

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

**CALL TO ORDER**

Mayor Henry called the September 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  
Borough Clerk Maureen Massey  
Administrator Ellen Sandman

Absent: None

**CONSENT AGENDA:**

- Approval of the minutes of the regular meeting of 8.19.13
- Approval of Request for Road Closure-20/30 Phoenix Dr-9/28/13 RD10/5/13-3PM-12 Midnight
- Approval of Request for Road Closure-Florie Farm Rd-9/7/13 2PM-10PM
- Approve Raffle App-Minutemen Sports Club-Off-Premise 50/50 Cash-11/2/13

The Borough Clerk made a correction to the minutes (Resolution #101-13 – Tabled) at the request of Councilman Witczak. The correction was acknowledged by the Mayor and Council.

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:**

**Police Accreditation-Grant Program:**

Chief John Spiers, Former Chair/Commissioner-Jt. Ins. Fund  
Frank Rogers, Rogers Group LLC

It was noted that Chief Spiers was here this evening to share his experience with this program and his year with the Morris County Joint Insurance Fund. He presently works in the Prosecutors office and it was mentioned for the record that he was not representing that office or his present position held.

Mr. Rogers shared his law enforcement background and how the Rogers Group LLC was formed. He thanked Chief Spiers for approaching the Morris County JIF with the benefits of this program resulting in the offering of \$50,000 to fund any agency that joins the program. This program will assure that policy and business practices of the agency enrolled, meets the national standards.

Police Accreditation-Grant Program: (Cont'd.).

Enrollment by the Borough will reduce exposure for the Morris County Joint Insurance Fund. There would be five (5) members of the Rogers Group who will develop policies that meet the standards of the National Accreditation Assessors. It was noted that experience shows, there is a difference in court cases during testimony for law enforcement who work for a police department that has attained this accreditation.

In response to Councilwoman Daly, it was noted that once accreditation is received the recertification is every 3 years. If the Rogers Group is retained the cost would be between \$7,500 and \$9,000 or pay the fee of \$4,000 to stay in the accreditation program.

Mr. Rogers stated that his group has worked with 85 agencies with 100% success rate. Agencies are graded by a pass or fail, there is no other rating.

Mr. Rogers responded to Councilman Sharkey with regard to the development of policies that there will be 4 employees from the Rogers group producing two policies per month. The fifth employee will be the project manager. It will take between 5-6 months. Mr. Rogers again noted that these policies will protect Mendham Borough if a claim is filed against them and is a game changer during litigation and court hearings.

Councilman Andrus queried the physical changes that may be required in this accreditation program. Mr. Rogers gave 'security in the evidence room' as an example. The changing of ceiling tiles or a secured filing cabinet can be solution.

Mr. Rogers explained the computer program 'DMS' that will be installed and the JIF will pay for. Thereafter it will cost the Borough approximately \$1,000/yr. This system can be accessed to review the policies written by the Rogers Group and can be read at the pace of each individual officer. The system allows for electronic signatures, access by officers for reference when needed, and all information will be archived.

Policy premium reduction was noted by Mayor Henry and Mr. Rogers indicated that the Excess Liability deductible is lower for those having this accreditation vs. those departments that do not. The deductible saving is approximately \$30,000.

Chief Spies commented that the program has become a benchmark for other insurance companies. It is a positive for Mendham Borough and is a positive for any size municipality. Mr. Spies was very clear for the record that he is not representing nor is this a mandate on behalf of the Prosecutors Office.

The cost for the Rogers Group will be funded by the JIF with the Borough responsible for the accreditation and DMS renewal fees.

Councilwoman Daly had questions regarding the DMS system. In response, it was noted that the officers can sign in and read what has been posted. The Rogers Group will be responsible for the input of all the new policies into the DMS system. The officers can do searches and since it is web based they can sign in from home.

Councilman Badal asked if the rehab of the evidence room for example would be covered by the money from the JIF. Mr. Rogers was not sure.

Using the DMS for disciplinary action and as a refresher on promotional policies was briefly mentioned.

Chief Libertino stated that he supports this program.

Mayor Henry responded that the resolution supporting this program was adopted as revised by the Council at the last meeting. It was amended to read that the adoption was the discretion of the Mayor. Mayor Henry called for a motion to support the signing of this resolution.

Motion to move the signing by the Mayor of resolution #103-13 adopted at the 8.19.13 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

**Request for Placement of Banner:** Harvest Hustle -9/21/13-10/5/13

The Council was in agreement with regard to the banner graphics. The Clerk informed the Council that the banner for 'everbridge' would go up a little later than what was approved to give this banner the extra time to be hung for this event.

Motion to approve this banner request was made by Councilwoman Daly  
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

**ORDINANCE INTRODUCTION:** None

**ORDINANCE ADOPTION:**

**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**

(A copy of Ordinance #10-13 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 #10-13**

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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 and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

Motion to adopt Ordinance #10-13 was made by Councilman Witczak  
Second 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

**ACTIONS TO BE TAKEN:**

**Res. #105-13 Authorize Contract- Superior Office Systems, Inc.-Lease Copiers**

Revisions to the contract are being made per Atty. Semrau letter of 9.3.13 and questions posed by Councilman Andrus. Administrator Sandman did comment that the Borough would not be purchasing toner from Superior and the machines are new.

Motion to table Resolution #105-13 was made by Councilman Garubo

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

Absent: None

**Res. #106-13 Execute Amendment to Agreement- Borough of Mendham/  
Mendham Area Senior Housing-Rental Assistance Program**

Motion to adopt Resolution #106-13 was made by Councilman Witczak

Seconded by Councilwoman Daly

Discussion: Councilman Badal asked for and received clarification from Administrator Sandman that this agreement was to memorialize the use of the COAH funds and to have something in this format in case the Borough is questioned by the State.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #107-13 Sanitary Sewer App-B301/L35-La Pergola-7 West Main Street**

Motion to adopt Resolution #107-13 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: Councilman Sharkey questioned room for 20 seats and internal illuminated signage. It was noted that this is all discussed at the TRC (Technical Review Committee) meeting and Penny Kopcsik can be contacted for this information.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #108-13 Approval to Submit App-Grant-NJDOT Hilltop Road  
Pedestrian Safety Improvements Project**

Motion to adopt Resolution #108-13 was made by Councilwoman Daly

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #109-13 Approval to Submit-App-Grant-NJDOT Talmage Road  
Improvements Project**

Motion to adopt Resolution #109-13 was made by Councilwoman Daly

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

**ADMINISTRATOR REPORT:** There is no written report for this meeting.

Administrator Sandman reported on the success of the Labor Day parade and thanked Bruce for all his hard work, updated the Council on the FEMA money received and outstanding, possible new phone system, receipt of the bids for the paving of Mountain Avenue and the completion of the generators for DPW and the WRF in October. The Everbridge program is ready and a banner will be placed across Route #24 as a reminder to the residents with Councilwoman Daly who will be signing up the seniors at their next meeting. The hunger awareness program-McMatch is here again and she noted that Mendham Borough was voted #1 in New Jersey as the place to live.

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

Councilman Witczak, Andrus and Councilman Daly no reports.

Councilman Sharkey commented on the new restaurant in the Kings shopping area and the hours and brightness of the lights. He reported that they did get Board of Adjustment approval. Councilman Andrus note that the brightness was not addressed in the approval. The Mayor asked Atty. Semrau to contact Atty. Germinario to discuss the hours and the brightness of the lights.

Councilman Garubo commented on the success of the Labor Day parade and thanked Bruce for a good job. He honorably mentioned the Knights of Columbus and the Sisters of Christian Charity.

Councilman Badal reported the resignation of our clerical employee at police headquarters and the PBA Golf outing on October 21<sup>st</sup>.

**ATTORNEY ITEMS:** No report

**MAYOR'S ITEMS:**

Mayor Henry reported that there are new owners of the Audi dealership. He requested the Administrator to reach out and set up a meeting to discuss the lighting, parking, the vehicle operations and the overall adherence to the site plan. It was suggested that the police report completed for the months of June-August be reviewed before the meeting is scheduled.

**PUBLIC COMMENT:** No public comments

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated September 3, 2013  
Motion to approve the September 3, 2013 bill list was made by Councilman Andrus  
Second by Councilman Garubo  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly  
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 9:51P.M. next to convene at the Regular Meeting on September 16, 2013 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