

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

Wednesday, June 12, 2019

8:00 PM

AGENDA

- 1. Call to Order**
- 2. Invocation and Flag Salute**
- 3. Mayor's Opening Statement**
Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the Daily Record and Star Ledger and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.
- 4. Roll Call**
Mayor Christine Serrano-Glassner
Councilman Steven Andrew
Councilman John Andrews
Councilman Brad Badal
Councilman James Kelly
Councilman Brennan Reilly
Council President David Sharkey
- 5. Consent Agenda Items**
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.
 1. Approval of Minutes: May 28, 2019 Regular Meeting
May 28, 2019 Executive Session Meeting
 2. Special Event Permit: Cops, Kids & Cones, Rescheduled rain date to June 18, 2019
 3. Peddler/Solicitor Permits: Aptive Environmental for door-to-door sales
[22 permit applications]
- 6. Discussion Item(s)**
- 7. Ordinances for Introduction**
None
- 8. Ordinances for Public Hearing/Adoption**
None
- 9. Resolutions**
#94-2019 RESOLUTION AUTHORIZING A REFUND FOR THE PAYMENT OF A CANCELED BUILDING DEPARTMENT PERMIT
#95-2019 RESOLUTION APPROVING BENJAMIN SMITH'S APPOINTMENT AS A REGULAR MEMBER TO THE MENDHAM BOROUGH FIRE DEPARTMENT
#96-2019 RESOLUTION AUTHORIZING THE HIRING OF A PART-TIME SEASONAL EMPLOYEE IN THE DEPARTMENT OF PUBLIC WORKS

- #97-2019 RESOLUTION APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE 2019-2020 LICENSING TERM
- #98-2019 RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE PRICING AGREEMENT WITH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM
- #99-2019 RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A PROPERTY OWNER'S CONSENT WITH RESPECT TO THE WARD-SANDS MUNICIPAL PARKING LOT

10. **Administrator's Report**

11. **Council Members' Reports**

12. **Attorney's Items**

13. **Mayor's Items**

14. **Public Comment – Audience Participation**

Please stand, approach the microphone and state your name and address for the record. Comments should be briefly stated to the Mayor and Borough Council.

15. **Approval of Vouchers**

Bills List prepared by the Chief Financial Officer dated June 12, 2019

16. **Executive Session**

#100-2019 A RESOLUTION PROVIDING FOR A CLOSED SESSION NOT OPEN TO THE PUBLIC PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b

The Mayor and Council of the Borough of Mendham will adjourn into closed session to discuss the following subject matter without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A. 10:4-12b:

1. Contract Negotiations: Municipal Court Shared Service Agreement
2. Attorney-Client Privilege Matter: Police Personnel Promotion Policy
3. Contract Negotiations: PBA Collective Bargaining

18. **Adjournment**

The next regular scheduled meeting of the Mayor and Council of the Borough of Mendham will convene on Monday, June 24, 2019 at 8:00 PM in the Garabrant Center, 4 Wilson Street, Mendham.

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #94-2019

**RESOLUTION AUTHORIZING A REFUND FOR THE PAYMENT OF
A CANCELED BUILDING DEPARTMENT PERMIT**

WHEREAS, Mendham Borough's Construction Official has advised that a written request has been made seeking a refund for a canceled Building Department Permit #18-2097 for property located at 216 Talmage Road; and

WHEREAS, the Mendham Borough Construction Officials recommends that a refund be made, less a 20% sub-code review and processing charge, to Weltman Home Services, 80 Industrial Road, Berkeley Heights, NJ 07922.

BE IT RESOLVED, by the Mayor and Council of the Borough of Chatham that the request seeking a refund for the herein referenced canceled Building Department Permit #18-2097 is hereby granted; and

BE IT FURTHER RESOLVED, that the Borough's Construction Official is authorized to process a refund, less a 20% sub-code review and processing charge, and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Dated: June 12, 2019



RECEIVED

APR 04 2019

Building Department
Mendham Borough

April 1, 2019

Mendham Borough Building Dept
6 West Main St
Mendham, NJ 07945

Re: 216 Talmage Rd

Dear Sir or Madam,

We are asking if you can please cancel permit# 18-2097 for an air conditioning system replacement at 216 Talmage Rd. The homeowner changed their mind. If there's any way we can get a refund for any of the permit fee, it would be greatly appreciated.

Please feel free to contact me if you need any further information. 908-363-7017 or rebekahk@weltmanhomeservices.com

Sincerely,

Rebekah Cirelli
Building Code Liaison

*Refund minus
20% Sub-Code Review
& Processing Fee.*

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #95-2019

**RESOLUTION APPROVING BENJAMIN SMITH'S APPOINTMENT AS A REGULAR MEMBER
TO THE MENDHAM BOROUGH FIRE DEPARTMENT**

WHEREAS, the Mayor and Council of the Borough of Mendham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Benjamin Smith has expressed interest in becoming a Firefighter with the Mendham Borough Fire Department and has submitted his application to the Fire Chief; and

WHEREAS, Benjamin Smith's application has been accepted by the Officers and Members of the Mendham Independent Hook and Ladder Company; and

WHEREAS, Officers and Members of the Mendham Independent Hook and Ladder Company have recommended the appointment of Benjamin Smith to the membership rolls of the Mendham Hose Co. #1 as a Junior Member; and

WHEREAS, upon the completion of serving a six month probationary period, and if acceptable to the Fire Chief and his officers, Benjamin Smith will gain the status of a Regular Member.

BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that they hereby approve Benjamin Smith's appointment as a Regular Member of the Mendham Borough Fire Department, contingent upon the acceptance of the Fire Chief and his officers upon his satisfactory completion of the six month probationary period; and

BE IT FURTHER RESOLVED that a certified copy of this resolution, executed by the Mayor and attested to by the Borough Clerk, shall be presented to the Secretary of the Mendham Independent Hook and Ladder Company.

Dated: June 12, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #96-2019

**RESOLUTION AUTHORIZING THE HIRING OF A PART-TIME SEASONAL EMPLOYEE
IN THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works has a need to hire a part-time seasonal employee for the Class 2 Public Works Laborer/Drivers/Operator position (Roads, Buildings, Grounds & Parks); and

WHEREAS, after considering all interested and qualified candidates, the Director of Public Works has recommended that Garrett Petrucci should be hired for the part-time seasonal position in the Department of Public Works at the pay rate of \$12.00 per hour and with an effective starting date of Monday, June 13, 2019.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they hereby approve and authorize the hiring of Garrett Petrucci for the part-time seasonal Class 2 Public Works Laborer/Drivers/Operator position (Roads, Buildings, Grounds & Parks) in the Department of Public Works at the rate of \$12.00 per hour and with the effective starting date of Monday, June 13, 2019.

Dated: June 12, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #97-2019

**RESOLUTION APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE
2019-2020 LICENSING TERM**

WHEREAS, the holders of liquor licenses in the Borough of Mendham have filed their renewal applications with the Division of Alcoholic Beverage Commission and the Borough Clerk's office for the 2019-2020 licensing term; and

WHEREAS, the Borough Clerk has confirmed that all liquor license renewal applications have been completed in all respects, that all applicable fees have been paid, and that the New Jersey Division of Taxation has issued Tax Clearance Certificates as required for each of the licensees; and

WHEREAS, public health inspections were duly conducted at each of the licensee's premises in accordance with N.J.S.A. 33:1-24 and the provisions of Chapter 12, Construction, Operation and Maintenance of Retail Food Establishments, of the New Jersey State Sanitary Code being of full force and effect in the Borough of Mendham; and

WHEREAS, the Mendham Borough Police Department conducted an inspection at each of the licensee's premises in accordance with N.J.S.A 33:1-35 and N.J.A.C 13:2-7.10 and reported that there were no items of concern; and

WHEREAS, the Borough Clerk has confirmed that no objections were filed, either written or in person, with respect to the renewal of any of the herein referenced liquor licenses.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they are hereby satisfied that all requirements have been met and approve the renewal of the following liquor licenses for the 2019-2020 licensing term:

PLENARY RETAIL CONSUMPTION LICENSES

1418-33-001-002 Black Horse Tavern & Pub, LLC [t/a The Black Horse Tavern & Pub]
1418-33-003-008 MacKenzie's, LLC [t/a Piattino Bistro]

PLENARY RETAIL DISTRIBUTION LICENSES

1418-44-002-003 Moonshine Boys, LLC [t/a Village Wine & Liquors]

CLUB LICENSES

1418-31-004-001 Pastime Club, Inc.
1418-31-005-003 Roxiticus Golf Club

And,

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control with respect to each of the herein referenced liquor licenses; and

BE IT FURTHER RESOLVED that the Borough Clerk is further authorized to issue liquor licenses for the 2019-2020 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey for each of the herein-referenced licenses.

Dated: June 12, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #98-2019

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE PRICING AGREEMENT WITH
THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish cooperative pricing systems and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Cranford Police Cooperative Pricing System (ID#47-CPCPS), herein referenced as the "Lead Agency," has offered voluntary participation in its cooperative pricing system for the purchase of goods and services; and

WHEREAS, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

WHEREAS, each year the Borough of Mendham realizes cost savings by purchasing equipment and materials through cooperative pricing systems; and

WHEREAS, the Police Chief recommends the Borough's participation in the Cranford Police Cooperative Pricing System to take advantage of additional cost savings; and

WHEREAS, the Borough of Mendham wishes to become a participating member of the Cranford Police Cooperative Pricing System.

BE IT RESOLVED, by the Council of the Borough of Mendham that the Mayor is hereby authorized to execute the Cooperative Pricing Agreement with the Cranford Police Cooperative Pricing System; and

BE IT FURTHER RESOLVED, all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Dated: June 12, 2019

COOPERATIVE PRICING SYSTEM AGREEMENT

**CRANFORD POLICE COOPERATIVE PRICING SYSTEM AGREEMENT
FOR A COOPERATIVE PRICING SYSTEM**

This Agreement made and entered into this _____ day of June, 2019, by and between the *Township of Cranford* and the *Borough of Mendham*, who desire to participate in the Cranford Police Cooperative Pricing System.

WITNESSETH

WHEREAS, N.J.S.A 40A:11-11(5), specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the Township of Cranford is conducting a voluntary Cooperative Pricing System with other contracting units; and

WHEREAS, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

WHEREAS, all parties hereto have approved the within Agreement by Resolution in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, IN CONSIDERATION OF the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or services to be priced cooperatively may include *police/admin vehicles* and such other items as two or more participating contracting units in the system agree can be purchased on a cooperative basis.
2. The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.
3. The Lead Agency, on behalf of all participating contracting units, shall upon approval of the registration of the System and annually thereafter on the anniversary of the registration of the system publish a legal ad in such format as required by N.J.A.C. 5:34- 7.9(a) in its official newspaper normally used for such purposes by it to include such information as:
 - (A) The name of Lead Agency soliciting competitive bids or informal quotations.
 - (B) The address and telephone number of Lead Agency.
 - (C) The names of the participating contracting units.
 - (D) The State Identification Code assigned to the Cooperative Pricing System.
 - (E) The expiration date of the Cooperative Pricing System.

4. Each of the participating contracting units shall designate, in writing, to the Lead Agency, the items to be purchased and indicate therein the approximate quantities desired, the location for delivery and other requirements, to permit the preparation of specifications as provided by law.
5. The specifications shall be prepared and approved by the Lead Agency and no changes shall be made thereafter except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.
6. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be prepared by the Lead Agency on behalf of all of the participating contracting units desiring to purchase any item.
7. The Lead Agency when advertising for bids or soliciting informal quotations shall receive bids or quotations on behalf of all participating contracting units. Following the receipt of bids, the Lead Agency shall review said bids and on behalf of all participating contracting units, either reject all or certain of the bids or make one award to the lowest responsible bidder or bidders for each separate item. This award shall result in the Lead Agency entering into a Master Contract with the successful bidder(s) providing for two categories of purchases:
 - (A) The quantities ordered for the Lead Agency's own needs, and
 - (B) The estimated aggregate quantities to be ordered by other participating contracting units by separate contracts, subject to the specifications and prices set forth in the Lead Agency's Master Contract.
8. The Lead Agency shall enter into a formal written contract(s) directly with the successful bidder(s) only after it has certified the funds available for its own needs.
9. Each participating contracting unit shall also certify the funds available only for its own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to successful vendor(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful vendor(s); make payment directly to the successful vendor(s) and be responsible for any tax liability.
10. No participating contracting unit in the Cooperative Pricing System shall be responsible for payment for any items ordered or for performance generally, by any other participating contracting unit. Each participating contracting unit shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability.
11. The provisions of Paragraphs 7, 8, 9, and 10 above shall be quoted or referred to and sufficiently described in all specifications so that each bidder shall be on notice as to the respective responsibilities and liabilities of the participating contracting units.
12. No participating contracting unit in the Cooperative Pricing System shall issue a purchase order or contract for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids or quotations which it has itself received.
13. The Lead Agency reserves the right to exclude from consideration any good or service if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or not workable.

14. The Lead Agency shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement.
15. It is agreed that each participating contracting unit shall pay the Lead Agency an annual fee of \$0 as its estimated prorated share of the administrative costs incurred by the Lead Agency. In the event this estimated prorated share should prove insufficient, each party agrees to pay an additional prorated sum to be determined by all of the participating contracting units.
16. This Agreement shall become effective immediately upon the review and approval of the Director of the Division of Local Government Services and shall continue in effect until any party to this Agreement shall give written notice of its intention to terminate its participation.
17. Additional local contracting units may from time to time, execute this Agreement by means of a Rider annexed hereto, which addition shall not invalidate this agreement with respect to other signatories. The Lead Agency is authorized to execute the Rider on behalf of the members of the System.
18. All records and documents maintained or utilized pursuant to terms of this Agreement shall be identified by the System Identifier assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.
19. This Agreement shall be binding upon and ensure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

FOR THE TOWNSHIP OF CRANFORD

BY: _____
Township Administrator

ATTEST BY: _____

FOR THE BOROUGH OF MENDHAM

BY: _____
Christine Serrano-Glassner
Mayor

ATTEST BY: _____
Robin R. Kline, Borough Clerk
Borough Clerk

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #99-2019

**RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A PROPERTY OWNER'S
CONSENT WITH RESPECT TO THE WARD-SANDS MUNICIPAL PARKING LOT**

WHEREAS, the Borough of Mendham is the owner of the Ward-Sands municipal parking lot, known as the "Ward-Sands parking lot," which is located on a portion of Lot 16, Block 601 in the Borough; and

WHEREAS, Mr. Jay Grant would like to perform certain improvements to the Ward-Sands parking lot; and

WHEREAS, the Borough Administration recommends that Mr. Grant be provided the opportunity to submit a site plan, subject to the Borough Administration's review, for the Planning Board's consideration; and

WHEREAS, in order to submit such site plan, the Borough of Mendham, as the owner of the Ward-Sands parking lot, must provide consent for such application to be made.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mendham that the Borough Administrator is hereby authorized to consent to a site plan application for a modification to the municipal parking lot known as the "Ward-Sands lot," which is located on a portion of Lot 16, Block 601 in the Borough of Mendham; and

BE IT FURTHER RESOLVED that this consent shall not serve as authorization for construction or any other agreement or understanding between the parties as it may impact the Ward-Sands parking lot.

Dated: June 12, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #100-2019

**A RESOLUTION PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC
PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into an Executive (Closed) Session during a public meeting to discuss certain matters such as:

- (1) Matters required by law to be confidential: Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) Matters involving individual privacy: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned.
- (4) Matters pertaining to a collective bargaining agreement: Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters relating to the purchase, lease, acquisition of real property or investment of public funds: Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters of public protection: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) Matters relating to litigation, negotiations and attorney-client privilege: Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Borough is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) Matters relating to the employment relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) Deliberations after public hearing. Deliberations by the Borough occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party.

And,

WHEREAS, the Mayor and Council have determined that it is necessary to go into an Executive Closed Session to discuss certain matters relating to items as permitted by N.J.S.A. 10:4-12b.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

1. Contract Negotiations: Municipal Court Shared Service Agreement
2. Attorney/Client - Police Personnel Promotional Policy
3. Contract Negotiations: PBA Collective Bargaining

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Mendham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

Dated: June 12, 2019