

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

April 19, 2018

CALL TO ORDER

Mayor Henry called the April 19, 2018 Regular Meeting of the Mayor and Council to order at 8:10 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:

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. Minutes – April 5, 2018 Regular Meeting
2. Banner Request for Cub Scout Pack 133 and Twin Boro Bears

Motion to approve consent agenda items 1 & 2: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: Andrus

DISCUSSION

Emergency Sewer Contract – Doug Wright reviewed for Mayor and Council the proposed scope of work for the emergency sewer contract. He stated the cost estimate is \$35,000.00 and the start date is scheduled for 4/23/2018. Mr. Wright shared that they also have the TV crew on standby after the excavation should they need to put in cameras. He noted the daily rate for that team is \$4,000.00 per day. He stated everything is moving along and concluded his comments. Mayor Henry asked Councilman Badal if he had anything to add. Councilman Badal stated he had nothing additional to add.

BUDGET RESOLUTION

55B-2018 Adoption of the 2018 Budget
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 were available in the Municipal Clerk's Office and posted on the Borough's website

In his absence, Mayor Henry shared Council President Andrus's written remarks for the record regarding the budget:

In 2017 the Borough did well overall and there weren't any large emergency expenditures. We further reduced debt as per our plan; implemented a new accounting system which we hoped would help employees and volunteers take ownership of their individual budgets as well as assist management in its oversight.

For 2018, the appropriations budget is increasing from \$8,218,800 in 2017 to \$8,441,260; which is about \$222,000 or 2.7%. These appropriations are not all spent; they include various reserves which we hope are not spent, so actual costs are substantially less.

The goal is to keep both salaries and operating increases to 2%; but this year it appears to be over 2%, The increase includes \$80,000 of repayment to the open space fund for the dam financing. Because we are self-financing, those funds are going from one of our pockets to another.

Goals for 2018 include the continuation of the implementation of the accounting system with formal communication from management and accountability at the department head level for overages. We anticipate continued review of engineering costs and our methods of covering engineering needs (bid more, consider shared service part/full time position). We hope to continue to reduce debt at the planned schedule through 2021 and keep capital expenditures to \$ 400,000 per year until 2021. We will also explore avenues for additional income sources and we need to complete a long range capital plan for the large expenditures; maintain an annual plan for road and / or sidewalk repairs so that any accumulated funds are project designated. We will continue to budget fiscally for needs, not wants of the Borough.

Mayor Henry concluded the remarks from Councilman Andrus and asked the Auditor if he had anything to add. Mr. Jones noted that the budget was not self-exam this year and the State had to review it. He shared that the approval was received today accepting the budget. There were no additional comments. Mayor Henry noted the Introduction of the Budget summary was published 3/20/2018 in the Daily record and he opened the Public Hearing for the Budget of 2018. Seeing no one wishing to comment he closed the Public Hearing and asked if there were any other comments from Council. Councilman Sharkey thanked Council President Andrus, the Finance Committee, and the Auditor, Bud Jones for all their help on the Budget.

Mayor Henry asked for a motion to Adopt the 2018 Budget for the Borough of Mendham

Motion to Adopt 2018 Budget: Councilwoman Glassner

Second: Councilman Badal

Roll Call:

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

Opposed: None

Abstain: None

Absent: Andrus

ACTIONS TAKEN – OTHER RESOLUTIONS

77-2018 Resolution of the Borough of Mendham, County Of Morris, State of New Jersey, Authorizing the Award of a Professional Services Contract without Competitive Bidding to James R. Wancho, P.E. of Paulus, Sokolowski and Sartor, LLC in Connection with the Borough of Mendham Water Reclamation Facility

Motion to approve: Councilman Badal
Second: Councilman Witczak
Roll Call:
In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

78-2018 Resolution Awarding Non Fair and Open Contract for Laboratory Services at the Sewer Plant

Motion to approve: Councilman Badal
Second: Councilman Sharkey
Roll Call:
In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

79-2018 Resolution Authorizing the Refund of Permit Fee

Motion to approve: Councilman Sharkey
Second: Councilman Badal
Roll Call:
In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

80-2018 Resolution to Approve a Fireworks Display at the Mendham Borough Park during the Annual Labor Day Carnival

Motion to approve: Councilman Sharkey
Second: Councilman Witczak
Roll Call:
In favor: Badal, Glassner, Sharkey, Witczak
Opposed: None
Recuse: Andrews
Absent: Andrus

81-2018 Resolution Recognizing George B. MacDonald's Appointment to the Mendham Hose Company #1 as a Junior Member

Motion to approve: Councilman Andrews
Second: Councilwoman Glassner
Roll Call:
In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

82-2018 A Resolution of the Mayor and Council of the Borough of Mendham, County of Morris and State of New Jersey, Approving the Sanitary Sewer Connection Application of Aryan at Mendham, LLC, Regarding the Property Located at 25 East Main Street, Block 1501, Lot 11

Mayor Henry, at the advice of the Borough Attorney, withdrew Resolution 82-2018 from the Agenda and the number will be permanently deleted from the resolution list.

83-2018 Authorization of Refund of Overpayment of Property Taxes

Motion to approve: Councilwoman Glassner
Second: Councilman Andrews
Roll Call:
In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

84-2018 Resolution to Hire a Full-Time Class 2 – Public Works Buildings Maintenance Applicant

Motion to approve: Councilman Badal
Second: Councilman Witczak
Roll Call:
In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

Councilman Sharkey asked for clarification as to the classification 2 for the new hire. It was explained that our Salary Ordinance is separated by class and therefore the same identifier is used to match to the job description.

85-2018 Barber Subdivision - A Resolution of the Mayor and Council of the Borough of Mendham, County of Morris And State of New Jersey Consenting to the Proposed Upper Raritan Water Quality Management (WQM) Plan Amendment

Motion to approve: Councilman Andrews
Second: Councilman Sharkey

Discussion: Councilman Badal asked Attorney Semerau a question and Fred asked that the vote be put on hold while he reached out to the Engineer for clarification.

Mayor Henry moved on to the next resolution and noted they would return to this one later.

86-2018 A Resolution of the Mayor and Council of the Borough of Mendham, County of Morris and State of New Jersey, Approving an Emergency Appropriation for Repairs at the Water Reclamation Facility

Motion to approve: Councilman Badal
Second: Councilman Sharkey
Roll Call:
In favor: Andrews, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

ADMINISTRATOR'S REPORT

Mayor Henry asked if there were any questions or comments regarding the Administrator's report of April 19, 2018. Administrator Bushman reported that the IT bid had produced 13 bid specification package requests and the bid opening was scheduled for Friday 4/27/2018. Administrator Bushman hearing no other questions concluded her report.

COUNCIL REPORTS, OLD & NEW BUSINESS

Public Works and Utilities Committee

Councilman Badal reported that Public Works is still on storm clean up and the DPW is averaging 70 pick-ups a day. He reported they are also working on clean up at the Borough parks and are tree planting. He noted that the Mountain Dam project is 95 % complete and they are working on the remaining punch-list items. Councilman Badal concluded his report.

Personnel Committee and Local Economic Development Committee

Councilwoman Glassner reported that they are working on job descriptions and the Salary Ordinance. She shared that the Police Department will have a part-time opening and they are actively looking for a Construction Code Official replacement. Mayor Henry interjected that, while this is an opportunity to reset, he hoped they would look at different options such as an hourly rate verses a salaried positions. Councilwoman Glassner assured him they would be doing that. She further reported that Economic Development was forging ahead on their brochure etc. and she hoped to have it completed in the next 4-6 weeks. She noted that she had nothing else to report and concluded her report.

Public Safety Committee

Councilman Andrews reported that that he was recently made aware that the OEM truck was used in a way not intended for its use and he in turn reviewed the situation with the Safety Committee (Joyce Bushman, Chief Camoia and himself). He stated that with Joyce and John's help he'd like to draft a policy regarding its use and to review it at the next meeting. He further reported that the Chief and the Clerk have written guidelines for the cycling events passing through the Borough. He reported that the pedestrian signs have all their approvals and with the passing of the budget they should be purchased and installed soon. He commended Chief Camoia for securing the historic poles for the pedestrian signage. He stated he had nothing further and concluded his report.

Land Use Committee and Environmental Commission

Councilman Sharkey stated that the new Planner is on board. He noted that the May 14th Planning Board meeting is expected to review the Dunkin Donuts application and they will be moving the site of the meeting to the Mountain View school to accommodate the residents. He reported that the Environmental Commission had a clean-up day at the mud hole, which was well attended. He also noted that they had a donation of trees for spring planting and that DPW was helping to get them in the ground. Councilman Sharkey stated that he had nothing else and concluded his report.

Finance Committee

Council President Andrus was absent but previously provided his Budget comments to Mayor Henry which were presented earlier in the evening.

Recreation Committee

Councilman Witczak reported that the applications for Recreation camp counselors had closed but they were very pleased with the number received this year. He reported the Food Truck Festival is well under way and Allison, the event coordinator is working on the one day liquor license, advertising and contact with the Police Department. He shared that Councilwoman Glassner suggested that Mendham Business Association members be able to have tents or tables at the Food Festival to disseminate information. He thanked Councilman Andrews and Administrator Bushman for addressing the issue with the OEM truck and noted that Nick Witczak, OEM Coordinator brought the matter of the unauthorized use of the OEM truck to the attention of the Administrator in an email a couple of weeks ago and it happened again so thank you for addressing that. Lastly, he reported that the Mountain Valley Park is looking great but the Canadian Geese are returning and he'd like Jeff Cooper to send a few representatives to learn "egg addling" to curtail the Canadian geese from reproducing in the park. He concluded his report.

ATTORNEY ITEMS

Borough Attorney Fred Semrau, Esq. thanked Jeff Cooper for helping him with an issue over the weekend and he wanted Council to be aware. He shared that the tax appeals are in the works and there are not that many this year. He commented that this shows the stability in the value of the homes. He noted that he would like to return to Resolution 85-2018 at this time. He stated that he

reached out to our Engineer. He reminded Council that this is an approved subdivision and when there is going to be sewer and it's not part of the area that permits sewer they have to request an amendment to the plan. They have to go through the procedures and at this time the requestor has completed all the steps with the DEP etc. This is the last step where Council acknowledges that they have completed all the steps and Council has been noticed of the requested change. Engineer Ferriero concurs they have completed all the required steps. He asked Councilman Badal if that answered his question. Councilman Badal replied yes and the Mayor asked the Clerk for a review of the motion and the second and he called for a vote.

85-2018 Barber Subdivision - A Resolution of the Mayor and Council of the Borough of Mendham, County of Morris And State of New Jersey Consenting to the Proposed Upper Raritan Water Quality Management (WQM) Plan Amendment

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: Andrus

MAYOR'S ITEMS

Mayor Henry first asked the Attorney and the Clerk to work on a recommendation to update the Peddler's License code section. Attorney Semrau noted there are gaps and they will take a look at it and present something at an upcoming meeting for review. Mayor Henry also asked Councilman Andrews to reach out to Veterans families that are Gold Star parents in response to a notice from the Morris County Clerk Ann Grossi, Esq. Lastly, Mayor Henry stated he had received an email from a resident requesting that the new Planner do a presentation to the community on Dunkin Donuts and other aspects of our Economic Development. He stated for the record that we would not be having a presentation on Dunkin Donuts or anything else at this time until the application is heard in a fair and equitable way. He noted he would get back to the resident and explain the Borough's position. He had nothing else to report this evening and concluded his report.

PUBLIC COMMENT

Mayor Henry opened the meeting to the public for comments.

Bob Ritger, 14 Gunther Street, Mendham, asked for the Council and Department of Public Works to address the memorial that was erected for Pietro Clementi at the Mountain Valley Dam. He shared that it is overgrown and need to be cleaned up. The Mayor asked Administrator Bushman to look into it.

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 April 19, 2018.

Motion to approve: Councilman Badal

Second: Councilman Sharkey

Roll Call:

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

Abstain: None

Absent: Andrus

EXECUTIVE SESSION

Mayor Henry announced that the Council would be adjourning for an Executive Session. Clerk Marlor asked the Mayor to call for a vote on Resolution 87-2018 at this time. 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.

87-2018 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 Badal

Second: Councilman Witczak

Roll Call:

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

Opposed: None

Abstain: None

Absent: Andrus

At 9:09 the Council cleared the Garabrant Center for the Executive Session

At 9:44 the Council resumed the regular meeting

Mayor Henry noted that they were back on the record and stated that Chief Camoia would continue to work on the issues and at an appropriate time they would meet again for an update.

ADJOURNMENT

There being no other business to be conducted, on a motion duly made by Councilman Badal, seconded by Councilman Sharkey, and unanimously carried by a voice vote, except Andrus who was absent, the meeting was adjourned at 9:46 p.m.

The next Regular Meeting of the Mayor and Council will convene on Thursday, May 3, 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