

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

May 17, 2018

CALL TO ORDER

Council President Andrus called the May 17, 2018 Regular Meeting of the Mayor and Council to order at 8:05 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Council President Andrus led a moment of silence and then proceeded with the Pledge of Allegiance.

MAYOR'S OPENING STATEMENT

Council President Andrus stated that 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:

Councilman John Andrews
Councilwoman Christine Serrano-Glassner
Councilman David Sharkey
Councilman Stanley Witzczak, III
Council President John Andrus

ABSENT:

Mayor Neil Henry
Councilman Brad Badal

Also present were:

Fred Semrau, Esquire, Borough Attorney and Robert Rossmeissl, Esquire
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** – May 3, 2018 Regular Meeting and Executive Session
- 2. REQUEST FOR ROAD CLOSURE** – Brennan Reilly – Block Party 9-8-2018 (Rain date 9-9-2018)
- 3. BANNER REQUESTS** –Mendham Borough PBA Local #384 – First Responder Golf Outing 9-4-2018 through 9-14-2018

Motion to approve consent agenda items 1 -3: Councilman Witzczak

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Glassner, Sharkey, Witzczak, Andrus

Opposed: None

Abstain: None

Absent: Badal

ORDINANCES

04-2018 Capital Ordinance Providing for Various Improvements or Purposes to be Under-taken in and by the Borough of Mendham, in the County of Morris,

New Jersey and Appropriating \$453,000.00 from the Capital Improvement Fund of the Borough

*Introduction/No Public Input/Published in the Daily Record 5/8/2018
2nd Reading/Public Hearing/Final Adoption 5/17//2018*

Council President Andrus stated this is the Public Hearing for Ordinance 04-2018 "A Capital Ordinance Providing For Various Improvements or Purposes to be Under-taken in and by the Borough of Mendham, in the County of Morris, New Jersey and Appropriating \$453,000.00 from the Capital Improvement Fund of the Borough"; and since Introduction full copies of Ordinance 04-2018 are presently posted on the Township website, on the bulletin board at the Township building, and are available at no cost in the office of the Municipal Clerk between the hours of 9:00am and 4:00pm, Monday through Friday.

Motion to open the Public Hearing on Ordinance 04-2018: Councilman Witczak

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

PUBLIC COMMENT:

Ron Weissman, 15 Tempewick, Mendham, stated that he would like to know how much impervious coverage the Borough owns and ask for consideration of the impervious portion of the proposed tennis courts. He shared there is new technology that he would hope the Council would consider. If not the courts themselves, please consider the sheet flow off the courts and the surrounding area when you undertake this project.

Seeing no one else wishing to speak on Ordinance 04-2018 Council President Andrus asked for a motion to close the Public Hearing.

Motion to close the Public Hearing on Ordinance 04-2018: Councilman Sharkey

Second: Councilwoman Glassner

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

Council President Andrus announced that the Public Hearing is closed and he asked for a motion to Adopt Ordinance 04-2018.

Motion to Adopt Ordinance 04-2018: Councilwoman Glassner

Second: Councilman Witczak

Discussion: Council Sharkey notes that he would like the courts to be the one with lights. No other comments the Council President asked for a roll call.

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

05-2018 Ordinance Providing for the Improvement of the Sanitary Sewerage System in and by the Borough of Mendham, in the County of Morris, New Jersey and Appropriating \$140,000 Therefor from the Sewer Capital Fund of the Borough

*Introduction/No Public Input/Published in the Daily Record 5/22/2018
2nd Reading/Public Hearing/Final Adoption 6/7//2018*

Council President Andrus stated there will be no public input on Introduction of Ordinance 05-2018, An Ordinance Providing for the Improvement of the Sanitary Sewerage System in and by the

Borough of Mendham, in the County of Morris, New Jersey and Appropriating \$140,000 Therefor from the Sewer Capital Fund of the Borough. The Introduction summary will be published in the Daily Record 05/22/2018 and 2nd reading, public hearing and final adoption will be considered on 6/07/2018. Full copies of the Ordinance will be posted on the Borough website, on the bulletin board at the Township building, and available at no cost in the office of the Municipal Clerk between the hours of 9:00am and 4:00pm, Monday through Friday.

Council President Andrus asked for a motion to Introduce Ordinance 05-2018.

Motion to Introduce Ordinance 05-2018: Councilman Andrews
Second: Councilman Witczak
Roll Call:
In favor: Andrews, Glassner, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

06-2018 Ordinance of the Borough of Mendham, County of Morris, State of New Jersey, Authorizing Acceptance of a Deed of Conservation Easement in Connection with the Property Designated as Block 2301, Lots 4.01 and 4.03
*Introduction/No Public Input/Published in the Daily Record 5/22/2018
2nd Reading/Public Hearing/Final Adoption 6/7//2018*

Council President Andrus stated there will be no public input on Introduction of Ordinance 06-2018, An Ordinance of the Borough of Mendham, County of Morris, State of New Jersey, Authorizing Acceptance of a Deed of Conservation Easement in Connection with the Property Designated as Block 2301, Lots 4.01 and 4. The Introduction summary will be published in the Daily Record 05/22/2018 and 2nd reading, public hearing and final adoption will be considered on 6/07/2018. Full copies of the Ordinance will be posted on the Borough website, on the bulletin board at the Township building, and available at no cost in the office of the Municipal Clerk between the hours of 9:00am and 4:00pm, Monday through Friday.

Council President Andrus asked for a motion to Introduce Ordinance 06-2018.

Motion to Introduce Ordinance 06-2018: Councilman Witczak
Second: Councilman Sharkey

Discussion: Borough Attorney stated that the Easement was part of a three lot subdivision that passed through Planning Board last fall located at Horseshoe Bend Rd. encompassing 3.68 Acres. It's all part of a conservation, no development condition approved by the Planning Board. He noted that he would prepare an explanation memo for the Mayor and Council to review before the Public Hearing and adoption consideration.

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

ACTIONS TAKEN – OTHER RESOLUTIONS

92-2018 Resolution Awarding Non Fair and Open Contract for Monitoring Well Testing

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

93-2018 Resolution Appointing Humane Law Enforcement Officer

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

94-2018 Governing Body Certification of the Annual Audit

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

95-2018 A Resolution Authorizing Execution and Submission of letter Agreement Accepting and Approving Participation in the County Supplemental Funding Initiative for Mendham Municipal Alliance for the Term of January 1, 2018 through December 31, 2018

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

96-2018 Resolution Recognizing Austin J. Fitzpatrick's Appointment to the Mendham Hose Company #1 as a Junior Member

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

97-2018 Resolution Recognizing Ryan J. Euvino's Appointment to the Mendham Hose Company #1 as a Junior Member

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

98-2018 Resolution Recognizing Bruce P. Helliegel's Appointment to the Mendham Hose Company #1 as a Junior Member

Motion to approve: Councilman Witczak
Second: Councilman Sharkey
Discussion: Councilman Sharkey commented he was excited to see new members.

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

99-2018 Resolution to Cancel Various Sewer Utility Capital Improvement Ordinances

Motion to approve: Councilman Witczak

Second: Councilwoman Glassner

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

100-2018 Resolution to Hire a Full-time Class 2-Public Works Buildings Maintenance Applicant

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

101-2018 Resolution Authorizing the Issuance of Not Exceeding \$572,436 Bond Anticipation Notes of the Borough of Mendham, in the County of Morris

Motion to approve: Councilman Witczak

Second: Councilwoman Glassner

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

102-2018 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 Mendham Bagel & Coffee Café LLC, Regarding the Property Located at 84-86-88 East Main Street, Block 801, Lot 20

Motion to approve only subject to waiver of site plan approval: Councilwoman Glassner

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

Note: This resolution is tabled until the applicant completes Planning Board approval if it is not considered eligible for the fast track site plan waiver.

103-2018 Resolution of the Borough of Mendham, County of Morris, State of New Jersey, Rejecting all Bids for Information Technology Services for 2018 and 2019

Motion to approve: Councilman Witczak

Second: Councilwoman Glassner

Discussion: Attorney Semerau explained that he felt there might be a problem with the non-responsive bids. His recommendation was to restate and rebid for It Services so that there would not be a cloud over the non-responsive bids.

Roll Call:

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

Opposed: None

Abstain: None

Absent: Badal

ADMINISTRATOR'S REPORT

Discussion ensued to clarify a few items in Administrator Bushman's report and Council President Andrus moved on to Council Reports.

COUNCIL MEMBERS' REPORTS

Public Works and Utilities Committee

Councilman Badal was absent and made no report this evening.

Recreation Committee

Councilman Witczak reported that the Food Truck Festival is coming up in June and the Events Coordinator, Allison Kohler, continues to urge us to increase promotion through social media such as FB, Twitter, our local website, business associates, sports teams etc. Day Camp and Parade planning are underway. He shared that the Recreation Director is looking to purchase a new PA system. He noted that there is discussion about putting in new trees (possibly Cherry trees) along the perimeter of the Borough Park. Councilman Witczak noted he had nothing further and concluded his report.

Land Use Committee and Environmental Commission

Councilman Sharkey stated that the Planning Board meeting took place on Monday May 14th at the Mountain View School. He commented that Chairman Kraft ran a very civil meeting and for the most part the crowd was in control. He stated they were limited to a 10:30 pm deadline so the discussion was not concluded and would continue next month. He also stated that there was an application for lights at the high school fields and they too would be back next month. He further commented that he has been talking to the Post Office Manager about the outside upkeep and appearance. The Post Office Director stated they would be making improvements over the next 90 days. Councilman Sharkey plans to stay on it and keep them engaged until there is improvement. Councilman Sharkey stated that he had nothing else and concluded his report.

Public Safety Committee

Councilman Andrews reported that Public Safety meeting is scheduled for June 6th at the Phoenix House. He shared that the Cops, Kids and Cones event is scheduled at the Borough Park on May 24th between 5:30-8:00 pm. Councilman Andrews extended a thank you to the Township and the Borough PBA's for the very successful Fishing Derby. 164 young persons registered. Lastly he reported that the CPR classes are going to be scheduled in the next month for all employees. He stated he had nothing else and concluded his report.

Personnel Committee and Local Economic Development Committee

Councilwoman Glassner reported that personnel subcommittee is holding interviews next week for construction and fire code officials. She shared that Chief Camoia is scheduling his second round of interviews next week and hopes to select his part time candidate from that pool of three final applicants. She reported that the Economic Development Ad Hoc Committee is working with the Clerk to file a grant by June 1, 2018 to secure County grant dollars to help print and distribute the Mendham Brochure. She stated she had nothing further and concluded her report.

Finance Committee

Council President Andrus stated he had nothing to add this evening.

ATTORNEY ITEMS

Borough Attorney Fred Semrau, Esq. stated that the County tax appeals have all been settled. He clarified there are still a few at the state level but all other matters have been cleared for this year. He concluded his report.

PUBLIC COMMENT

Council President Andrus opened the meeting to the public for comments.

Brennan Reilly, Mendham stated his interest in the CRR classes and he suggested that they consider opening them to the public. He also asked that the Council evaluate the trend of curbside delivery; as he feels it takes away from the feel of the Community.

Ron Weissman 15 Tempewick Road, Mendham, asked the Council and Mayor to consider the following:

1. Would they consider an appointment with the Town Planner? Attorney Semrau stated that it would not be appropriate as our Planner is a paid consultant. If you have questions you should submit them to the Administrator for consideration, evaluation and review.
2. Thanked Council for addressing the Prentice Lane issue.
3. Asked for an opportunity to follow up with the Municipal Engineer on Stormwater Management.
4. Suggested that the Shade Tree Commission consider a replacement program for trees as the ash trees are being removed.
5. He asked that Council review the procedures of the Historical Commission and ask that they be more directive and definitive in their interpretation and recommendations.

Seeing no one else from the public wishing to be heard, Council President Andrus closed the public comment portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated May 17, 2018.

Motion to approve: Councilman Sharkey

Second: Councilwoman Glassner

Roll Call:

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

Abstain: None

Absent: Badal

EXECUTIVE SESSION

Council President Andrus announced that The Council will be entering an Executive Session. The public will be excluded from this portion of the meeting to permit them to consider matters appropriate for discussion in such a session.

Attorney Semrau commented that it was appropriate under the statute referring to matters of public protection the Council would meet to discuss Daytop. He noted that no formal action will be taken.

104-2018 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 Sharkey

Second: Councilman Witczak

Roll Call:

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

Abstain: None

Absent: Badal

At 8:58 the Council cleared the Garabrant Center for the Executive Session

At 9:25 the Council resumed the regular meeting

Council President Andrus noted that they were back on the record and no formal action will be taken.

ADJOURNMENT

There being no other business to be conducted, on a motion duly made by Councilman Sharkey, seconded by Councilman Andrews, and unanimously carried by a voice vote, except Badal who was absent, the meeting was adjourned at 9:27 p.m.

The next Regular Meeting of the Mayor and Council will convene on Thursday, June 7, 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