

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

June 24, 2019

CALL TO ORDER

Mayor Christine Serrano-Glassner called the June 24, 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 was absent.

Also present were:

Joyce Bushman, Borough Administrator
Susan Sharpe, Esq., for Borough Attorney Fred Semrau, Esq.
Robin R. Kline, Borough Clerk

Mayor Serrano-Glassner opened the meeting and proceeded with the presentations.

Presentations

Public Project Proposal, Mountain Valley Pond – Mike Bulzacchelli and Sebastian Periera, West Morris Regional High School students enrolled in the high school's International Baccalaureate ("IB") program, reported that the IB program requires students to complete a service learning project. To satisfy this requirement, they have proposed to repair and restore the metal and wooden benches and tables that are at the Mountain Valley Pond. The proposed public project would be supervised by West Morris Regional High School's IB Project Coordinator and an IB Program Educator, and materials needed for the project would be purchased through fundraising efforts and donations. At the conclusion of their presentation, Mr. Bulzacchelli and Mr. Periera sought approval from the Mayor and Council.

Mayor Serrano-Glassner and the Borough Council agreed that the proposed public project would be beneficial to the community and enjoyed by many residents. She commended them for proposing and undertaking the project. Mayor Serrano-Glassner confirmed that Resolution #107-2019, on the agenda, provides formal approval for project and expressed her gratitude for proposing the project that will benefit the Mendham Borough community.

Public Project Proposal, Playground improvements to Borough Park – Council Member Reilly presented a preliminary public project proposal to replace the playground equipment at Borough Park, which he believed had been donated and installed by the Women's Junior Club in 1987. Over the years, he said, the playground has become outdated and not well maintained and many families opt to go to playgrounds elsewhere. He also mentioned that the Public Works Department had recently removed the aging swings.

Council Member Reilly confirmed that upon consensus of the Governing Body providing their preliminary support for the project, he would lead the project, obtain cost estimates for the playground upgrades, and develop a project budget. Mr. Cooper, the Borough's Public Works Superintendent, informed Council Member Reilly and the Governing Body that to ensure compliance with regulations and insurance liability purposes, a certified installer of playground equipment would be needed.

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: June 12, 2019 Regular Meeting
June 12, 2019 Executive Session Meeting
2. Peddler/Solicitor Licenses: Aptive Environmental for door-to-door sales
[3 license applications]
3. Raffle License: Mendham Borough Library
On-Premise Merchandise Raffle
September 7, 2019, 7:00-9:00 PM
4. Raffle License: Pastime Club
Carnival Wheels & Games
August 30th - September 2, 2019, 5:00-11:00 PM
5. Special Event Permit: Pastime Club
Labor Day Weekend Carnival at Borough Park
August 30th - September 2, 2019, 5:00-11:00 PM

There was no Council discussion.

Motion to Approve: Council Member Andrew
Second: Council Member Badal
Ayes: Andrew, Andrews, Badal, Kelly, Reilly
Abstentions: Council Member Reilly abstained on the approval of the June 12, 2019 Regular Meeting and Executive Session minutes.
Recusals: Council Member Andrews and Council Member Andrew recused themselves on the approval of the Raffle License and Special Event Permit for the Pastime Club.

ORDINANCES FOR FIRST READING

#06-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING CHAPTER 38, POLICE DEPARTMENT, OF THE BOROUGH CODE TO REVISE THE POLICE PROMOTIONAL PROCESS

Public Hearing Scheduled for July 22, 2019

There was no Council discussion.

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

#07-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 102, FEES, OF THE BOROUGH CODE, TO MODIFY SEWER FEES AND RATES

Public Hearing Scheduled for July 22, 2019

There was no Council discussion.

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

#08-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 151, PEDDLING AND SOLICITING, OF THE BOROUGH CODE TO MODIFY REQUIREMENTS FOR THE NONSOLICITATION LIST

Public Hearing Scheduled for July 22, 2019

There was no Council discussion.

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

RESOLUTIONS

#102-2019 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT PUBLIC BIDDING TO SEAN P. CANNING OF THE CANNING GROUP, LLC TO SERVE AS THE BOROUGH'S QUALIFIED PURCHASING AGENT

A typographical error was noted on the contract document with respect to the provision that, in the event the contract is awarded beyond the 90-day period, the service cost would increase to \$500.00/month or \$6,000.00/year. The resolution only authorizes the award of the contract for a 90-day period.

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

Resolution #102-2019 passed.

#103-2019 RESOLUTION INCREASING THE BID THRESHOLD TO \$40,000 AND QUOTE THRESHOLD TO \$6,000 FOR CONTRACTS SUBJECT TO PUBLIC BIDDING UNDER THE LOCAL PUBLIC CONTRACTS LAW

There was no Council discussion.

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

Resolution #103-2019 passed.

#104-2019 RESOLUTION AUTHORIZING THE HIRING OF A PART-TIME FIRE PREVENTION INSPECTOR IN THE BOROUGH OF MENDHAM FIRE PREVENTION BUREAU

There was no Council discussion.

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

Resolution #104-2019 passed.

#105-2019 RESOLUTION APPROVING A FIREWORKS DISPLAY AT THE MENDHAM BOROUGH PARK ON LABOR DAY, MONDAY, SEPTEMBER 2, 2019 [RAIN DATE SATURDAY, SEPTEMBER 7, 2019]

There was no Council discussion.

Motion to Approve: Council Member Badal
Second: Council Member Reilly
Ayes: Badal, Kelly, Reilly
Nays: None
Recusals: Council Member Andrews and Council Member Andrew recused themselves.

Resolution #105-2019 passed.

#106-2019 RESOLUTION AUTHORIZING THE SUBMISSION OF A 2019 GREEN COMMUNITIES GRANT APPLICATION TO UPDATE THE MENDHAM BOROUGH COMMUNITY FORESTRY MANAGEMENT PLAN

There was no Council discussion.

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

Resolution #106-2019 passed.

#107-2019 RESOLUTION APPROVING AN APPLICATION FOR A PUBLIC PROJECT TO REPAIR AND RESTORE THE BENCHES AND TABLES AT THE MOUNTAIN VALLEY POND

There was no Council discussion.

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

Resolution #107-2019 passed.

ADMINISTRATOR'S REPORT

Ms. Bushman provided a copy of her Administrator's Report dated June 24, 2019 to the Mayor and Council. She noted that the Borough received a Community Development Block Grant (CDBG) in the amount of \$15,000.00 for the purchase and installation of a new HVAC system at the Garabrant Center. She further mentioned that the new LED energy-efficient lighting has been installed at the Garabrant Center.

Ms. Bushman also reported that concern had been raised regarding the maintenance of the Cosma tract and trail and mentioned that the Department of Public Works recently installed a "Leash Your Dog" at the entrance. The Mendham Borough Board of Education owns the property and has asked the Borough to maintain it. The Mayor and Council referred this matter to the ECOSST Committee for further review and recommendation.

COUNCIL COMMITTEE REPORTS

Land Use [Standing Committee of the Council]

Council Member Reilly had nothing new to report regarding the Planning Board. He reported that the Black Horse Tavern appealed a decision from the Historic Preservation Commission to the Board of Adjustment. The appeal before the Board of Adjustment resulted in a tie vote that subsequently upheld the Historic Preservation Commission's decision.

ECOSST Committee

Council Member Reilly reported that the ECOSST Committee has formalized 12 project ideas. The first two projects to be addressed by the committee will be recycling and the development of a trail system.

Public Works and Utilities [Standing Committee of the Council]

Council Member Kelly reported that the milling and paving of local roads has begun and that the residents of Hillcrest, Adams, Sterling, Emory and Quimby have been notified by letter. He also reported that the conversion of the Firehouse tennis courts into a turf soccer field by the West Morris Soccer Club has also begun and that the project is anticipated to be completed before the end of the month.

Council Member Kelly lastly reported that Peter Hafemeister, Assistant Public Works Superintendent, had passed the state's Certified Public Works Manager exam and congratulated him on his achievement.

Public Safety [Standing Committee of the Council]

Council Member Andrews reported that the PBA's Cops, Kids & Cones event was again cancelled due to inclement weather and would be rescheduled in the fall. He further reported that two police vehicles will be purchased and that the Mendham First Aid Squad purchased a second power-lift stretcher. Council Member Andrews also reported on the Borough's OEM critical incident drill recently held at Holly Manor and further mentioned that the Borough's Emergency Management Plan will be re-submitted to the state and county. He again encouraged residents to register with Smart 911 to receive emergency alert notifications.

Lastly, Council Member Andrews reported that the protocols will be written for the Garabrant Center as a warming and cooling center and reported that the Cromwell Bridge project is nearing completion.

Recreation and Parks [Standing Committee of the Council]

Council Member Andrew reported that the Food Truck & Music Festival was held on June 15th. The organizer of the event reported that paid entrance to the event was down from last year's event but the event was still well-attended and plans will be made to hold the event again next year. He further reported that the West Morris Soccer Club has begun the installation of the new turf field on the former Firehouse tennis courts and also mentioned that the Recreation Day Camp Program began June 24th.

Board of Health

Council Member Andrew had nothing new to report.

Board of Education

Council Member Andrew reported that the Hilltop School received a high achieving school rating. The West Morris Regional Board of Education meeting is being held tonight.

Finance [Standing Committee of the Council]

Council Member Badal reported that the Borough Attorney is drafting a new lease agreement for the Petsch House. A meeting of the Finance Committee will be scheduled to begin discussion of the income-side of the municipal budget.

Personnel [Standing Committee of the Council]

Council President Sharkey was absent.

ATTORNEY'S ITEMS

Ms. Sharpe advised that the new lease agreement for the Petsch House is being finalized and further reported that the amendment to the sewer ordinance is also being finalized.

MAYOR'S ITEMS

Mayor Serrano-Glassner reported that Mendham Borough will be receiving a \$225,000.00 New Jersey Department of Transportation State Aid Grant for Phase I improvements to Dean Road. The grant will require a cash match from the Borough in the amount of \$40,000.00 to \$45,000.00. She further reported that a complaint was received concerning the condition of the Orchard Street tennis courts. The Public Works Superintendent was asked to consult with the Morris County Joint Insurance Fund to determine if the Borough should close the tennis courts until repairs can be made. The Public Works Superintendent is currently obtaining quotes for the needed repairs.

Lastly, Mayor Serrano-Glassner inquired whether the Council Members have a Mendham Borough shirt which is worn during the Labor Day Parade. Council Member Andrews offered to place the order.

PUBLIC COMMENT – AUDIENCE PARTICIPATION:

Mayor Serrano-Glassner opened the meeting for public comment and asked all individuals keep their comments to three minutes to allow time for everyone in attendance to be heard.

Pricilla Graef, 16 Coventry Road, inquired about the ordinance regulating the maintenance of sidewalks, which was recently discussed by the Mayor and Borough Council at the May 28th meeting. She questioned why homeowners are required to repair and maintain public sidewalks and instead suggested that all sidewalks should be maintained in a similar fashion as the Borough maintains its roadways and streets.

Ms. Sharpe advised that New Jersey law (N.J.S.A. 40:65-14) empowers municipalities to adopt sidewalk maintenance ordinances that require abutting property owners to maintain or repair sidewalks and further allows the municipality to enforce the ordinance's requirements. She also advised that the Borough Code does not contain a consolidated sidewalk ordinance but instead, provisions concerning new sidewalk construction specifications and repair and maintenance of existing sidewalks, are found in several different chapters of the Borough Code.

Mayor Serrano-Glassner thanked Ms. Graef for her comments and confirmed that the Council will be discussing this matter at length before any action is taken. She added that an article will be published in the Mendham Messenger to inform residents when the public hearing is scheduled and invite their comments on the matter.

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

APPROVAL OF VOUCHERS

Bills List prepared by the Chief Financial Officer dated June 24, 2019.

Motion to Approve: Council Member Badal
Second: Council Member Andrew
Ayes: Andrew, Andrews, Badal, Kelly, Reilly
Abstentions: Council Member Andrews abstained on vouchers #6225 and #6233.

Bills List dated June 24, 2019 was approved.

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. Attorney-Client Privilege Matter: Snow Removal on Private Roads

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

Mayor Serrano-Glassner closed the Public Meeting at 9:20 p.m. to convene into Executive Session.

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Mayor Serrano-Glassner reconvened the Public Meeting at 9:50 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 Member Andrew seconded the motion. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 9:50 p.m.

The next Regular Meeting of the Mayor and Council will convene on Monday, July 22, 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
Borough Clerk
BOROUGH OF MENDHAM