

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

**CALL TO ORDER**

Mayor Henry called the July 18, 2011 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 Louis Garubo  
Councilman Brad Badal  
Councilman Stanley Witzak  
Councilman John Andrus  
Councilman David Sharkey  
Councilwoman Veronica Daly (Arrived at approximately 8:05PM)  
Also present: Fred Semrau, Esq.  
Ellen Sandman, Administrator  
Maureen Massey, Borough Clerk  
Absent: None

**CONSENT AGENDA:**

Approval of the minutes of the Regular Session Meeting of 6/20/11

**Approval of "Turn the Towns Teal" Ribbon/Sign Campaign (Ribbons)**

Res. #84-11 Approval of refund (\$108.00) Day Camp/Kit Chittenden

Approval 'Road Closure' Annual Block Pty.-9/10/11 Rain Date 9/11/11-  
Prospect/New St.-4:00-7:30PM

Res. #85-11 Refund Escrow Site Plan Waiver-Pl. Bd.-27 East Main Street,- LLC B1501/L12

Res. #86-11 Governing Body Certification of the Annual Audit

**Res. #87-11 "Over The Limit Under Arrest 2011 Statewide Crackdown"**

Motion to approve the consent agenda was made by Councilman Witzak

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Badal abstained from approval of the regular session minutes of June 20, 2011 due to his absence at this meeting. Councilman Badal further commented on the "Turn the Towns Teal" campaign and noted that this approval from the governing body is for the placement of the ribbons. Any sign requests need any application, fee and approval of the Borough Zoning Officer, Geoff Price. After brief discussion it was agreed that 15 signs would be the maximum allowed for this campaign. The Mayor asked Administrator Sandman to communicate this to Geoff Price. Councilman Badal reported that Res. #87-11 was discussed with Police Chief Taylor before being placed on the consent agenda. There will be no funds contributed by the Borough.

Absent: None

**DISCUSSION:**

**Application/Permit Temporary Freestanding Sign:**

Hidden Pond Farm-Chris Nicholson (Main St. /West Field Rd.)

Mr. Nicholson was present to represent this application. He reported that this sign would indicate the sale of tomatoes, pumpkins and other produce. There was some discussion with regard to a permanent sign which could give direction to the Borough's West Fields and farm at the same time, so to eliminate any confusion for residents. There was further discussion with regard to the legal access to Hidden Pond Farm which is on Linden Lane. Mr. Nicholson

Hidden Pond Farm-Chris Nicholson (Main St. /West Field Rd.):(Cont'd.)

reported that a past Borough Administrator requested that he use this present location for access to his property, instead of the legal Linden Lane access, for the convenience of the residents. He did comply and has for many years to accommodate the Borough and its residents.

Atty. Semrau suggested going out for bids on a permanent sign at this location since it will be on Borough property. This would allow all citizens a chance to post at this site.

Motion to approve this application for a temporary freestanding sign conditional on review and approval by the Borough Administrator and with the dual purpose of listing the entrance to the Borough "West Fields" and keeping public safety in mind. This motion was made by Councilman Garubo.

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Sharkey

Absent: None

**ORDINANCE INTRODUCTION:**

**ORDINANCE #5-11**

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 206, VEHICLES AND TRAFFIC, ARTICLE XIV, SCHEDULES, SECTION 206-43, SCHEDULE I, NO PARKING, AND SECTION 206-44, SCHEDULE II NO PARKING CERTAIN HOURS, OF THE CODE OF THE BOROUGH OF MENDHAM**

Councilman Badal requested the governing body to consider tabling this ordinance to the next meeting in August. He has reviewed the ordinance and has some major changes which he would like to discuss with Police Chief Taylor upon his return from vacation.

Mr. Eberhart from Hilltop Church was present and asked the Council to consider his concerns outlined in two previous letters sent to their attention. He stressed the importance of this ordinance adoption before the beginning of the next school year.

Motion to table Ordinance #5-11 for consideration at the August 15, 2011 meeting 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

Absent: None

**ORDINANCE PUBLIC HEARING/ADOPTION:** None

**ACTIONS TO BE TAKEN:**

**Res. #88-11 Hire P/T Office Help-Cynthia Delane-(Land Use Office)**

Motion to adopt Resolution #88-11 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: Councilman Andrus and Councilman Sharkey asked for clarification on the number of hours of this position and whether this was a replacement for another employee.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ACTIONS TO BE TAKEN: (Cont'd.)

**Res. #89-11 Extended Grace Period-Third Quarter Taxes**

Motion to adopt Resolution #89-11 was made by Councilman Garubo

Seconded by Councilwoman Daly

Discussion: Atty. Semrau concurred that this resolution was a necessity due to the timing of the State figures.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #90-11 Horseshoe Bend Rd.-Private Community Svcs. Agreement**

Motion to adopt Resolution #90-11 was made by Councilman Daly

Seconded by Councilman Sharkey

Discussion: Atty. Semrau concurred that the necessary documentation was received and the signing of the agreement is the next step.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #91-11 Submit/Execution App-Grant-Drug Free Mendhams-Municipal Alliance**

Motion to adopt Resolution #91-11 was made by Councilman Sharkey

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

**ADMINISTRATOR REPORT:**

Administrator Sandman noted that the bond rates had been distributed to the governing body by the CFO. She further commented on a conversation with Councilman Andrus, Atty. Robert Beinfield regarding a “hard call rate”. It was determined that this was not part of this present bond sale. Councilman Andrus has asked the Administrator to continue to look into this and to report back with figures as to what financial benefit it would bring to the Borough.

Ms. Sandman reported that approval for the closing of Route #24 for the Labor Day parade has been granted by the Board of Chosen Freeholders, the bus on “Gov Deals” has sold for \$801 and ‘Tranquility Garden’ projects and removal of trees will begin soon.

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

In response to Mayor Henry’s query, Councilman Sharkey has received information from the Mendham Business Association regarding the installation of poles for displaying a banner across Route #24. and work continues on the amending of the sign ordinance.

Councilman Witczak reported that the Department of Public Works personnel replaced the roof on the Bower Building and will start replacing the sidewalk/aprons in front of the Phoenix House next week. He further reported that the Borough DPW helped Mendham Township remove a huge tree and commented that this how ‘Shared Services’ works.

Councilman Andrus reported that the tax collection rate was 99.71%. He commented that the Open Space Committee has requested that they be contacted when the Borough has a use for the funds from the trust so that they can give their input.

Councilman Sharkey reported that work continues on the amending of the sign ordinance.

Councilman Garubo reported that the concerts in the park and the day camp are in progress. The enrollment for the camp is down this year and expanding the enrollment from grades kindergarten to 6<sup>th</sup> grade for next year was discussed.

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

It was noted that the tennis courts on Orchard Street need work and it was agreed that the work is expensive. An evaluation will be completed.

Bruce, Recreation Director, commented that a notice requiring mandatory training on AED's for all users of the Borough fields. He has received no public comments.

Councilwoman Daly commented on the volume of input received with the employee evaluations exceeding her expectations. She suggested a different approach for next year.

Ms. Daly noted that she has been informed by employees that the Personnel Policy is out of date. There was a brief discussion with Administrator Sandman commenting that it is very apparent that there are areas that definitely do not apply to the Department of Public Works.

Councilman Badal reported that the public safety committee is working on LOSAP and the revision of the Chapter 206 with regard to the parking on Hilltop Road.

He further reported that there will be a deer management meeting to be held on Wednesday, August 3<sup>rd</sup>. Complaints have been received with regard to camera's being installed and walking through personal property. The hunt does not start until September.

Administrator Sandman commented that the fee ordinance is under review and if there are any changes that need to be made, please contact her.

**ATTORNEY ITEMS:**

Atty. Semrau requested an executive session to discuss pending litigation with regard to a cell tower Board of Adjustment denial-Omnipoint/T-Mobile-and the Superior Court decision.

**MAYOR'S ITEMS:**

Mayor Henry asked for the status of the sign at the Mendham Co-Op. Atty. Semrau responded that it was his recollection that the Borough Zoning Officer would meet with the school representatives to discuss conditions of approval and notified the neighboring residents.

Mayor Henry reported that TV29 wanted to present a demo by the Borough First Aid Squad on the use of AED's. Atty. Semrau responded that a representative from Atlantic Health should present the demo with a disclaimer. The Borough has some protection under Title 59 as a public entity.

Mayor Henry checked on the status of Windymere Road request for the Borough to accept it as a public street. Atty. Semrau responded that had needed additional information and that he would follow up.

Mayor Henry commented that since the educational summit was held information is still being gathered and communications are still ongoing.

The Mayor noted that the Borough had decided not to join the Whippany Watershed and the check for 2011 registration be removed that was questioned at the last meeting. A check in the name of Brian Townsend was also removed before approval also has been placed on this meeting voucher list after a satisfactory explanation was received.

**PUBLIC COMMENT:**

Dave Chakrin, 8 Emery Road, commented that the First Aid Squad has had numerous fatalities I the last few weeks. He thanked Patrolman Irons, Barnes, Hostler and McNichol for their help these last few weeks but mentioned that the entire Police Department always works well with the First Aid Squad. He reported higher monthly and total response calls for this period last year.

Mike Carr, 25 Wexford Drive, asked the governing body to keep in mind the local businesses in these economic times noting the temporary sign request from a long time resident and business in the Borough. He suggested creativity in Council decisions that will maintain the look of Mendham.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated July 18, 2011  
Motion to approve the July 18, 2011 bill list was made by Councilman Andrus  
Second by Councilman Witczak  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly  
Opposed: None  
Abstain: None  
Absent: None

**EXECTUIVE SESSION:**

**Res. #92-11 Executive Session: Pending Litigation**  
(\*T-Mobile Northeast LLC / NYSMA Ltd. Partnership d/b/a Verizon - Cell Tower)  
Motion to adopt Resolution #92-11 was made by Councilman Sharkey  
Seconded by Councilwoman Daly  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Sharkey, Daly, Garubo, Badal, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: None

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 9:40 P.M. next to convene at the Regular Meeting on August 15, 2011 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