

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

**CALL TO ORDER**

Mayor Henry called the September 2, 2014 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 silent 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 Lou Garubo  
Councilman Brad Badal  
Councilman Stanley Witczak  
Councilman John Andrus  
Council President David Sharkey  
Councilwoman Veronica Daly

Also present: Atty. Tracy Schnurr, Esq.  
Interim Administrator Bob Casey  
Maureen Massey, Borough Clerk

Absent: None

**CONSENT AGENDA:**

Approval of the minutes of the executive session meeting of 8.18.14  
Approval of the minutes of the regular session meeting of 8.18.14  
Approval of the minutes of the regular session meeting of 7.21.14  
Approval of a 'Request for Road Closure'-Beth Kraft-9/6/14-4pm/1-pm  
Res. #117-14 Construction Code Application Refund (\$69.00)

Motion to approve the consent agenda was made by Councilman Witczak  
Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilwoman Daly abstained from voting on the approval of the minutes of 8.18.14, due to her absence from this meeting.

Absent: None

**DISCUSSION:** -Harvest Hustle-Pony Rides in the Borough Park- No one present to represent this item. This discussion will be readdressed at the end of the meeting.

**Ordinance Introduction:** None

**Ordinance Public Hearing/Adoption:** None

**ACTIONS TO BE TAKEN:** (A copy of the resolution is attached to the minutes)

**Res. #118-14 Proposed Realignment Drainage Easement-B603/L8.03-4 Peacock Lane**

Motion to adopt Resolution #118-14 was made by Councilman Garubo

Seconded by Councilwoman Daly

Discussion: There were some concern voiced by Councilman Garubo and Councilwoman Daly.

Engineer Paul Ferriero gave some recommendation that were agreed to so they were comfortable with that.

Bob Casey also responded that this went through the land use process.

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. #119-14 Tax Court Appeal Negotiated Settlements**

Motion to adopt Resolution #119-14 was made by Councilwoman Daly

Seconded by Councilman Sharkey

Discussion: Councilman Sharkey wanted to know if the Assessor vigorously defends these appeals.

It was noted that it seems that all appeals are settled in favor of the resident. Administrator Casey explained in detail the assessment process and noted that Assessor Holzhauser has the expertise and capability to represent the Borough during the appeal process. Mr. Casey suggested that he ask the Assessor for some statistics of appeals that are sustained and those that are not. Mr. Casey explained the difference between a reval of a municipality and a reassessment.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #120-14 Renewal of Membership-Morris Cty. Municipal Jt. Insurance Fund**

Motion to adopt Resolution #120-14 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. #121-14 Lease/Purchase of Police Car- SUV (Revised at meeting)**

Motion to adopt Resolution #121-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: Bob Casey explained a revision made and handed out to the governing body. The original resolution quoted a price but did not included the car outfitted as a police car. The additional expense is now included in the resolution being considered for adoption. Mr. Casey responded to questions regarding increases in price going forward, stating that after speaking with a representative of Ford, he was told that 2015 prices higher. Councilman Badal questioned why a meeting to discuss the purchase of cars for the police department was not scheduled as indicated at the last meeting. He further questioned why this resolution was being considered this evening without having this meeting. Mayor Henry responded that he made the decision to place this resolution to move forward. Mr. Henry stated he did some research regarding mileage of police cars and feels that the purchase of additional cars can be discussed further in 2015. Councilman Badal disagreed and each respected the others opinion. Administrator Casey concluded that the purchase of any further cars was not in the budget for 2014.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

(Computer problems approximately 8:35PM. No longer being recorded.)

**ADMINISTRATOR REPORT:**

Based on a report submitted by Administrator Casey, the Mayor asked that he contact Peggnet regarding missing electronic files in his office. He also suggested that the prior Administrator be contacted as well.

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

Councilwoman Daly reported that the employee evaluations are under review.

Councilman Garubo reported that the Labor Day event went well and thanked Bruce DiBisceglie for his efforts in making this happen.

Councilman Sharkey noted that he has discussed the Main Street property and the draft 'property maintenance' ordinance with Bob Casey.

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

The Mayor asked the Mr. Casey to locate files in his office on the Mariques restaurant property, presently closed and located on 24 East Main Street.

Councilman Andrus noted that he read that our high school rating is 4<sup>th</sup> in the State and 81 in the Country. Mr. Andrus suggested a letter be sent letting the superintendent know that it was noticed. The Mayor suggested a proclamation to be presented at an upcoming meeting.

Mr. Andrus commented that the fireworks for Labor Day were the best yet.

Councilman Witczak commented on the work on the roads near the park was suspended for the holiday. Progress is being made, with Ken O'Brien not committing to completion by mid-September.

**ATTORNEY ITEMS:**

The Mayor gave a site plan for the Medical Institute on Main Street for review by Atty. Semrau regarding parking on Orchard Street. He also asked Atty. Schnurr to obtain from Atty. Semrau and update on the purchase of TD Bank and property by the Audi dealership.

**MAYOR'S ITEMS:**

Mayor Henry commented that the residents on Orchard Street are very pleased with the governing body decision to initiate the parking permits. The Mayor asked and received an affirmative response that Mountain View School was notified that the employees are not to park on Orchard.

**PUBLIC COMMENT:**

Paul Fechhelm, 37 Gunther Street, told the governing body that it took 68 days to get permits for a concrete pad, electric, and a gas line for a generator. He further commented that the Borough has no record of a permit for a shed that he requested and finalized. Mr. Fechhelm feels the process is difficult and commented on the missing records. The Mayor commented that an upgrade in software could eliminate some of the time consuming steps. The Mayor suggested that these concerns be addressed and suggestions on ways to improve be recommended.

Mayor Henry noted that he wanted to update the public and the Council that the Ross Haber contract is signed and a meeting was held. Mr. Henry stated that at least three governing bodies and three board of educations need to be committed to make this all happen. He further stated that he anticipates the report to be completed in February but further stated that he does not foresee this being placed on the ballot for at least two years.

**-Harvest Hustle-Pony Rides in the Borough Park:**

There was no one present to represent this item. The general consensus of the governing body was for approval provided there is a certificate of insurance naming Mendham Borough as an additional insured; clean up policy; no impact on the fields; no use of the main field and approval by our Recreation Director Bruce DiBisceglie. The Clerk was authorized to forward this information to the requestor on the Harvest Hustle team.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated September 2, 2014

Motion to approve the September 2, 2014 bill list was made by Councilman Garubo

Second by Councilman Andrus

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #122-14 Executive Session: Open Space Land Acquisition**

Motion to adopt Resolution #122-14 was made by Councilman Garubo

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

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 9:00P.M. next to convene at the Regular Meeting on September 15, 2014 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