

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

**CALL TO ORDER**

Council President Murphy called the November 15, 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**

Council President Murphy 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:**

Council President David Murphy  
Councilman Brad Badal  
Councilman Stanley Witczak  
Councilman John Andrus  
Councilman David Sharkey

Also present: Fred Semrau, Esq.

Absent: Mayor Neil Henry  
Councilman Louis Garubo  
Ellen Sandman, Administrator

**CONSENT AGENDA:**

Approval of minutes of the Regular Session Meeting of November 1, 2010

Motion to table the approval of the minutes was made by Councilman Badal

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**DISCUSSION:**

**Boy Scout Tom Stanley-Eagle Scout Award-Borough Project**

Tom Stanley gave the Council a handout explaining his proposed Eagle Scout Leadership Service Project on Erosion Management included photos and calculations of time and money. Mr. Stanley verbally highlighted certain points of his proposed project and noted that he had discussions with Boy Scout leaders and WRF Superintendent Douglas Wright. Mr. Stanley commented that upon completion of his project, this trail, which serves the Mendham Village Shopping Center, would be make the Center more accessible, easier and safer for Borough residents. The Council was very impressed by the detail and the scope of the work he will accomplish.

Motion to endorse Tom Stanley's project and authorization given for the Borough Engineer Paul Ferriero to assist and oversee the project from an engineering standpoint regarding safety in the design of the structures and the crossing over the stream and DEP regulations was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: The use of hand rails was mentioned as a specific issue to be addressed by the Engineer.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

**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 approve the introduction of Ordinance #14-10 was made by Councilman Badal  
Seconded by Councilman Andrus  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Badal, Andrus, Witczak, Murphy, Sharkey  
Opposed: None  
Abstain: None  
Absent: Garubo

**ORDINANCE PUBLIC HEARING/ADOPTION:** None

**ACTIONS TO BE TAKEN:**

**Res. #136-10 Sanitary Sewer App-Waterstone Marketing-B1501/L12**

(A copy of Resolution #136-10 is attached to these minutes)  
Motion to approve Resolution #136-10 was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: No further discussion  
Roll Call – the vote was as follows:  
In favor: Murphy, Sharkey, Badal, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: Garubo

**Res. #137-10 Monitor Well Installation-Mendham Area Senior Housing**

(A copy of Resolution #137-10 is attached to these minutes)  
Motion to approve Resolution #137-10 as amended to include a certificate of insurance to  
protect the Borough from financial liability was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: Councilman Badal asked about the purpose of this well. Atty. Semrau  
responded that this was for the Kings Shopping Center due to prior contamination.  
Roll Call – the vote was as follows:  
In favor: Sharkey, Badal, Witczak, Andrus, Murphy  
Opposed: None  
Abstain: None  
Absent: Garubo

**Res. #138-10 GovDeals-Auction-Various Items-Police Department**

(A copy of Resolution #138-10 is attached to these minutes)  
Motion to approve Resolution #138-10 was made by Councilman Badal  
Seconded by Councilman Andrus  
Discussion: No further discussion  
Roll Call – the vote was as follows:  
In favor: Badal, Witczak, Andrus, Murphy, Sharkey  
Opposed: None  
Abstain: None  
Absent: Garubo

**ADMINISTRATOR REPORT:** Administrator Sandman was not present at this meeting. Her  
report was distributed to the Mayor and Council prior to this meeting.

Council President Murphy asked the Council if they review the budget meeting dates outlined in  
the Administrator's report. The Council agreed on December 11<sup>th</sup>, Saturday, 9am at the  
Garabrant Center and would determine future dates if needed after this meeting.

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

Councilman Witczak reported that there was a Public Works committee meeting tomorrow at 5:30 regarding sewer applications.

Councilman Andrus reported that Councilman Garubo asked about the resurfacing of the Basketball courts. This will be discussed further with Administrator Sandman regarding the funds for this purpose.

Councilman Sharkey reported that the sign ordinance is still under discussion.

Councilman Murphy reported that he is waiting a PBA counter proposal.

**ATTORNEY ITEMS:**

Atty. Semrau clarified that Eastern Environmental Services is registered with the State of New Jersey and therefore had to submit a certificate of insurance. It is just a matter obtaining a copy naming the Borough as an additional insured. Atty. Semrau briefly explained the organization of the new firm and our agreement with Atty. Giacobbe. He explained that there would be no increase in fees for the remainder of this year and did not anticipate a significant increase if any for the calendar year 2011. He further stated he believe that Atty. Giacobbe interest was to keep his current clients. Councilman Andrus requested that the agreement letter include the language that indicates the same terms as presently in effect.

Motion to authorize Mayor Henry to sign agreement letter from Matthew Giacobbe, Esq. with his newly established law firm and to include the wording, "same terms that are presently in effect under the 2010 Professional Service Agreement with the Borough of Mendham" was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: No further discussion

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Atty. Semrau explained the Tax Equalization Ration which makes the Borough values consistent with the market. He noted that last year the Borough was reassessed close to 100% however it was processed lower at 85% for next year. The State did not look at the first 6 months but started computing in July and all municipalities that reassessed last year were impacted. If the State recomputed to the first of the year the percentage would be higher and the Borough's County ratio would result in a lower tax responsibility. Atty. Semrau filed a complaint with the Division of Taxation citing that sales were omitted and to review the values fairly. There was a 45 day limit to file and he offered to retract if the Borough wanted him to do so. There is no immediate cost at this time and Atty. Semrau feels that with the anticipated of two other municipalities joining the Borough the costs would be shared. Atty. Semrau noted that this is a unique challenge and feels that given the opportunity to present the data a positive result would financially benefit the Borough.

Councilman Andrus asked if this would also decrease the Borough's share of the regional school tax. Atty. Semrau would follow up on this and will also let the Council know of any future costs.

**MAYOR'S ITEMS: Mayor Henry was not present at this meeting.**

Council President Murphy asked for a consensus of the Council with regard to starting the 2011 meetings at 7:30PM. The majority voted affirmatively.

Mr. Murphy also asked for a consensus from the Council with regard to changing the Reorganization Meeting to January 3<sup>rd</sup> at 7:30, place to be confirmed with the Mayor upon his return. The Council agreed to the change.

**PUBLIC COMMENT: No one from the public wished to be heard.**

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated November 15, 2010  
Motion to approve the November 15, 2010 bill list was made by Councilman Andrus  
Second by Councilman Badal  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Badal, Witczak, Andrus, Murphy, Sharkey  
Opposed: None  
Abstain: None  
Absent: Garubo

**EXECUTIVE SESSION: Res. #139-10-Potential Litigation  
(A copy of Resolution #139-10 is attached to these minutes)**

This resolution was withdrawn and no executive session was 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 9:00 P.M. next to convene at the Regular Meeting on December 6, 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