

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

CALL TO ORDER

Mayor Henry called the August 19, 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. Fred Semrau
Borough Clerk Maureen Massey

Absent: Administrator Ellen Sandman

CONSENT AGENDA:

- o Approval of the minutes of the regular meeting of 7.15.13
- o Application for Blue Light-Luke Engelhardt-Mendham Fire Dept.
- o Permission to Place-Ribbons-September-"Turn The Towns Teal
- o Request for Road Closure-A. McManus-Garabrant/Mtn/Gunther
(4-11PM) 9/17/13/RD 9/8/13
- o Request for Road Closure-K. O'Neill-Forest Dr.-9/14/13 (4-9PM)
- o Request for Road Closure-B. Bruin-9/8/13-(2-7PM)-Sterling Avenue
- o Raffle App-On Premise Draw- PG Chambers School-9/9/13
- o Raffle App- On Premise 50/50 Cash- PG Chambers School-9/9/13

Motion to approve the consent agenda 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

Absent: None

DISCUSSION:

Presentation of Proclamation: Philip Hettinger-(Eagle Scout)

Mayor Henry was not able to attend the 'Court of Honor' for Philip but thanked him publicly for all his work at the MASH (Mendham Area Senior Housing) which included but not limited to painting, planting and repairs. The Mayor read a proclamation from the governing body.

Sgt. Patrick McNichol-Citizens Alert Program

A power point presentation outlined the program available to employees and the residents of the Borough. There was discussion centered on getting the information out to the public using the media and the Labor Day festivities. Sgt. McNichol reported that there are 52 residents signed on so far. Mayor Henry further suggested an icon on the Borough website and a press release to the Chester-Patch and the Observer Tribune.

Sgt. Patrick McNichol-Citizens Alert Program: (Cont'd.)

Sgt. Mc. Nichol had the banner that will be hung across Route 24 at the meeting to show the governing body and the public. It is printed on both sides so that when it is hung across Route 24 it can be seen by vehicles going in both directions. It was suggested that the banner be a part of the Labor Day parade.

Mrs. Hettinger offered the help of the boy scouts to hand out information at Labor Day festivities.

Request for Placement of Banner: Police Dept.-Emergency Notification
9/5/13 - 9/19/13 10/1/13 -10/15/13

Motion for approval of this banner request was made by Councilman Witczak
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

NJ Center for Tourette Syndrome: Walk Thru Mendham 11/23/13

Jeff Weber was present and the use of police for the event was addressed and decided that it would be 'special detail' for the officers and paid for by the organization. Chief Libertino and Mr. Weber will meet and discuss the arrangements for police presence for this event.

On a motion duly made, seconded and unanimously carried by a voice vote this event was approved by the governing body.

ORDINANCE INTRODUCTION:

ORDINANCE #10-13

ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW VEHICULAR EQUIPMENT BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$40,000 FROM VARIOUS FUNDS OF THE BOROUGH

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

ORDINANCE #10-13

ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW VEHICULAR EQUIPMENT BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$40,000 FROM VARIOUS FUNDS OF THE BOROUGH

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 September 3, 2013 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 #10-13 was made by Councilman Witczak
Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ORDINANCE #10-13: (Cont'd.)

Mayor Henry commented that before the following ordinance is considered he wanted to thank Councilman Sharkey for his work on putting this together and that it was well done. Councilman Sharkey noted that technology in the solar area is rapidly changing.

The Mayor introduced the Borough Planner, Charles McGroarty, and asked if there were any questions from the Council on the upcoming ordinance. Hearing no comments from the Council, Mayor Henry asked Mr. McGroarty for any comments he wanted to share. Mr. McGroarty had general comments and noted that Ordinance #11-13 included the changes suggested by the governing body. He stated that this ordinance does not allow wind farms nor any ground mounted units. Both of these were suggested upon review of the draft ordinance.

ORDINANCE INTRODUCTION:

ORDINANCE #11-13

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 215 ENTITLED "ZONING" TO ESTABLISH SMALL WIND ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE WITHIN THE 5-ACRE RESIDENCE ZONE OF THE BOROUGH AND TO PERMIT SOLAR PANELS AS A PERMITTED ACCESSORY USE IN ALL ZONE DISTRICTS

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

ORDINANCE #11-13

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 215 ENTITLED "ZONING" TO ESTABLISH SMALL WIND ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE WITHIN THE 5-ACRE RESIDENCE ZONE OF THE BOROUGH AND TO PERMIT SOLAR PANELS AS A PERMITTED ACCESSORY USE IN ALL ZONE DISTRICTS

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 September 16, 2013 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 #11-13 was made by Councilman Sharkey
Seconded by Councilman Andrus
Discussion: None
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:

Res. #89-13 Appoint Deputy OEM Coordinator-N. Witczak

Motion to adopt Resolution #89-13 was made by Councilman Andrus
Seconded by Councilman Badal
Discussion: Councilman Witczak recused from voting on the resolution.
Roll Call – the vote was as follows:
In favor: Badal, Andrus, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: None

ACTIONS TO BE TAKEN: (Cont'd.)

Res. #90-13 Third Qtr. Tax Bills-Not Subject Interest/Penalties-25 Days from Mailing

Motion to adopt Resolution #90-13 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #91-13 Morris Cty. Bd. of Taxation-Appeals- Decreased Assessed Values
2013-Certain Properties**

Motion to adopt Resolution #91-13 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: Councilman Badal recused from voting on this resolution

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #92-13 Tax Appeal Settlements

Motion to adopt Resolution #92-13 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #93-13 Sanitary Sewer App-Quantum Ins. Svs., LLC-B1501/L1

Motion to adopt Resolution #93-13 was made by Councilman Witczak

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

Res. #94-13 Sanitary Sewer App-Kings Supermarkets, Inc.-B801/L20

Motion to adopt Resolution #94-13 was made by Councilman Witczak

Seconded by Councilwoman Daly

Discussion: There was a quick question regarding signs and Atty. Semrau responded that this resolution does not change the signs and only pertains to sewers.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #95-13 Sanitary Sewer App-Lakeland Bank-B801/L17

Motion to adopt Resolution #95-13 was made by Councilman Garubo

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #96-13 Sanitary Sewer App-Five Hilltop Holdings, LLC-B1902/L21

Motion to adopt Resolution #96-13 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

ACTIONS TO BE TAKEN: (Cont'd.)

Res. #97-13 Sanitary Sewer App-Seven Hilltop Holdings, LLC-B2901/L20

Motion to adopt Resolution #97-13 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

Res. #98-13 Salary Resolution – Employees

Councilwoman and Personnel Chairperson Veronica Daly asked that 3 salary revisions be made before considering this resolution for adoption. The Borough Clerk and Tax Assessor salaries to be reduced by \$1.00 and the hourly rate for the part-time DPW employee should be \$20.92/hr.

Motion to adopt Resolution #98-13 with revisions was made by Councilwoman Daly

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: Witczak

Abstain: None

Res. #99-13 Salary Resolution – Police Employees

Motion to adopt Resolution #99-13 was made by Councilwoman Daly

Seconded by Councilman Badal

Discussion: Councilman Badal, Councilman Witczak and Councilman Andrus recused from voting on the resolution.

Roll Call – the vote was as follows:

In favor: Garubo, Sharkey, Daly

Opposed: None

Abstain: None

Res. #100-13 Bonus Resolution – B. DiBisceglie

Motion to adopt Resolution #100-13 was made by Councilman Garubo

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #101-13 Bonus Resolution – J. Pugsley

Motion to table Resolution #101-13 was made by Councilman Witczak

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #102-13 Appointment- LouAnn Finlay, Police Matron/\$17.48 Hr.

Motion to adopt Resolution #102-13 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

Res. #103-13 Police Accreditation-Grant Program

Motion to adopt Resolution #103-13 was made by Councilman Badal

Seconded by Councilman Garubo

Motion was withdrawn by Councilman Badal

Discussion: Councilman Andrus had questions regarding the requirements that would have to be met in order to satisfy obtaining the grant. There was a brief discussion on discretionary

Res. #103-13: (Cont'd.)

policies that might have to be changed. Atty. Semrau added that the Rogers Group is reputable and offered to set up a presentation for the governing body or a sub-committee.

The governing body agreed to revise the resolution to include that approval would subject to a presentation by the Roger's Group for the governing body or a sub-committee and the resolution and paperwork would be signed at discretion of the Mayor.

Motion to adopt revised Resolution #103-13 as revised was made by Councilman Andrus
Seconded by Councilman Badal

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #104-13 Authorize Copier Contract

Motion to table Resolution #104-13 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: The governing body has questions regarding the lease agreement review by Atty. Semrau of said agreement and the need for the copiers. This will be discussed with the Administrator upon her return from vacation.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

ADMINISTRATOR REPORT: There is no report for this meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that the new ladder truck for the Fire Department will be delivered sometime in the middle of November and shortly a bid will be advertised for radio systems. Mr. Badal reported that the Police Department has monitored the complaint of 'jake braking' and has a report ready for the resident with the complaint. Mr. Badal summarized the results for the governing body reporting 40 police details resulting in most stops for speeding and none for 'jake braking'. It was suggested that the Administrator forward the police report to the resident who made the complaint.

Councilwoman Daly reported working to revise the handbook and will have Atty. Semrau review the proposed changes to assure compliance with the MEL Insurance Fund (Municipal Excess Liability).

Councilman Garubo reported a successful Summer day camp and concerts in the Park, as well as the preparations for the Labor Day parade.

Bruce DiBisceglie noted that attendance doubled and full capacity for the use of the pool and will do this again for 2014. All the water events were successful.

Councilman Andrus suggested a personalized banner for the car carrying the Grand Marshall. This year it will be Sister Joan Daniels from the Sisters of Christian Charity.

Councilman Sharkey presented a plaque with all of the Grand Marshall names and years they were nominated back to 1987. The best place to display it will be discussed.

He noted the completion of the 'wind and solar ordinance' and noted the planning board involvement in the Kings project renovation. He further reported that a meeting will be held shortly to discuss options for the replacement of the Borough's Land Coordinator.

Councilman Witczak reported on the completion of a new roof for the Carriage House, upcoming work to be done at the Co-Op and the repaving of Balbrook Drive after Labor Day by the DPW. The DPW is inspecting all dangerous trees in the Borough and handling accordingly. He further reported on an upcoming meeting with the Pastime Club for the upcoming Labor Day festivities and a sidewalk on Muirfield Lane has been referred to the Borough Attorney.

After a brief comment from Council, it was suggested that the Borough Zoning Officer Pat Fischer check on a sign and banner in question at the Kings shopping area.

ATTORNEY ITEMS:

Atty. Semrau reported that there was a meeting held on the transition to the Chester Borough Court to discuss details of the move and the critical aspect of timing. The last scheduled court date in December will be cancelled to allow time for an audit and the transfer of the books for the January start date. The transfer of files, security, labels for the paper tickets and e-tickets were discussed. Good cooperation from Mendham Township and the attendance at this meeting of the present Court Administrator and a Mt. Olive Court Administrator who just completed a similar transition was noted.

Councilman Badal suggested that this would be a good time to review local fines and maybe make some changes in line with our municipal ordinances.

There was a comment that the e-ticket company takes a percent of the tickets issued. In response, Chief Libertino stated that this was discussed and the legality of passing that cost onto the violator will be investigated.

MAYOR'S ITEMS:

Mayor Henry reported that a meeting will be held with the Pastime Club on Thursday, August 22nd to discuss the Labor Day festivities. He further reported that the RFP (Request For Proposal) for the high school funding formula process was reviewed by Chester Township who are now interested in joining the other municipalities. They have a few minor changes per Mayor Cogger.

The Mayor asked the governing body if they were interested in pursuing a joint library or a municipal operations building project over at Pitney Farm in conjunction with the Township. The consensus was that there was not interest in either project. The Mayor will contact Mayor Merkt with this response.

PUBLIC COMMENT: No comments from the public.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated August 19, 2013
Motion to approve the August 19, 2013 bill list was made by Councilman Andrus
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Wiczak, 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 8:51P.M. next to convene at the Regular Meeting on September 3, 2013 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk