

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

March 15, 2018

CALL TO ORDER

Mayor Henry called the March 15 2018 Regular Meeting of the Mayor and Council to order at 8:07 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry led a moment of silence and then proceeded with the Pledge of Allegiance.

MAYOR'S OPENING STATEMENT

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

ROLL CALL

PRESENT:

Mayor Neil Henry
Councilman John Andrews
Councilman Brad Badal
Councilwoman Christine Serrano-Glassner
Councilman David Sharkey
Councilman Stanley Witczak, III

ABSENT:

Council President John Andrus

Also present were:

Dawn Sullivan, Esquire
Fred Semrau, Esquire, Borough Attorney
Joyce Bushman, Borough Administrator
Mimi M. Marlor, RMC, Borough Clerk

CONSENT AGENDA

Items on the Consent Agenda are considered routine and will be acted upon by the Borough Council by a single vote unless a member of the public, the Borough Council or the Mayor request that an item be removed and considered separately.

1. Approve Minutes of the regular meeting of 2/15/18
2. Banner Request - Mendham HS Graduation Committee – Tricky Tray Fundraiser
3. Annual Tax Collector's report – approval pursuant to NJSA 54:4-91 of the 2017 year-end report and January 2018 monthly report

Tour De Summer Camp Cycling Fundraiser was pulled from the consent agenda for further discussion. It was determined that Clerk Marlor would contact the event chair and gather additional information regarding insurance, police and signage. The Council would reconsider the request on the April 5th Agenda.

Motion to approve remaining items: Councilman Witczak

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

DISCUSSION

OEM Storm Recap of Storm Riley 3-2-18 through 3-3-18 and Storm Quinn on 3-7-2018 – OEM Manager Nick Witczak provided an Impact and Actions written report to Mayor and Council and shared the weather conditions, the impact of each storm on the Borough and surrounding area, and the action taken by the OEM Manager, Borough department heads and Government administration and Police, Fire and First Aid. Discussion ensued and thank you were shared all around.

High School Safety Plan – Chief Camoia together with Chief Ross Johnson of Mendham Township reviewed the school safety plan. Chief Camoia shared that there are 2 part-time officers at the school until noon. They are following all the state requirements concerning fire drills, lockdowns and are looking into a “man trap” with partitions at the front door. They are also working with the Fire Department Chief Bruin to be more prepared for all school locations, business and governmental offices. Discussion ensued and updates will be forthcoming.

ORDINANCE INTRODUCTION

03-2018 An Ordinance of the Borough of Mendham to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

*Introduction/No Public Input/Published in the Daily Record 3/20/2018
2nd Reading/Public Hearing/Final Adoption 4/05/2018*

Mayor Henry announced there is no public input on Introduction for Ordinance 03-2018 and he noted that that the summary will be published in the Daily Record 3/20/2018 and 2nd reading, public hearing and final adoption will be considered on 4/05/2018. Full copies of the Ordinance will be posted on the Borough website and available at no cost at the office of the Municipal Clerk between the hours of 9:00AM and 4:00PM, Monday through Friday.

Motion to Introduce Ordinance #03-18: Councilman Badal

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

BUDGET RESOLUTION

55A-2018 Introduction of the 2018 Budget

No public input on introduction

Budget Synopsis Published in the Daily Record 3/20/2018

Public Hearing and Final Adoption: 8:00pm 4/19/2018

Full copies of the 2018 Budget are available in the Municipal Clerk’s Office and posted on the Borough’s website

Mayor Henry announced there is no public input on Introduction of 2018 Budget and he noted that that the summary will be published in the Daily Record 3/20/2018 and 2nd reading, public hearing and final adoption will be considered on 4/19/2018. Full copies of the Budget will be posted on the Borough website and available at no cost at the office of the Municipal Clerk between the hours of 9:00AM and 4:00PM, Monday through Friday.

Motion to Introduce 2018 Budget: Councilwoman Glassner

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

ACTIONS TAKEN – OTHER RESOLUTIONS

56-2018 Authorizing Release of Performance Guarantee and Cash Deposit for the Roxiticus Clubhouse Expansion Block 2601, Lot 3

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

57-2018 Resolution Authorizing the Reading of the Budget by Title Only

Motion to approve: Councilman Sharkey

Second: Councilwoman Glassner

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

58-2018 Resolution to Authorize On Premise 50/50 Raffle for the Chester/Mendham Little League

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

59-2018 A Resolution Providing for the Transfer of Appropriation Reserves

Motion to approve: Councilwoman Glassner

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

60-2018 Resolution to Amend the Temporary Budget

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

61-2018 Resolution to Amend the Temporary Sewer Utility Budget

Motion to approve: Councilman Andrews

Second: Councilman Badal

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

62-2018 Resolution Appointing a Substitute Crossing Guard

Motion to approve: Councilwoman Glassner

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

63-2018 Resolution to Amend 52-2018 Authorizing a Refund of Property Taxes to Wells Fargo

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

64-2018 A Resolution Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust By Rider For Self-Insurance Program Trust Fund Pursuant To N.J.S.A. 40a:10-1 Et Seq.

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

65-2018 A Resolution Requesting Approval of the Director Of The Division Of Local Government Services to Establish a Dedicated Trust By Rider For Accumulated Absences Liability Trust Fund Pursuant To N.J.A.C 5:30-15

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

At the request of Mayor Henry Councilman Badal explained to the satisfaction of Council the need for an emergency contract. He assured the Council that the funding is in place. Mayor asked for a motion.

66-2018 A Resolution of the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey Pursuant to N.J.S.A. 40A:11-6 Ratifying the Award of an Emergency Contract Without Competitive Bidding as an Exception to the Bidding Statutes

Motion to approve: Councilman Badal

Second: Councilman Witczak

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

ADMINISTRATOR'S REPORT

Administrator Bushman reported that her Administrator's report was provided to the Mayor and Council in advance of the meeting. Mayor Henry asked for an update on the IT bid. Administrator Bushman replied that they were a bit behind because of the storms but it would be completed the following week before she left on vacation. The Mayor also asked about Scott Farms. Administrator Bushman noted that the monies have been awarded to the County and everything appears to be in place. Administrator Bushman shared that she would be meeting with the new Planner, Jessica

Caldwell on Monday 3/19/2018 to review open items, including preparation for the Green Acre grant round due in September/October. Councilwoman Glassner asked where things stood on guard rail install on Cherry Lane. Administrator Bushman reported that the County asked for us to install a guard rail. She would keep them advised of the progress of the project. Councilman Sharkey asked for an update on the tennis courts. He noted that he still wants to keep the tennis where the lights are. Discussion ensued about several options with no specific conclusion at this time. Administrator Bushman hearing no other questions concluded her report.

COUNCIL REPORTS, OLD & NEW BUSINESS

Public Works and Utilities Committee

Councilman Badal thanked Public Works Department for storm work and noted they are still picking up brush (173 piles so far). They worked over 180 man hours for plowing and salting. It was reported to him that they had some equipment breakdowns but all the repairs are complete. He shared that the Borough Sewer plant is anticipating that there is a problem with the flow and we may need to slip line the system (approximately 3 million for the entire system) but he suggested that the Council consider approval of using the camera to first identify the issues and the location of the problems. Discussion ensued regarding \$115,000 to camera the system vs \$3.5 million to slip line the system.

Mayor Henry made the motion to contract for the camera to CCTV the lines.

Second: Councilman Badal

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: Andrus

The Mayor asked that he arrange that with the Administrator and Councilman Badal concluded his report.

Personnel Committee and Local Economic Development Committee

Councilwoman Glassner reported that they were still working on the Marketing Brochure and the Business Survey and would keep them informed of the progress. Personnel Committee is finalizing the salary review and should be complete this week. She noted that she had nothing else to report and concluded her report.

Public Safety Committee

Councilman Andrews thanked the Department of Public Works and the OEM and Police, Fire and First Aid for all their efforts during the storms. He also shared that the "Emergency Services Experience" that was actioned off at the HSA fundraiser was purchased for \$700.00 and on that positive note he concluded his report.

Land Use Committee and Environmental Commission

Councilman Sharkey stated he had new on Planning Board but shared that the meeting of April 9th may be moved to accommodate the expected crowd if the Dunkin Donuts issue is on the agenda. He reported that he was unable to attend the Environmental meeting earlier that evening but he wanted to mention that there is a scheduled stream clean up and committee members will be participating. Councilman Sharkey stated that he had nothing else and concluded his report.

Recreation Committee

Councilman Witczak reported that the Recreation Camp Counselors was back on track and he believes it's due to the salary increase. He stated he had nothing else to report that evening.

Finance Committee

Council President Andrus was absent.

ATTORNEY ITEMS

Dawn Sullivan representing Dorsey/ Semrau stated that they had nothing to report this evening.

MAYOR'S ITEMS

Mayor Henry commented that the Mendham Apothecary is being sold to CVS and there has been some question as to the need to appear at Planning Board. He confirmed with Attorney Semrau that when there is no change in the use they are not required to come to Planning Board. Attorney Semrau confirmed that they are changing ownership and all based on what we know at this time he is entitled to sell for the same use with no appearance before the Board.

Mayor Henry reminded the Council of the agreement that was placed into service sometime back, after Hurricane Sandy, with the Sisters of Charity to provide shelter services. He noted that the construction of their new structure may no longer accommodate the shelter services going forward. He also stated that we won't know if we don't ask and he'd like to open that line of communication again to see if there are any services that are appropriate. Councilman Witczak stated that the warming centers appear to have taken the place of the shelter; but, he too thought it appropriate to revisit options with the Sisters of Charity. Mayor asked Administrator Bushman and Councilman Badal to look in to it. He concluded his report.

PUBLIC COMMENT

Mayor Henry opened the meeting to the public for comments.

Carol Brady, Mendham, NJ - She thanked all of the support staff for storm work and their attention to giving social media updates. She noted that the infrastructure was compromised and that created most of the issues. She also thought that JCP&L provided bad information and finally she would like to have access to a "friendly phone number" to report incidents for school safety without having to call 911. Chief Camoia asked that they call the Police Department directly.

Ron Weissman, Mendham, NJ – He noted that he would like to review his request for energy aggregation report updates. He provided the Mayor with correspondence. Mayor Henry commented that he has provided a copy to Administrator Bushman. He also noted that he would be meeting with Paul Ferriero to discuss stormwater compliance solutions and would request a written report be produced. He also asked to submit two articles to the Economic liaison, Councilwoman Glassner. Clerk Marlor offered to scan and distribute to the Mayor and Council.

Seeing no one else from the public wishing to be heard, Mayor Henry closed the public comment portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated March 15, 2018.

Motion to approve: Councilman Sharkey

Second: Councilwoman Glassner

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Badal

EXECUTIVE SESSION

Mayor Henry announced that he would like to add an Executive Session to the Agenda this evening. Clerk Marlor noted for the record that the Resolution would be number 67-2018. Mayor Henry stated the public will be excluded from this portion of the meeting to permit the Council to consider matters appropriate for discussion in such a session. He deferred to Attorney Semrau for an explanation of the subject matter to be discussed. Attorney Semrau commented that it was appropriate under the statute referring to matters of public protection the Council would meet to discuss Daytop.

67-2018 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

Motion to approve: Councilman Andrews

Second: Councilman Glassner

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

At 9:37 the Council cleared the Garabrant Center for the Executive Session

At 10:23 the Council resumed the regular meeting

Mayor Henry noted that they were back on the record and stated that Chief Camoia would be meeting with Sheriff Gannon/ Under-Sheriff Robinson and if appropriate to the timing the Council will reconvene at the next meeting to get an update.

ADJOURNMENT

There being no other business to be conducted, on a motion duly made by Councilman Andrews, seconded by Councilman Badal, and unanimously carried by a voice vote, except Andrus who was absent, the meeting was adjourned at 10:27 p.m.

The next Regular Meeting of the Mayor and Council will convene on Thursday, April 5, 2018 at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

Respectfully Submitted:

Mimi M. Marlor, RMC, CMR
Borough Clerk
BOROUGH OF MENDHAM