

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

CALL TO ORDER

Mayor Neil Henry called the September 4, 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 Witzczak
Council President John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Brad Badal

Also present: Fred Semrau, Borough Attorney
Administrator Ellen Sandman
Maureen Massey, Borough Clerk

Absent: Councilman Louis Garubo

CONSENT AGENDA:

- Approval of the minutes of the Regular Meeting of 8/20/12
- Approval of Road Closure-20-40 Phoenix Dr.-9/22/12 RD 10/6-2:30-12:00

Motion to approve the consent agenda was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Sharkey abstained from approval of the regular minutes of 8/20/12 due to his absence from the meeting.

Absent: Garubo

DISCUSSION:

Proclamation Sister Joan Daniel- Sisters of Christian Charity:

Mayor Henry read aloud a proclamation to the Sisters of Christian Charity from the governing body expressing their gratitude for use of Mallinckrodt Convent as an emergency shelter for the residents of the Borough during natural or other emergency events. The Mayor further commented on the Sisters as long time members of the Mendham Borough Community.

Sister Daniel thanked everyone and was very appreciative of being able to help the neighborhood residents.

Direct Install Program-Ordinance Discussion:

Administrator Sandman explained that unlike the prior grant, this grant will require 30% match by the Borough. She noted a list of improvements that will be circulated for the governing body but highlighted new boilers at the Water Reclamation Facility, lighting, and work at the Fire House and Mendham Co-Op. The first phase Borough match could be taken from the budget; this phase will require an ordinance which will be available for consideration by the Council at the next meeting.

Parking at TD Bank Property:

A complaint has been received regarding parking at this location. It was noted that a chain across the entrance will be put up by the owner. Engineer Paul Ferriero suggested the Zoning Officer address the complaint and review of the site plan for this location.

Application/Permit Temp. Freestanding Sign/Banner-Peggnet Computers:

Administrator Sandman noted that the new Zoning Officer Patricia Fischer reviewed the application and the code and concluded that since the code is 'silent' this would require an appearance before the Board of Adjustment.

After discussion and input from Atty. Semrau it was decided by the governing body that since this banner will be to announce a grand opening of a Borough business at a new location and is only temporary they would consider approval. The Council noted that this needs to be presented to the Historic Preservation Commission.

Motion to allow the hanging of one (1) temporary banner by Peggnet Computer for a 30 day period ending on October 15th, subject to attendance at the upcoming Historic Preservation Commission meeting on Monday, September 17th, was made by Councilman Sharkey.

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ORDINANCE INTRODUCTION:

(Zoning Officer)

ORDINANCE #7-12
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

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

ORDINANCE #7-12
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES 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 **September 17, 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 #7-12 was made by Councilwoman Daly

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ORDINANCE INTRODUCTION:

ORDINANCE #8-12

**AN ORDINANCE OF THE BOROUGH OF MENDHAM AMENDING
CHAPTER 215, ZONING, ARTICLE III, GENERAL REGULATIONS,
§ 215-8, BILLBOARDS, SIGNBOARDS AND ADVERTISING SIGNS,
OF THE CODE OF THE BOROUGH OF MENDHAM**

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

ORDINANCE #8-12

**AN ORDINANCE OF THE BOROUGH OF MENDHAM AMENDING
CHAPTER 215, ZONING, ARTICLE III, GENERAL REGULATIONS,
§ 215-8, BILLBOARDS, SIGNBOARDS AND ADVERTISING SIGNS,
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 **October 15, 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 #8-12 was made by Councilman Sharkey
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Witczak, Sharkey, Daly, Badal
Opposed: None
Abstain: None
Absent: Garubo

ORDINANCE PUBLIC HEARING/ADOPTION:

(Full Time DPW)

ORDINANCE#6-12

**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

Was published in full in the Observer Tribune
(A copy of Ordinance #6-12 is attached to these minutes)

Mayor Henry opened the public hearing. There were no public comments regarding this ordinance.

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #6-12

**ORDINANCE AMENDING CHAPTER 168 OF THE CODE
OF THE BOROUGH OF MENDHAM**

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 #6-12 was made by Councilman Witczak
Second by Councilman Andrus

Discussion: None
Roll Call - the vote was as follows:
In favor: Andrus, Witczak, Sharkey, Daly, Badal
Opposed: None
Abstain: None
Absent: Garubo

ACTIONS TO BE TAKEN:

Res. #108-12 Hire/Substitute Crossing Guard

(Copy of Res. #108-12 attached to these minutes)
Motion to adopt Resolution #108-12 was made by Councilman Andrus
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

Res. #109-12 Sanitary Sewer App-B8.01/L20/84-86-88 East Main Street

(Copy of Res. #109-12 attached to these minutes)
Motion to adopt Resolution #109-12 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: It was noted that this is a change in use for this location.
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

Res. #110-12 Hire/Clerical Part-Time-Mendham Borough Police Dept.-E. Anderson

(Copy of Res. #110-12 attached to these minutes)
Motion to adopt Resolution #110-12 was made by Councilman Badal
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Daly, Badal
Opposed: None
Abstain: None
Absent: Garubo

Res. #111-12 Employee Salary Resolution (Revised)

(Copy of Res. #111-12 attached to these minutes)
Mayor Henry noted that there were revisions to page two of this resolution. A copy of which was distributed prior to the meeting.
Motion to adopt Resolution #111-12 as revised was made by Councilman Andrus
Seconded by Councilwoman Daly
Discussion: It was noted by Councilman Badal that there is a long term employee with no increase in this resolution or last year. He questioned the salary incremental structure. Councilman Witczak added that this is the third year for this employee with no increase. He suggested a change and rewarding of good employees. Mayor Henry responded to Councilman Badal that he has shared the information that he has obtained after hours of comparing this position with other municipalities. He noted that the present salary in the Borough for this position is high. Other municipalities have this position as a dual title with a certified position.
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Daly
Opposed: Badal, Witczak
Abstain: None
Absent: Garubo

Res. #112-12 Salary Resolution – Police Department

(Copy of Res. #111-12 attached to these minutes)

Motion to adopt Resolution #111-12 was made by Councilwoman Daly

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Sharkey, Daly, Badal

Opposed: Andrus, Witczak

Abstain: None

Absent: Garubo

Res. #113-12 Paul Ferriero/ Pleasant Valley Road Project

This resolution was removed. The governing body was notified before the meeting that this resolution was not ready for consideration. A certification of funds could be issued by the CFO.

ADMINISTRATOR REPORT:

Administrator Sandman reported that there is a new sewer application, the FEMA monies to be received (approximately \$253,000) and the successful cooperation of all involved in the Labor Day event. Mr. Charles Topping was the Grand Marshall and was very pleased with the honor. Councilman Andrus suggested the purchase of a magnetic sign for next year for the Grant Marshall car.

Mayor Henry suggested a different location for the 'Bob Trout' Concert so that they can be heard by the public.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak commented on the renovation completed at the intersection of Park and Mountain Avenue. He felt it was a wonderful tribute to our veterans and suggested a letter of thanks be sent from the Borough. Mr. Witczak thanked Superintendent O'Brien for his assistance in the project. He further thanked the Borough Police Department and Department of Public Works for their help with the Labor Day festivities and saving the Borough money by not employing outside help to do the work.

Councilman Andrus reported on a delay in the bid for the new fire truck. He noted that there will be a finance committee meeting to discuss a time line for the 2013 budget. He requested the attendance of the Borough Finance Officer at this meeting.

Councilman Sharkey reported the completion of the 'sign ordinance'. He noted the 'banner' portion of the ordinance and the establishment of a separate policy for organizations requesting to apply for dates to display. He further commented that the next project would be consideration of the Solar Ordinance and Tree Ordinance, both of which will affect the 'streetscape' of the Borough.

Councilwoman Daly reported that work to revise the employee handbook will begin.

Councilman Badal commented on the great job by the Department of Public Works, First Aid Squad, Police Department and Fire Department for the Labor Day festivities. He also commented on the money saved from last year's festivities by utilizing Borough resources.

Mayor Henry also commented on a job well done and thanked Police Chief Libertino who was in the audience. Councilman Witczak noted that the Chief Libertino came to the festivities and checked on his officers, who looked very professional.

ATTORNEY ITEMS:

Atty. Fred Semrau had to leave due to a prior commitment (as this meeting is being held on a Tuesday, due to the Monday holiday). Atty. Jane Coviello is not present at approximately 9:33PM.

MAYOR'S ITEMS:

Mayor Henry followed up on a request from a resident requesting school busing for her children who live on Hardscrabble Road and are not 2 miles of the school. The Mayor spoke with Police Chief Libertino and it was determined that this road cannot be

classified as 'dangerous'. It was further determined that this would be up to the discretion of the Board of Education to provide busing and/not to charge the parents. It was suggested that a letter be sent to the resident from the Administrator or Mayor with this response.

Mayor Henry has signed the Borough up for a friendly competition with the Township for donations to the food pantries through an on-line food drive.

It was suggested that the Borough send a letter to Mendham High School complimenting the school band for a great job and participation in the Labor Day festivities.

Mayor Henry noted correspondence received from the United Way regarding our Municipal Housing Trust. He further noted that there is not money left in this trust. It has been utilized through in conjunction with COAH.

The Mayor noted that CCO Russ Heiney is on vacation and the Borough is being covered by Bernardsville during his absence.

PUBLIC COMMENT: None

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated September 4, 2012
Motion to approve the September 4, 2012 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

EXECUTIVE SESSION:

Res. #114-12 Contract Negotiations* (Joint Municipal Court)
Motion to adopt Resolution #114-12 was made by Councilman Andrus
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

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 10:10P.M. next to convene at the Regular Meeting on September 17, 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