public Works, protective gear for the First Aid Squad and \$10,000 to upgrade and stabilization of Patriot's Path in the Borough.

**BE IT RESOLVED**, by the Borough Council of the Borough of Mendham that:

**ORDINANCE # 8-13  
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 \$174,000 THEREFOR FROM VARIOUS FUNDS  
OF THE BOROUGH**

Motion to adopt Ordinance #8-13 was made by Councilman Badal  
Seconded by Councilman Garubo  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Badal, Witczak, Andrus, Sharkey, Daly, Garubo  
Opposed: None  
Abstain: None

**ORDINANCE ADOPTION:**

**ORDINANCE # 9-13**  
**ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW  
AND ADDITIONAL EQUIPMENT FOR USE BY THE SEWER  
UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY  
OF MORRIS, NEW JERSEY, AND APPROPRIATING \$105,000  
THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT  
FUND OF THE BOROUGH**

(A copy of Ordinance #9-13 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 # 9-13**  
**ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW  
AND ADDITIONAL EQUIPMENT FOR USE BY THE SEWER  
UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY  
OF MORRIS, NEW JERSEY, AND APPROPRIATING \$105,000  
THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT  
FUND OF THE BOROUGH**

Motion to adopt Ordinance #9-13 was made by Councilman Witczak  
Seconded by Councilman Andrus  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrus, Sharkey, Daly, Garubo, Badal, Witczak  
Opposed: None  
Abstain: None

**ACTIONS TO BE TAKEN:**

**Res. #75-13 West Morris HS District BOE-Interlocal Agree-School Resource Officer**

Motion to adopt Resolution #75-13 was made by Councilman Badal  
Seconded by Councilman Andrus  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Witczak, Andrus, Sharkey, Daly, Garubo, Badal  
Opposed: None  
Abstain: None  
Absent: None

**Res. #76-13 2013-2014 Liquor License Renewals**

Motion to adopt Resolution #76-13 was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrus, Sharkey, Daly, Garubo, Badal, Witczak  
Opposed: None  
Abstain: None  
Absent: None

**Res. #77-13 Interlocal Agreement-Borough of Chester-Shared Court**

Motion to adopt Resolution #77-13 was made by Councilman Andrus  
Seconded by Councilman Garubo  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Sharkey, Daly, Garubo, Badal, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: None

ACTIONS TO BE TAKEN: (Cont'd.)

**Res. #78-13 Award Bid-DPW Generator-Beaver**

Motion to adopt Resolution #78-13 was made by Councilman Witczak

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ADMINISTRATOR REPORT:** (There was no written report circulated prior to the meeting)

Administrator Sandman reported on property maintenance issues; announced the approval on May 29<sup>th</sup> by the Board of Public Utilities to renew municipal consent for Comcast to service the Borough; Business Association will honor Ken Hodges of Robbins RX he is retiring at the Black Horse Tavern; \$500 last payment towards grant Historical Preservation Commission wired to account; and the Basketball court restoration work is done.

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

Councilman Witczak reported on the bid for paving and ramps, milling is out. The Borough needs to redo the cross walk and handicap ramps for ADA compliance. The road sensors located in the black top on Mountain Avenue /Main Street intersection are not functioning at 100%. A determination on a solution on whether the technology should be repaired or upgraded to laser beam needs to be made before paving is completed.

Councilman Sharkey will update the governing body on the progress of a solar/wind ordinance at the next meeting.

Councilman Garubo reported that enrollment is up for the day camp program. There doesn't seem to be any consequences to the loss of the Brookside Beach facilities. Day campers will be able to have "water time" in the pool at the Mendham Tennis and Racquet Club and the use of rented water inflatables.

Mayor Henry suggested that a list of "targeted" Grand Marshall candidates, such as individuals who have made outstanding contributions to the Borough be submitted. There was discussion held on acknowledging the sisters of SCC for their exemplary service during Superstorm Sandy.

Councilwoman Daly is waiting for submitted comments on the Personnel Handbook.

**ATTORNEY ITEMS:** None

**MAYOR'S ITEMS:**

The banner over Main Street advertising the Sidewalk Sale is tasteful and a product of the hard work done by the sign committee.

The Mayor has reviewed the Request for Proposal for the deregionalization of the High School. Mayor Henry will circulate a copy of the RFP to the Council.

**PUBLIC COMMENT:**

Sherri Collins, President of Mendham Commons Townhouse Association, updated the Council on the Association's infra-structure replacement project including lighting, electrical wiring, and roadwork. Upon initiation of the project, the Association did include the town Engineer in discussions. The Association was informed that this project did not require review or approval from the Land Use Boards. They proceeded with their RFP, selected their contractors, finalized plan designs, and secured a bank loan to finance the improvements. Now, the Borough is requesting that this project be placed on an agenda for Land Use review. Since the project is

**PUBLIC COMMENT:** (Cont'd.)

well underway, this will delay the project, homeowners will suffer with out the improvements, and additionally more cost will be added to the homeowners.

George Connelly, 22 Hampshire Drive, explained to the Council the additional costs to the Commons' residents associated with the delay in the infra-structure replacement project.

Joe Robbins, Past Association President, 4 Aberdeen Drive, stated how he met with the Borough Engineer over a year ago to review this project.

Mayor Henry and Administrator Sandman suggested a meeting between the Association, Construction Office, and Borough Engineer, as soon as possible, to reach a consensus on how to proceed.

Frank Allen, 33 Maple Avenue, expressed his concern over the disrepair and state of the home at 22 Maple Avenue. Mayor Henry asked Administrator Sandman to determine and contact the owner of this property.

Brian Cavanaugh, 6 Cherry Lane, had a number of questions requesting clarification on the savings generated from the joint decision to share court services with Chester Borough, the length of the agreement, the beach/water facilities at summer day camp, and the draft of the RFP (Request For Proposal) on the High School issue.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated June 3, 2013

Motion to approve the June 3, 2013 bill list was made by Councilman Andrus

Second by Councilwoman Daly

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

**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 9:53P.M. next to convene at the Regular Meeting on June 17, 2013 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

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Cynthia Delane