

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

**CALL TO ORDER**

Mayor Henry called the November 1, 2010 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 David Murphy  
Councilman Stanley Witzak  
Councilman David Sharkey

Also present: Fred Semrau, Esq.  
Ellen Sandman, Administrator

Absent: Councilman Louis Garubo  
Councilman Brad Badal  
Councilman John Andrus

**CONSENT AGENDA:**

Approval of minutes of the Regular Session Meeting of October 4, 2010  
Approval of minutes of the Executive Session Meeting of October 4, 2010  
Approval of Raffle License-Minutemen-12/2/10 On-Premise Draw (Tricky Tray)  
Approval of Raffle License-Minutemen-12/2/10 On-Premise Draw-Cash 50/50

Mayor Henry asked if any member of the Council or any member of the public wished to have any item removed from the Consent Agenda. No requests were made.

Motion to approve the Consent Agenda was made by Councilman Witzak  
Seconded by Councilman Murphy  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Sharkey, Witzak, Murphy  
Opposed: None  
Abstain: None  
Absent: Garubo, Badal, Andrus

**DISCUSSION:**

**Proclamation:** Borough of Mendham Declaring November  
“Pancreatic Cancer Awareness Month”  
**Accepting:** Vivian D'Agostino

Mayor Henry presented the proclamation to Ms. D'Agostino. Ms. D'Agostino gave a brief overview of how Pancreatic Cancer has impacted her family and the lives of many others. She intends to bring awareness to this dreadful disease. She thanked the Mayor, Council and the Clerk for making this evening happened and for their support.

**ORDINANCE INTRODUCTION:**

**ORDINANCE #14-10**

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED  
GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 202 ARTICLE  
II ENTITLED "TREE CARE"**

Motion to table Ordinance #14-10 to the November 15, 2010 regular scheduled meeting was made by Councilman Witczak

Seconded by Councilman Murphy

Discussion: There is a land use meeting scheduled for this Wednesday where revisions to this ordinance will be discussed and the ordinance revised for introduction at the November 15<sup>th</sup> meeting.

Roll Call – the vote was as follows:

In favor: Murphy, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Garubo, Badal, Andrus

**This ordinance was tabled to the November 15, 2010 regular scheduled meeting.**

**ORDINANCE PUBLIC HEARING/ADOPTION:** None

**ACTIONS TO BE TAKEN:**

**Res. #132-10 Return of Planning Board Escrow Fees**

(A copy of Resolution #132-10 is attached to these minutes)

Motion to approve Resolution #132-10 was made by Councilman Murphy

Seconded by Councilman Witczak

Discussion: No further discussion

Roll Call – the vote was as follows:

In favor: Sharkey, Witczak, Murphy

Opposed: None

Abstain: None

Absent: Garubo, Badal, Andrus

**Res. #133-10 2001 Dodge Ram Van Sale on Gov Deals**

(A copy of Resolution #133-10 is attached to these minutes)

Motion to approve Resolution #133-10 was made by Councilman Murphy

Seconded by Councilman Witczak

Discussion: It was noted that this vehicle was impounded and the owner signed the title over to the Borough. The title has been changed and Atty. Semrau had reviewed and approved these actions.

Roll Call – the vote was as follows:

In favor: Witczak, Murphy, Sharkey

Opposed: None

Abstain: None

Absent: Garubo, Badal, Andrus

**Res. #134-10 Award Bid-Crossroads Pavement Maintenance, LLC-MASH Project**

(A copy of Resolution #134-10 is attached to these minutes)

Motion to approve Resolution #134-10 was made by Councilman Witczak

Seconded by Councilman Murphy

Discussion: Administrator Sandman noted that she was pleased with the bids received and that the preconstruction meeting is scheduled for tomorrow morning. Ms.

Sandman also reported that she received a letter from the Department of Environmental Protection informing the Borough that there will be soil testing done at the Kings Shopping Center.

Roll Call – the vote was as follows:

In favor: Witczak, Murphy, Sharkey

Opposed: None

Abstain: None

Absent: Garubo, Badal, Andrus

**Res. #135-10 Settlement 2009 Tax Court Appeal-B2401/L33**

(A copy of Resolution #132-10 is attached to these minutes)

Motion to approve Resolution #132-10 was made by Councilman Witczak

Seconded by Councilman Murphy

Discussion: No further discussion

Roll Call – the vote was as follows:

In favor: Witczak, Murphy, Sharkey,

Opposed: None

Abstain: None

Absent: Garubo, Badal, Andrus

**ADMINISTRATOR REPORT:**

Administrator Sandman reported that she attended the joint Mendham Borough/Township organization meeting where shared services between the two municipalities was discussed and well received. She thanked Ken O'Brien for playing the bag pipes, Tom Day and Doug Black for their part in the dedication ceremony in the Phoenix House garden to Bob Raymond. Ms. Sandman noted that she and Sue Giordano, will be attending a meeting with New Jersey American Water to discuss the \$100,000 paid for the Borough hydrants.

The excellent job in the tax collection rate was also noted and commented on by the Mayor and Atty. Semrau.

Administrator Sandman reminded the Mayor and Council that the budget document received at the seminar she attended was copied and circulate to them and they should check their hand carry materials.

Mayor Henry commented that he will meet with Councilwoman Elect Daly and Councilman Sharkey regarding the 2011 dates and times and a possible change to the start time of the Borough Council meetings.

Mayor Henry further commented that historically budget work sessions are held during the month of November and December. No dates have been suggested by Council members as of this meeting. He asked the Administrator and Clerk to include Councilwoman Elect Daly in any materials that are circulated to the Mayor and Council.

Mayor Henry asked Administrator Sandman if she has any report on the hypothetical budget cuts suggested to her by Councilman Andrus. Ms. Sandman has no report to this meeting but commented that it is a work in progress.

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

Councilman Witczak reported that the Water Reclamation Facility passed DEP (Department of Environmental Protection) October 26<sup>th</sup> inspection which is a tribute to Superintendent Dough Wright and his employees. He further commented on that the plows and salt are ready for the season, the WRF's driveway will be repaired tomorrow by in-house employees and the purchasing of two new flags here at the Garabrant Center.

Councilman Sharkey reported that there will be a Land Use Committee meeting to discuss ideas for a possible revision of the sign ordinance. Mayor Henry noted that Councilman Andrus sent Atty. Semrau and Atty. DiYanni his comments and interpretations for clarity and discussion asked that they be included in the Wednesday meeting discussions.

Councilman Murphy commented on the deer management program, the good management by Chief Taylor of the PD overtime, grant for body armor, and the representation of all emergency services at the dedication ceremony for Bob Raymond.

Councilman Murphy briefly commented on a safety concern expressed by a retired Captain from the Borough for the intersection at the High School and Main Street. Mr. Murphy referenced excerpts from the Borough Master Plan which was written under the direction of a traffic consultant hired by the Borough and Police Chief Taylor. He continued that a signal was considered at this intersection but since it is a County it needed approval. A spot light with high wattage bulb was mentioned as an alternative. He concluded that this is a work in progress.

He further noted that the Public Safety Committee will be meeting this Thursday with the PBA regarding contract negotiations.

Administrator Sandman asked Chief Taylor to update the Mayor and Council on the alternate route he reviewed and approved for the Tourettes Syndrome walk. The Chief brief stated that there will be no road closures, the walkers will be escorted across Mountain Avenue by a police officer and the sidewalk will be used. There will be approximately 100-200 people and it will begin at 10:00am and end at approximately 11:30am.

It was noted that an increase in these types of events may become difficult to handle but a further comment noted that there is no monetary cost to the Borough and it shows an active together community.

#### **ATTORNEY ITEMS:**

Atty. Semrau reported that the appeal was upheld on the 'shot clock' legislation with regard to telecommunication applications that he opposed on behalf of the Borough. He will keep the Mayor and Council advised to all further developments. Mr. Semrau contacted Mr. Grohn and reported on his appreciation on the resolution to this issue, he commented on the very good questions raised by Councilman Andrus regarding the sign ordinance. Atty. Semrau reported receiving the information he requested from the residents on Horseshoe Bend Road regarding reimbursement for snow removal, which he will review and report back to the Mayor and Council.

Atty. Semrau gave a brief update on the issue with the DEP (Department of Environmental Protection) and Metcalf and Eddy (landfill closing plan). This issue is moving forward to being resolved.

Atty. Semrau complimented Superintendent Doug Wright and the favorable DEP report on the Borough WRF, the high tax collection rate by our Tax Collector, Donna Cummins, and the work complete on tax appeals by the Tax Assessor, Scott Holzhauser.

Atty. Semrau concluded that there is one open tax appeal for 1 Main Street for which a 'motion to dismiss' has been filed and he will keep the Borough posted on the outcome.

#### **MAYOR'S ITEMS:**

Mayor Henry requested that the Borough be up-to-date on the payment of bills before the budget review process begins. This will insure accurate figures to work with.

Mayor Henry noted 'for the record' that Dennis McNulty, Office of Emergency Management, as approved the Borough plan submitted for a term of 1 year.

The Mayor reported that Schiff will be posting 3 signs; 2 on County Route #525 and 1 on Pleasant Valley Road subject to Council approval, closing of open permits by Construction Official Russ Heiney, requested volunteers for the open positions on the Borough board and commissions, requested input from the Council members on the change in starting time of meetings to 7:30PM and the taping of the dedication ceremony for Mr. Raymond by Doug Black for Mendham TV and their new organizational structure.

#### **PUBLIC COMMENT:**

Barbara Nelson, First Aid Captain, commented on an apparent comment made at a Mendham Township Committee meeting regarding the Mendham Borough First Aid Squad committing to the weekly check, payment for replacement and upkeep of AED's and the fully monthly equipment check. She commented that at the Borough meeting she committed the FAS to a once a month check due to the squad members experience with the equipment. This was the only commitment made. Administrator Sandman read the tag notes from the meeting and she did not see anything on this matter in those notes. She will reach out to Administrator Mountain and the Clerk will obtain a copy of the minutes. It was noted that the Borough endorsed the program but had questions on the operation of this program.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated November 1, 2010

Motion to approve the November 1, 2010 bill list was made by Councilman Murphy  
Second by Councilman Witczak

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Witczak, Murphy, Sharkey

Opposed: None

Abstain: None

Absent: Garubo, Badal, Andrus

**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 9:00 P.M. next to convene at the Regular Meeting on November 15, 2010 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