

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

**CALL TO ORDER**

Mayor Neil Henry called the July 16, 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  
Councilwoman Veronica Daly  
Councilman Louis Garubo  
Councilman Brad Badal  
  
Also present: Fred Semrau, Borough Attorney  
Administrator Ellen Sandman  
Maureen Massey, Borough Clerk

Absent: None

Mayor Henry welcomed everyone to the meeting, noting the appointment and swearing in of two police officers to the position of Sergeant in the Mendham Borough Police Department.

**CONSENT AGENDA:**

- Approval of the minutes of the Regular Meeting of 6/4/12
- Approval of the minutes of the Executive Session of 6/4/12
- Approval of the minutes of the Regular Meeting of 6/18/12
- Approval of the minutes of the Executive Session of 6/18/12
- Approval of Pastime Labor Day Carnival in the Borough-9/3/12
- Turn The Towns Teal-Approval to Tie Ribbons Only-September (Signs are subject to the Permit Process)
- Appointment of Luke Engelhardt, Jr. Member Mendham Hose Company
- Approval of Raffle License-Home School Assoc.-Off Premise 50/50-Cash

**Councilman Badal requested the regular/executive minutes of June 18, 2012 be tabled.** Mayor Henry called for a motion to table the June 18, 2012 minutes. The motion was made by Councilman Badal, seconded by Councilman Andrus and carried by a unanimous voice vote of the governing body.

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 (Councilman Witzcak noted that he is a member of the Pastime Club, but is not in position of authority or an officer of the club), Andrus, Sharkey, Daly, Garubo

Opposed: None

Abstain: None

Absent: None

Mayor Henry gave a short biography on Officers Hostler and Pirillo, The Mayor then read Resolution #86-12 aloud.

**Res. #86-12 Promotion-Brian Hostler and Joseph Pirillo to Police Sergeant MBPD**

(Copy of Res. #86-12 attached to these minutes)  
Motion to adopt Resolution #86-12 was made by Councilman Badal  
Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Witczak

Absent: None

**DISCUSSION:**

**Boy Scout Matt Marino-Eagle Badge-Tranquility Garden:**

Matt Marino thanked the governing body for allowing him to take on this project. He reported that the Department of Public Works has installed a fence which divides the property from the neighbor. His plan includes, but not limited to, clearing brush, work on the path under the arbor, fix and paint as needed. Master Marino noted that the Tranquility Garden sign will be in place for the Labor Day festivities.

Councilman Andrus asked Matt if anyone is reviewing his proposed plan. He responded that he has been working with the Historic Preservation Committee (attended a meeting this evening), Administrator Sandman, Mayor Henry and Superintendent O'Brien.

Resident Charles Topping will provide input on the time period and the purchase of the appropriate benches for the garden.

**JCP&L Sub-Station/John Anderson:**

Mr. Anderson gave a quick overview of the upgrades in communication implemented by JCP&L since hurricane Irene and the Halloween-2011 storm. He suggested that the public utilize the website and the Outage Management System. He further noted that everyone needs to place a call when there is an outage, even if you know that their neighbor has already made a call. The Outage Management System is now on-line by tax district and not by zip code. This is an improvement that has been implemented. Mr. Anderson suggested that residents that have wells and any critical-care citizens should be identified by the Borough and the information shared with JCP&L and other agencies that have the need to know.

Administrator Sandman commented that there was a Historic Preservation Commission meeting tonight and the fence was discussed. Mr. Anderson noted that the JCP&L Corporate sub-station people are aware that the fence will be 8ft. in height, board on board. Mr. Anderson is waiting to be informed if they will require barbed-wire on the top, for safety concerns. Administrator Sandman noted that the Borough will help with the shrubs on the side of the sub-station near Mendham Borough Police Headquarters.

Councilman Andrus asked if this was a firm commitment from JCP&L with Mr. Anderson responding affirmatively.

**Amendment to Sign Ordinance-Update:**

Councilman Sharkey commented that some areas have been revisited such as the hanging of a banner. After some recent input and discussion on limited use of banners to non-profits and locate the hanging out of the historic district on Route #24. This would curtail the use of the smaller signs. Restricting the size of signs to 4ft. in the historic district has also been re-visited. Councilman Sharkey asked for Council comments this evening or forward to his attention.

**Regional High School Mayors' BOE Group-Update:**

Mayor Henry reported that the inclusion of the Mega K-12 option to the feasibility study has created a split between the towns. Mendham Township and Chester Borough do not want the Mega K-12 considered in the study. Washington Township and Mendham Borough have voted to consider this option. A unanimous decision is required to move forward. The Mayor noted that this Thursday, July 19<sup>th</sup> is the next Mayors' Board of Education Group meeting. It will be held here at the Garabrant Center in Mendham Borough and recommended all interested parties attend to keep informed on this complicated topic.

Mayor Henry opened the meeting for the public to comment on the "Mega K-12 Option" and only this topic. The Mayor requested that the residents of Mendham Borough have the opportunity to speak first.

**Public Comments:**

John Morel, 70 East Main Street, (Mendham Borough), referred back to 2011, when this municipality requested the school board consider a referendum for the ballot, to change the funding formula. It was not done. Washington Township is in support of the Mega K-12 option which will be a benefit to them. He suggested supporting the options that make sense and have the possibility of working. He asked the governing body to reconsider their support to add the Mega K-12 option to the feasibility study as discussed at the June 18, 2012 meeting.

Bob Marino, 27 Florie Farm Road, (Mendham Borough), thanked the governing body for hearing this issue. He noted that their needs to be a unanimous agreement between the towns to move forward. Mr. Marino supplied figures to show how much less Washington Township pays per student vs. the Chester's and the Mendham's. He gave his encouragement to explore the Mega option.

Carol Brady, 18 Loryn Lane, (Mendham Borough), commented on the unique position of the Council and questioned the financial liability if there were 2 high schools with regard to the buildings, bonds, implications for the teachers and confirmed her position of support for education and the schools.

Gary Quam (former Music Teacher at Mendham High School) resident of Randolph Township and taxpayer in Mendham Borough suggested his option "Q"-9/12 High School District with the Mendham's and Chester's. He expressed his feelings that shared services are a 'sham' and noted that it does not work well. He further commented that 'bigger is not better' and it is the quality of our students is what makes things work.

Joe Saburn resident of Chester Township commented that he is against the Mega K-12 and pointed out the history of the consolidation of the present 5 towns. He expressed his opinion that since each town now has the population to support a district of their own. He further noted that the vote is not unanimous to support a change in the funding formula, with Washington Township voting against it. He commented that the Mendham's and the Chester's pay an additional 6.2 million more than Washington Township. He recommended that the Council not include Mega K-12 in the feasibility study and to focus on 'reality'.

Ron Sosna, 62 Lowery Lane, (Mendham Township), commented on a wonderful evening with the promotion of two Mendham Borough officers to Sergeant positions. He gave an example of reducing costs by disbanding all police departments and using only State police to reduce costs. He continued commenting that we are all little towns and everyone wants their children to grow up the way we want. He suggested not allowing a different environment rule our lives.

Alise Ford, 73 Hampshire Drive, and (Mendham Borough), commented that this is a complicated issue and many have made their minds made up on what to do already without knowing all the ramifications. She suggested moving forward by going into this and taking a look

Public Comments: (Cont'd.)

(Alise Ford)

at the Mega K-12 as part of the feasibility study. It doesn't have to be accepted or agreed to but if it gets the study done it is worth making it a part of the process.

John Revane, Oak Knoll-Mendham Township, commented that he took the time to read the 2002 Study. The study demonstrated that the Mega K-12 proved not viable educationally or financially. The option made no sense. Mr. Revane expressed his pleasure that his town will not support this option in the feasibility study. He further continued that he did not understand why the Borough would consider the inclusion of Mega K-12 in the feasibility study, using taxpayer money to do so, after it has been determined not viable from an educational and financial standpoint.

Max Schram, 2 Melrose Lane, voice his opinion to include Mega K-12 since one more option could not cost that much and why not consider all options. As a result of the study Mr. Schram would be interested to see what the cost would be for each municipality for each option.

Gloria Gluck, 4 Drake Road, (Mendham Borough), noted that she has lived in the Borough since 1976 the funding formula and Washington Township has always been discussed. She felt that the last study was a waste of money and caused division of the residents in the Borough.

Jim Pohlman, 460 Cherry Land, (Mendham Borough), does not think it is necessary to include Mega K-12 in the feasibility study and asked the Council to change its vote from the last meeting.

Caitlin Gluck noted that she is a special education teacher in Roxbury Borough and noted that steps would need to be taken to before considering a Mega K-12 school district. She cited cooperation and teacher seniority as concerns.

Bob Marino, 27 Florie Farm Road, (Mendham Borough), commented on why not include Mega K-12 as an option. He urged the Council to pick a side, or join the others.

Alice Ford, 73 Hampshire Drive, (Mendham Borough), commented on the unique position Council was in and suggested to consider the Mega K-12 option.

Mayor Henry asked for a consensus of the Council if the prior decision at the June 18, 2012 meeting, to include Mega K-12 in the feasibility study, would remain firm. The Council responded affirmatively. Mayor Henry noted that he will present this decision at the Mayor's BOE meeting this Thursday evening.

ORDINANCE INTRODUCTION:

ORDINANCE #4-12 (SEWERS)  
**ORDINANCE AMENDING CHAPTER 168 OF THE CODE  
OF THE BOROUGH OF MENDHAM**

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

ORDINANCE #4-12  
**ORDINANCE AMENDING CHAPTER 168 OF  
THE CODE OF THE BOROUGH OF MENDHAM**

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 **August 20, 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.

ORDINANCE #4-12: (Cont'd.)

Motion to introduce Ordinance #4-12 was made by Councilman Witczak  
Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ORDINANCE INTRODUCTION:

ORDINANCE #5-12

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY GRANTING RENEWAL OF MUNICIPAL CONSENT TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATION SYSTEM WITHIN THE BOROUGH OF MENDHAM, NEW JERSEY TO COMCAST**

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

ORDINANCE #5-12

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY GRANTING RENEWAL OF MUNICIPAL CONSENT TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATION SYSTEM WITHIN THE BOROUGH OF MENDHAM, NEW JERSEY TO COMCAST**

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 **August 20, 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 introduce Ordinance #5-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Mr. Monahan of Mendham TV was in the audience and he thanked everyone for the effort put into the new Comcast contract.

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

**Res. #87-12 A RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF APPLICATIONS FOR RESERVED SEWER CAPACITY UNDER AND IN ACCORDANCE WITH CHAPTER 168, SECTION 168-47.1, OF THE CODE OF THE BOROUGH OF MENDHAM**

Resolution #87-12: (Cont'd.)

(Copy of Res. #87-12 attached to these minutes)  
Motion to adopt Resolution #87-12 was made by Councilman Andrus  
Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #88-12 Participate in Morris County First Responder-Identification Card Program**

(Copy of Res. #88-12 attached to these minutes)

Motion to adopt Resolution #88-12 was made by Councilman Witczak  
Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #89-12 Appt. Michael Donovan-Part-time Summer Seasonal Laborer (\$10/Hr.)**

(Copy of Res. #89-12 attached to these minutes)

Motion to adopt Resolution #89-12 was made by Councilman Witczak  
Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #90-12 Approval SS App-B2701/L5 C005B, 5 Cold Hill Road**

(Copy of Res. #90-12 attached to these minutes)

Motion to adopt Resolution #90-12 was made by Councilman Witczak  
Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #91-12 Consenting to Proposed Water Quality Mgmt. Plan Amendment**

**ENTITLED: FUTURE WASTEWATER SERVICE AREA MAP FOR MORRIS COUNTY PROPOSED AMENDMENT TO THE UPPER DELAWARE, UPPER RARITAN AND NORTHEAST WATER QUALITY MANAGEMENT PLAN (WQMP)**

(Copy of Res. #91-12 attached to these minutes)

Motion to adopt Resolution #91-12 was made by Councilman Badal  
Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #92-12 Authorizing Execution of Agreement-Passaic Valley Sewerage Commission- For Treatment and Disposal of Sludge**

(Copy of Res. #92-12 attached to these minutes)  
Motion to adopt Resolution #92-12 was made by Councilman Witczak  
Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #93-12 Approval of Fireworks Display-9/3/12 Labor Day-Pastime Club (Raindate 9/8/12)**

(Copy of Res. #93-12 attached to these minutes)  
Motion to adopt Resolution #93-12 was made by Councilman Badal  
Seconded by Councilman Andrus

Discussion: Mayor Henry noted that there is additional paperwork that is needed and requested that this resolution be contingent on the submission and acceptance of the necessary documents.

Councilman Badal agreed and added to his motion that the Borough Administrator is delegated the responsibility for obtaining all the necessary documents to fulfill this resolution. Approval is contingent on all the paperwork and approvals meeting the satisfaction of the Borough Administrator. Resolution #93-12 will reflect this this added verbiage as stated by Councilman Badal.

Seconded by Councilman Andrus

Roll Call – the vote was as follows:

In favor: Sharkey, Daly, Garubo, Badal, Witczak (Councilman Witczak noted that he is a member of the Pastime Club, but is not in position of authority or an officer of the club), Andrus

Opposed: None

Abstain: None

Absent: None

**Res. #94-12 Redemption of Lien/B1003, L107/Park Finance, LLC-Full Satisfaction**

(Copy of Res. #93-12 attached to these minutes)  
Motion to adopt Resolution #93-12 was made by Councilman Andrus  
Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Mayor Henry noted that resolutions are not usually accepted after the agenda is distributed. The resolution that has been given to the governing body this evening is necessary since the next scheduled meeting is not until August 20<sup>th</sup>. The State has not released the 2012 Tax Rate for Mendham Borough. This resolution is routine when a tax rate is not available for the Statutory time-line. This resolution provides that the 3<sup>rd</sup> quarter 2012 taxes are not subject to interest and penalties until the 25<sup>th</sup> calendar day after the bills are mailed. Mayor Henry asked the Council to consider this resolution for approval.

**Res. #96-12 Waive Interest/Penalties Until 25<sup>th</sup> Day After Mailing of Tax Bills**

(Copy of Res. #96-12 attached to these minutes)  
Motion to adopt Resolution #96-12 was made by Councilman Andrus  
Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ADMINISTRATOR REPORT:**

Administrator Sandman report has been distributed to the Mayor/Council prior to the meeting. Mayor Henry asked if there were any questions or comments regarding this report or any further requests for the Administrator. There being no comments, the Mayor asked the Administrator the same question. There being no comments, the meeting continued.

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

Councilman Witczak noted that the new hire this evening will be for the summer season and shortly a much needed part-time employee will be hired for full-time.

Councilman Garubo commented that the Summer Day Camp is going good and Administrator Sandman and Atty. Semrau were thanked for their assistance on compliance for a health director and assistant.

Councilwoman Daly reported that the salary resolution will be ready for the next meeting and the Policies and Procedures will be reviewed and revised.

Councilman Badal reported that the fire truck specs have been reviewed and all parties are satisfied. He will forward the specs to the administrative assistant for publication to accept bids for late September.

It was noted that the Sisters of Christian Charity will permit the Borough to use their facilities for a shelter, when needed. Atty. Semrau has provided them the necessary insurance documents and will have a follow up at the next meeting.

**ATTORNEY ITEMS:**

Atty. Semrau has reviewed the draft of the amended sign ordinance and has sent a letter to Peter Henry, Esq. for legal comments.

Atty. Semrau noted a 'minor change' to the sewer ordinance. This change will be noted at the public hearing. Atty. Semrau noted that a new cell tower application will be considered after the DEP reviews the new location, which has is located in wetlands.

**MAYOR'S ITEMS:**

Mayor Henry clarified that the promotion of two (2) Sergeants in the Police Department would not result in the hiring of a new patrolman.

**PUBLIC COMMENT:**

Carol Brady, 18 Loryn Lane, thanked the Public Works Department for going above and beyond. She asked if the sign ordinance would restrict the personal signs that residents place on their lawns. Mayor Henry noted the ordinance is only a draft at this time.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated June 18, 2012  
There was a late request for payment made for heating and air conditioning work in the amount of \$2,200 submitted by Superintendent Ken O'Brien. Administrator Sandman added that this does happen at times and asked for the governing body to consider payment. It was agreed to add this item to the bill list.

Motion to approve the June 18, 2012 bill list with the additional item submitted this evening was made by Councilman Garubo  
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:** Res. #95-12 Contract Negotiations (Zoning Officer Position)

Motion to adopt Resolution #95-12 was made by Councilman Badal  
Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: 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 10:15P.M. next to convene at the Regular Meeting on August 20, 2012 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC  
Borough Clerk