

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

**April 22, 2019**

**CALL TO ORDER**

Mayor Christine Serrano-Glassner called the April 22, 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 Serrano-Glassner 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 the *Star Ledger*, and such notice was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

**ROLL CALL**

The following officials were present:

Mayor Christine Serrano-Glassner  
Council Member Steven Andrew  
Council Member John Andrews  
Council Member Brad Badal  
Council Member James R. Kelly  
Council Member Brennan Reilly  
Council President David Sharkey

Also present were:

Joyce Bushman, Borough Administrator  
Fred Semrau, Esq., Borough Attorney  
Robin R. Kline, Deputy Clerk

**PRESENTATION/PROCLAMATION**

Mayor Serrano-Glassner read the Proclamation Celebrating Arbor Day on Friday, April 26, 2019. She presented the proclamation to Council President Sharkey, who had served on the Shade Tree Commission for many years and continues to assist in the management and planting of shade trees in the Borough.

Council President Sharkey thanked the Mayor and Council for the Proclamation recognizing Arbor Day. He informed everyone that Mendham Borough has achieved "Tree City USA" designation for the past six years by maintaining a tree board, having a community tree ordinance, and also by celebrating Arbor Day each year.

**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 Governing Body or public request that an item be removed and considered separately.

Items listed on the Consent Agenda:

1. Approval of Minutes: January 28, 2019 Regular Meeting  
April 10, 2019 Regular Meeting
2. Raffle License Application – Pastime Club, Inc., Off-Premise 50/50, September 2, 2019

There was no Council discussion.

Motion to Approve: Council President Sharkey  
Second: Council Member Andrew  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None  
Abstention: Council Member Badal abstained on the approval of the January 28, 2019 minutes.

**ORDINANCES FOR INTRODUCTION**

**#04-2019 BOND ORDINANCE APPROPRIATING \$140,000, AND AUTHORIZING THE ISSUANCE OF \$130,000 BONDS OR NOTES OF THE BOROUGH, FOR THE ACQUISITION OF VEHICLES BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY**

This ordinance provides financing for the purchase of one truck for the Department of Public Works and one vehicle for the Police Department.

Mayor Serrano-Glassner announced that the public hearing on this Ordinance is scheduled for May 8, 2019.

Mr. Bud Jones, the Borough's auditor confirmed that the acquisition of the two vehicles would be self-financed.

Motion to Approve: Council Member Andrew  
Second: Council Member Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Ordinance #04-2019 was introduced and passed by the Mendham Borough Council. The Council will further consider this Ordinance for a second reading, public hearing, and final passage at the Mayor and Council meeting to be held on May 8, 2019. A legal notice will be published in accordance with law and copies of the Ordinance will be made available to members of the general public upon request.

**#05-2019 ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$420,500 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH.**

This ordinance provides financing for the purchase of one lawn mower for the Department of Public Works; one stretcher and lift for the Mendham Borough First Aid Squad; one Jaws of Life rescue tool for the Mendham Borough Fire Department; paving and resurfacing of certain Borough roads; the refurbishment of the tennis courts; and new bay doors for the Fire Department building.

There was no Council discussion.

Motion to Approve: Council Member Badal  
Second: Council Member Andrew  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Ordinance #05-2019 was introduced and passed by the Mendham Borough Council. The Council will further consider this Ordinance for a second reading, public hearing, and final passage at the Mayor and Council meeting to be held on May 8, 2019. A legal notice will be published in accordance with law and copies of the Ordinance will be made available to members of the general public upon request.

**ORDINANCES FOR PUBLIC HEARING / ADOPTION**

**#01-2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2019 (N.J.S.A. 40A: 4-45.14)**

Under state law, a municipality may increase the cost-of-living adjustment percentage up to 3.5% or bank for up to two years the difference between its total appropriation that is subject to the 2% mandatory cap and the 3.5% annual cost-of-living adjustment.

A legal notice was published indicating that Ordinance #01-2019 was introduced and passed on first reading at the March 25, 2019 meeting and further indicated that the second reading and public hearing would be held on April 22, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #01-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve: Council Member Andrews  
Second: Council Member Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Ordinance #01-2019 was adopted.

**#03-2019 ORDINANCE ESTABLISHING PAY RANGES FOR APPOINTED OFFICIAL AND EMPLOYEE POSITIONS OF THE BOROUGH OF MENDHAM**

This ordinance establishes the minimum and maximum pay range for appointed officials and employee positions of Mendham Borough that are not included in a collective bargaining agreement.

A legal notice was published indicating that Ordinance #03-2019 was introduced and passed on first reading at the April 10, 2019 meeting and further indicated that the second reading and public hearing would be held on April 22, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #03-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve: Council Member Andrew  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Ordinance #03-2019 was adopted.

### **RESOLUTIONS**

#### **#75-2019 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM SUPPORTING THE HOPE ONE PROJECT POLICE ASSISTED ADDICTION AND RECOVERY INITIATIVE [HOPE ONE PROJECT – PAARI]**

There was no Council discussion.

Motion to Approve: Council Member Andrews  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Resolution #75-2019 passed.

#### **#76-2019 A RESOLUTION PROVIDING FOR SALARIES TO BE PAID TO BOROUGH APPOINTED OFFICIALS AND EMPLOYEES IN 2019**

There was no Council discussion.

Motion to Approve: Council Member Andrew  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Resolution #76-2019 passed.

### **ADOPTION OF THE 2019 MUNICIPAL BUDGET**

#### **#77-2019 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"**

There was no Council discussion.

Motion to Approve: Council Member Reilly  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Resolution #77-2019 passed.

#### **#78-2019 RESOLUTION FOR SELF-EXAMINATION OF THE 2019 MUNICIPAL BUDGET**

There was no Council discussion.

Motion to Approve: Council Member Badal  
Second: Council Member Reilly  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Resolution #78-2019 passed.

#### **#79-2019 RESOLUTION TO READ THE 2019 MUNICIPAL BUDGET BY TITLE**

Mayor Serrano-Glassner read Resolution #79-2019 in full as required by law.

There was no Council discussion.

Motion to Approve: Council Member Andrew  
Second: Council member Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Resolution #79-2019 passed.

#### **#80-2019 RESOLUTION TO ADOPT THE MUNICIPAL BUDGET OF THE BOROUGH OF MENDHAM FOR THE FISCAL YEAR 2019**

A legal notice was published in the official newspapers indicating that the 2019 Municipal Budget was introduced on first reading at the March 25, 2019 meeting and further indicated that the public hearing would be held on April 22, 2019 at 8:00 p.m. at the Garabrant Center. Copies of the entire budget document were made available to the public upon request and a copy of the budget document was posted in accordance with law.

Mayor Serrano-Glassner opened the public hearing on Resolution #80-2019.

Melissa Young, 24 Gunther Street, inquired about the \$1,685,712.00 amount reported as Surplus Revenue in the 2019 Municipal Budget.

Mr. Bud Jones, the Borough's Auditor, explained that Surplus Revenue is generated by monies not spent in prior years and is a good thing to have. He advised that surplus funds can be appropriated for expenses that may arise but may not have been anticipated in the current year's operating budget. He further advised that, in the event tax collections decrease, surplus funds can be used to help pay operating expenses. Revenues that are not spent can be carried over into the next budgeting period.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve: Council Member Andrew  
Second: Council Member Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Resolution #80-2019 passed and the 2019 Municipal Budget was adopted.

### **ADMINISTRATOR'S REPORT**

Ms. Bushman provided a copy of the Administrator's Report to the Council dated April 22, 2019. She informed the Governing Body that a pre-construction meeting was held for the Hilltop Road Water Line Replacement Project and details of that meeting have been provided in the Administrator's Report.

Council Member Andrew inquired whether Borough officials should consider the adoption of an ordinance to establish filming policies and procedures within the Borough and to establish fees to cover administrative and personnel costs (i.e. traffic control) that may be associated with filming operations. The Council asked Ms. Bushman to investigate filming ordinances and fees that have been adopted in other municipalities.

### **COUNCIL COMMITTEE REPORTS**

#### **Recreation Committee**

Council Member Andrew reported that the Recreation Committee discussed the Borough's 2<sup>nd</sup> Annual Food Truck Festival scheduled for June 15<sup>th</sup> and the Fishing Derby scheduled for May 5<sup>th</sup>. The committee is also finalizing the Memorial Day Ceremony. He further reported that a "gaga pit" is being planned adjacent to the tennis courts by high school students as part of a learning project.

Council Member Andrew, as liaison to the Board of Health, reported that the April Board of Health meeting was cancelled and that the board's next scheduled meeting will be held on Wednesday, May 1<sup>st</sup>.

#### **Finance Committee**

Council Member Badal reported that the 2019 Budget has been adopted. He further reported that the Finance Committee is reviewing the Petsch House lease.

#### **Public Safety Committee**

Council Member Andrews reported that the Police Department issued 98 summonses for distracted driving during the National Distracted Driving Enforcement Campaign April 1<sup>st</sup> through April 22<sup>nd</sup>. He further reported that the Morris County Sheriff's Hope One van, a mobile outreach vehicle for addiction and recovery services, will be at the Mendham Shopping Center on Monday, April 29<sup>th</sup>, 9:00 a.m. until 2:00 p.m. He also announced that the PBA's Annual Fishing Derby will be held on Sunday, May 5<sup>th</sup>, 10:00 a.m. until 1:00 p.m.

Lastly, Council Member Andrews reported that the third week in May is National EMS Week, which recognizes local Emergency Management Services (EMS) professionals and their services to the public.

#### **Public Works and Utilities Committee**

Council Member Kelly reported that the Department of Public Works is currently engaged in spring cleanup activities. He further reported that surveillance cameras are being installed at the Borough's recycling facility in efforts to monitor illegal dumping activities and increase enforcement actions.

#### **Land Use Committee**

As the Council liaison representative to the ECOOST Committee, Council Member Reilly reported that the ECOOST Committee is scheduled to meet on May 6<sup>th</sup>. He also reported the Planning Board had cancelled its April meeting due to a lack of business to be conducted.

Council Member Reilly inquired whether it would be possible for the Borough to create a local historic designation, similar to a National or State Historic Registry, for properties located within the Borough's Historic District. Mr. Semrau was asked to research this matter.

**Personnel Committee**

Council President Sharkey inquired about obtaining an inventory or listing of Open Space and Green Acre properties within the Borough. He further reported that the Borough is participating the New Jersey Tree Recovery Program. From April 22<sup>nd</sup> through April 26<sup>th</sup>, between the hours of 9:00 a.m. until 2:00 p.m., residents can pick up free tree seedlings at the Mendham Borough Public Works building. Seedlings are available on a first come, first served basis, with a limit of 10 per household.

**ATTORNEY’S ITEMS**

Mr. Semrau advised the Governing Body about legislative changes concerning commercial door-to-door solicitation activities and will be advising Borough officials on best practice protocols. He further advised about licensing changes concerning Commercial Drivers Licenses (CDL) in the state.

**MAYOR’S ITEMS**

Mayor Serrano-Glassner requested that a proclamation be placed on the May 8<sup>th</sup> agenda to recognize National EMS Week and honor the Borough’s eemergency management service volunteers.

**PUBLIC COMMENT – AUDIENCE PARTICIPATION:**

Mayor Serrano-Glassner opened the meeting for public comment.

Seeing no one wishing to speak, Mayor Serrano-Glassner closed public comment and proceeded with the next agenda item.

**APPROVAL OF VOUCHERS**

Motion to Approve: Council President Sharkey  
Second: Council Member Andrew  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Sharkey  
Nays: None

Council Member Andrew abstained on voucher #5991. Council Member Andrews abstained on vouchers #5991 and #5997.

**EXECUTIVE SESSION**

**#81-2019 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**

- Matters for Discussion: 1. Attorney-Client Privilege – Private Roads  
2. Contract Negotiations – PBA Collective Bargaining

Motion to Approve: Council Member Andrew  
Second: Councilman Andrews

Upon a voice vote, the motion was passed unanimously.

Mayor Serrano-Glassner closed the Public Meeting at 9:09 p.m. to convene into Executive Session.

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Mayor Serrano-Glassner reconvened the Public Meeting at 10:00 p.m.

**ADJOURNMENT**

Having no further business to conduct, Mayor Serrano-Glassner asked for a motion to adjourn.

Council Member Badal made a motion to adjourn. Council President Sharkey seconded the motion. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 10:00 p.m.

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

Respectfully Submitted:

*Robin R. Kline*

Robin R. Kline, MAS, RMC, CMR  
Deputy Clerk  
BOROUGH OF MENDHAM