

**MINUTES OF THE REGULAR MEETING
OF THE
BOROUGH OF MENDHAM
MAYOR AND COUNCIL**

February 13, 2019

CALL TO ORDER

Mayor Christine Serrano-Glassner called the February 13, 2019 Regular Meeting of the Mayor and Council to order at 8:00 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Christine Serrano-Glassner led a moment of silence and then proceeded with the Pledge of Allegiance.

OPENING STATEMENT

Adequate notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the Daily Record and the Star Ledger, and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ROLL CALL

PRESENT:

Mayor Christine Serrano-Glassner
Councilman Steven Andrew
Councilman John Andrews
Councilman Brad Badal
Councilman Kelly
Councilman Brennan Reilly
Councilman David Sharkey

ABSENT:

None

Also present were:

Joyce Bushman, Borough Administrator
Fred Semrau, Esq.
Michelle Masser, RMC

ACTIONS TO BE TAKEN:

Minutes – 1/18/19 Special Meeting

Motion to Approve: Councilman Andrew

Second: Councilman Andrews

Discussion: None

Roll Call: Passed unanimously with the exception Councilman Kelly, abstains.

Minutes – 1/28/19 Regular Meeting

Motion to Approve: Councilman Sharkey

Second: Councilman Andrews

Discussion: Councilman Andrews asks that the actual statistics be added to reflect the call volume for Police, Fire and EMS. Ms. Masser, RMC confirms that the minutes will be updated with those statistics.

Roll Call: Passed unanimously with the exception of Councilman Badal, abstains.

CONSENT AGENDA:

Raffle Application: St. Joseph’s Catholic Church, On-Premise Merchandise, April 7, 2019

Raffle Application: The Rotary Club of Mendham, Off-Premise Cash, April 17, 2019

Raffle Application: Mendham Diamond Club, Inc., On-Premise Merchandise, March 29, 2019

Motion to Approve: Councilman Sharkey

Second: Councilman Andrew

Discussion: Council confirms that the Mendham Diamond Club is a baseball organization.

Roll Call: Passed unanimously

DISCUSSION ITEMS:

1. Mutual Assistance Agreement with Washington Township, Mendham Township, Chester Township, and Chester Borough for DPW Equipment and Personnel

Mayor Christine Serrano-Glassner explains that discussion started in the summer of 2018. The concept boiling down to it being a “best efforts” and sharing equipment where and when they can. There is no monetary compensation. Joyce Bushman, Borough Administrator agrees saying that it does not really qualify as a real “shared service.” Mr. Semrau, Esq. confirms and expresses that this will be on a case by case basis in terms of what the adjoining towns may need.

2. Rules for Charitable Raffles Approved by the Borough

Mayor Christine Serrano-Glassner explains to Council that she had asked Fred Semrau, Esq. if he could go through the State’s rules and make a basic information sheet for organizations that are applying for raffles. Councilman Badall raises questions in regards to raffles and prohibited prizes. Specifically alcohol, baskets of cheer. Ms. Masser, RMC confirms that a licensee may offer alcohol as a prize as part of a draw raffle provided all persons participating in the part of the draw raffle are at least 21 years old. He would also like to see that any organizations that have applied prior get a copy of the information sheet. Mayor Christine Serrano-Glassner agrees. Councilman Badall also raises the question about the prize amounts. Asking about the “To Be Determined.” Ms. Masser, RMC gives the example that in the case of a on or off premise 50/50 it would be 50% of the proceeds or TBD.

3. Nomination and Approval of Labor Day Parade Grand Marshall

Mayor Christine Serrano-Glassner nominates Dottie Fleming. She also mentions Father Mike Drury, the Fire and First Aid Chaplin. Councilman Kelly nominates Marion Monday. The Mayor explains that because of her 50 years of service she would like to nominate Dottie Fleming. Councilman Sharkey seconds the nomination of Dottie Fleming but asks that it be Dottie Fleming and the Garden Club. Mayor Christine Serrano-Glassner confirms that it would be Dottie Fleming and the Garden Club. Motion made and seconded. All in favor, none opposed.

The Council would like a list of nominations for next year. Mayor Christine Serrano-Glassner said she would like to do this earlier next year and any other names that come up throughout the year can be put on the list.

MOTIONS:

Appointments to the Recreation Committee -REVISED

Dianne Ackerman, Regular Member, 3 year term 1/1/19-12/31/21

Kevin Lanahan, Regular Member, 3 year unexpired term 1/1/17-12/31/19

Ned Panfile, Regular Member, 3 year unexpired term 1/1/18-12/31/20

Melissa Wojcik, Regular Member, 3 year term 1/1/19-12/31/21

Bud Murphy, Regular Member, 3 year term 1/1/19-12/31/21

Councilman Andrew, Council Liaison, 1 year term 1/1/19-12/31/19

Tim McChesney, Alt. Member #1, 3 year unexpired vacancy 1/1/18-12/31/20

Stephanie Fourie, Alt. member #2, 3 year unexpired vacancy 1/1/18-12/31/20

Appointments to the Planning Board – REVISED

- James Bradley, Regular Member Class IV, 4 year unexpired term 1/1/17-12/31/20
- Paul Cascais, Regular Member Class IV, 4 year unexpired term 1/1/18-12/31/21
- Richard Kraft, Regular Member Class IV, 4 year unexpired term 1/1/16-12/31/19
- Susan Lichtenberger, Regular Member Class IV, 4 year unexpired term 1/1/16-12/31/19
- Keith Kay, Regular Member Class IV, 4 year unexpired term 1/1/18-12/31/21
- Nathalie Masse, Regular Member Class IV, 4 year term 1/1/19-12/31/22
- Joyce Bushaman, Regular Member Class II, 1 year term 1/1/19-12/31/19
- Christine Glassner, Regular Member Class I – Mayor, 1 year term 1/1/19-12/31/19
- Brennan Reilly, Regular Member Class III Councilman, 1 year term 1/1/19-12/31/19
- Fred Corona, Alt. Member #1 Class IV, 2 year unexpired vacancy 1/1/19-12/31/20
- Aura Dunn, Alt. Member #2 Class IV, 2 year unexpired vacancy 1/1/18-12/31/19

Mayor Christine Serrano-Glassner explains the revisions. In regard to the Recreation Committee, Melissa Wojcik was inadvertently left off last time and they had one addition where they are appointing Stephanie Fourie to the Alt. II member position. In regard to the Planning Board, there was a misunderstanding that Joyce Bushman could come off as a member and it turns out that they do need an employee who is a Class II member. So they will add Joyce Bushman back on and she has asked Richard Pace to step down but he will be appointed to another committee and Fred Corona has been moved down to Alt. I with Aura Dunn being moved to Alt. II.

Motion to Approve: Councilman Andrew
Second: Councilman Badal
Discussion: None
Roll Call: Passed unanimously

ORDINANCES: None

RESOLUTIONS

42-2019 Resolution Awarding Contract for Bioassay Testing Services at the Sewerage Treatment Plant.

Motion to Approve: Councilman Andrew
Second: Councilman Andrews
Discussion: None
Roll Call: Passed unanimously

Fred Semrau, Esq. explains that Resolutions 43 through 49 were tax appeals that were approved and settled by the Borough Council and could be passed by Consent.

Mayor Christine Serrano-Glassner asks for approval of the following Consent Resolutions:

- 43-2019 Resolution Authorizing Refund of Overpayment of Property Tax to Daniel Steven Marx at 89 Talmage Road.
- 44-2019 Resolution Authorizing Refund of Overpayment of Property Tax to Trustees of 2 Charolais Farm Road at 2 Charolais Farm Road.
- 45-2019 Resolution Authorizing Refund of Overpayment of Property Tax to Sean Neumann and Kira Simone at 20 N. Linden Lane.
- 46-2019 Resolution Authorizing Refund of Overpayment of Property Taxes, 350-360 Cherry Lane, Block 2101, Lot 1.02.
- 47-2019 Resolution Authorizing Refund of Overpayment of Property Tax to Nazar & Cynthia Haidri at 19 Balbrook Drive.

- 48-2019 Resolution Authorizing Refund of Overpayment of property Tax to James & Anne Clare Bourne at 4 Cromwell Lane.
- 49-2019 Resolution Authorizing Refund of Overpayment of property Tax to Harry & Maxine Riskin at 10 Cromwell Lane.

Motion to Approve: Councilman Andrew
Second: Councilman Kelly
Discussion: None
Roll Call: Passed unanimously

ADMINISTRATOR'S REPORT

Joyce Bushman, Borough Administrator gives an overview of her report (see report attached)

Councilman Badal request a copy of the existing lease to review on the Petsch House before they go to much further. He would also like the Superintendent of DPW to give them the expenses so far for the last three years to maintain the Petsch House so the Council can decide if they would like to continue the lease or not and also to make sure that the rent they are collecting is covering the expenses for the house.

Joyce Bushman, Borough Administrator replies that she will get that information out right away. She adds that Jessica Caldwell and the Borough Engineer are working on the application for the Scott Farm Barn project. There will be a Resolution on for the next Council meeting of support, which the Council is required to pass in order for the application to be submitted to the Morris County Historic Preservation Commission.

Councilman Andrews asks for clarification on the generator for the Garabrant Center. He asks if the parts have been replaced. Jeff Cooper, DPW Superintendent lets Council know that parts have been received and should be ready for startup Friday morning according to the last email he received.

COMMITTEE REPORTS

Councilman Badal reviews with the Council the Finance Meeting that took place earlier that day where they went over the second revision of the operating budget. They have another meeting scheduled for February 25, 2019.

Councilman Andrew explains that the Recreation Meeting will be tomorrow. On the Agenda will be the 2019 field allotment status, recreation booklet updates, summer activities that will be resuming like bands and movies and the Food Truck Festival is scheduled for June 15, 2019. They will be discussing the Walk of Fame which was mentioned at the last meeting and the 2019 Labor Day Grand Marshall. He was at the February 6, 2019 Board of Health Meeting where one of the discussion items was, people not picking up their dog waste and asks if a reminder can be put in the Mendham Messenger. The Mayor replies that it can definitely be put in the Mendham Messenger. He mentions that the Board of Education has just put up a new district web site. You will now be able to get alerts on your phones for delays or school closings. February 11, 2019 he attended the West Morris Regional High School where it was very busy. The Mayor explains that the kids created an online petition in regard to the changes to the music program which is not satisfactory to the families involved. Many students spoke and it was very informative.

Councilman Andrews informs everyone that the back ordered "your speed" signs have come in and were mounted by the DPW. The Chief had emailed him with all the statistics. It does car counts, times, average speed and max speed. Moving forward they will have all the statistics for further evaluation on how to manage the speed in and around Lake Drive. They have budgeted for an additional one as well which will be bought after the budget is approved. Extra mounts were purchased and the signs will be able to be moved around town. Mayor Christine Serrano-Glassner commends the Chief and his department for their responsiveness. Councilman Andrews lets everyone know that there will be a Stigma Free event on February 28, 2019 at 7:00 p.m. at the Township Library. The subject will be vaping. He asks that it be promoted on the Borough web site or social media. The Mayor confirms that they are

promoting it. He speaks about the recent car theft activity. The Chief put information out on social media and reminded residents to lock their cars and also a reminder to sign up for Smart 911. The link is on the Police Department page on the Borough web site. Also the bridge repair on Hilltop / Mendham – Bernardsville Road will start in April and the County will be installing a temporary traffic signal. He adds that the Public Safety Committee meeting has been scheduled for Tuesday, February 19, 2019.

Councilman Sharkey updates everyone on some items that they have been working on such as the Tax Collector and the Clerk which they are making progress. They are looking at possibly getting Office 365. They would like to see some of the licensing being able to be done on line and even the tax collecting being done on line. Other towns are doing it and feels it would be a big help to the residents. He explains that the Open Space meeting will be Thursday, which Councilman Reilly will most likely speak about.

Councilman Kelly received an operations report from Public Works which was forwarded to him today. He spoke with Jeff Cooper, DPW Superintendent earlier and they will establish more communication in the coming weeks and will have a report maybe together next time around. He explains that the men are taking care of business and keeping the roads clear and feels they did a great job. He also updates everyone on the water main break which took place a couple of weeks ago from Ironia Road into the sewer plant. It was approximately a six inch water main break. It happened on a Friday at approximately 3:00 p.m. and the water company was alerted. The Superintendent of the Sewer Department seemed to handle it very well and was able to get Harrington Construction out to excavate and repair the six inch water leak. The water was turned off and turned back on with in fourteen hours. He feels they did a commendable job. The Mayor asks if many residents were impacted. Councilman Kelly replies, none.

Councilman Reilly in regard to Open Space, he spoke to Eric Arena about the super committee. He is excited to be a part of it. He would like to move the meetings to the first Monday of the month starting in March around 7:00 p.m. or 7:30 p.m. The Mayor said they had looked at the calendar and it was open. Councilman Reilly has received all the recommendations and would like to sit down with the subcommittee to review and get their input on how to structure the meetings. They received a reference from another town who did something similar. They would like to go over that as part of the subcommittee and wrap it up by the next meeting they have. The Mayor replies that will be a good idea and will resolve some of the confusion. Councilman Reilly said that when he was out knocking on doors, he was speaking to the residents about the quality of sidewalks and sidewalk repair and who had ownership. They were thinking that maybe the town could fix them at cost as opposed to the homeowner hiring a contractor. Councilman Sharkey says that he thought that is how it was done already. He said that it is homeowner's responsibility. He asks Fred Semrau, Esq. for confirmation. Fred Semrau, Esq. replies. He explains that it depends on the circumstances. He tells the Mayor that perhaps it would be a good idea for the Administration and DPW to get together and go through the different circumstances such as tree roots and different sidewalk installations, and different projects that have been approved over the years with associations. He said after they get together, then maybe they can list it for discussion. The Mayor asked if they could do an analysis and perhaps include the personnel committee. Councilman Sharkey says that every time this comes up, it seems like it's the first time and he understands its complex but seems to think there should be more of answer that DPW can give. Fred Semrau, Esq. says that is what they should strive to do. He compliments the Borough for overall safety as far as the sidewalks but it still does not answer all the concerns about how it should be addressed. Councilman Reilly brings up paving the parking lot behind the Firehouse where the playground parking is by the co-op. The Mayor explains that would definitely be a budgetary item probably for next year. Councilman Sharkey asks if it needs it. The Mayor replies that it's always been gravel. Councilman Andrews questions if it can be paved because it is considered Open Space. Councilman Badal comments, saying to look at it from a practical standpoint. They struggle for money for the streets that need to be paved. Councilman Reilly talks about the Co-op / Petsch House and asks if the rent is up. The Mayor confirms and adds that it is in the Administrators report.

ATTORNEY'S ITEMS

Fred Semrau, Esq. explains he has a few items to discuss for Executive Session.

MAYOR'S ITEMS

Mayor Christine Serrano-Glassner said she has nothing further since she had everything on under the Discussion Items earlier.

PUBLIC COMMENT – AUDIENCE PARTICIPATION:

Frank Lupo, 17 Dean Road speaks to the Council about the bright LED lights located behind the King's shopping center. He sent in a letter to the Zoning Officer in December and spoke to the previous Mayor about the issue as well. He explains that there needs to be shields or the lights need to be changed to reduce the spillage onto the neighbor's areas. Councilman Andrews asked if he was ever "noticed" that there was going to be a change in lights. Mr. Lupo replies, no. He feels they violate every single part of the Ordinance. The Mayor asks for everyone to take a look if they are heading that way and adds that Neil Schetelick is going to have to take a look at night. Mr. Lupo welcomes the Council to come to the back of his house so they can see how bright it is. Councilman Badal asks if it is on all night long. Mr. Lupo replies, yes. Councilman Badal said that if you take a look at the Administrator's report, the last thing that Neil Schetelick reported to her was he was waiting for the lights to be redirected. He adds that it sounds like they are still not in compliance with the Ordinance. The Mayor said she will personally touch base with them and she will also do a drive by.

APPROVAL OF VOUCHERS

Motion to Approve: Councilman Badal

Second: Councilman Andrews

Discussion: None

Roll Call: Passed unanimously, Councilman Andrews abstains on check #5745

EXECUTIVE SESSION

50-2019 A Resolution Providing for an Executive Session Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12b

Discussion Items:

50-2019

1. Litigation In The Matter of the Application of the Borough of Mendham, Docket No. MRS-L-1637-15
2. Matters Relating to Pending Negotiations – Blue Diamond Disposal Inc. Recycling Contract.

(50-2019)

3. Fred Semrau Esq. asks that they include a third item under Attorney-Client Privilege regarding pending litigation on a personnel matter and the Governing Body may take action at the conclusion of Executive Session.

Motion to go into Executive Session was made and seconded. All in favor, the Executive Session commenced at 9:00pm and the Public Meeting resumed at 10:51 p.m.

The Mayor informs the Public that the Council Meeting has now resumed.

RESOLUTION NON-CONSENT

51-2019 Resolution of the Borough of Mendham, County of Morris, State of New Jersey Authorizing a Settlement Agreement Between Marie M. Marlbor and the Borough of Mendham.

Motion to Approve: Councilman Andrew

Second: Councilman Sharkey

Discussion: None

Roll Call: Passed unanimously, with the exception of Councilman Badal who was absent for the vote.

Fred Semrau Esq. clarifies the Motion by stating that there is a an agreement on file with the Clerk's office and he wanted to make sure that it is understood that there are some minor changes that were discussed that will be conveyed to legal counsel regarding the agreement. He further explains that the Motion that was just voted on, has authorized the Mayor to sign the agreement as long as she is satisfied with the changes that they are consistent with what was discussed and that it has been approved by legal counsel. He asks if we can vote on that, so it is clear.

Motion to Approve: Councilman Andrew

Second: Councilman Sharkey

Discussion: None

Roll Call: Passed unanimously, with the exception of Councilman Badal who was absent for the vote.

ADJOURNMENT

The Mayor asks for a motion to adjourn. Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 10:54p.m.

The next Regular Meeting of the Mayor and Council will convene on February 25, 2019 at 8:00p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

Respectfully Submitted:

Michelle Masser, RMC