

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

June 7, 2018

CALL TO ORDER

Mayor Henry called the June 7, 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

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
Council President John Andrus

ABSENT:

Also present were:

Fred Semrau, Esquire, Borough Attorney and Robert Rossmeissl, Esq
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 17, 2018 Regular Meeting and Executive Session
- 2. ROAD CLOSURE REQUEST** – Block Party - June 9, 2018 – Location: Sutton Court Cul de Sac

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

Second: Councilwoman Glassner

Discussion: None

Roll Call:

In favor: Andrews, Badal (abstained from minutes of 05172018), Glassner, Sharkey, Witczak, Andrus

Opposed: None

Abstain: None

Absent: None

DISCUSSION

Robert Walton – JCP&L Representative was in the audience. Mayor Henry recognized Mr. Walton and explained he is the new representative for the Borough. Mayor Henry thanked him for helping with the tree hazard situation on County Lane. Councilwoman Glassner asked if they would be returning to remove the large trunks left behind on Talmage Road. She asked if they could be removed. Mr. Walton stated he would arrange for removal if they weren't storm damage but part of the tree removal program. Councilman Witczak stated he has seen several County of Morris

vehicles in the area on East Main Street and wondered if they help JCP&L. Mr. Walton replied that they absolutely assist on occasion. Councilman Witczak asked if JCP&L grind stumps and Mr. Walton replied that they do not grind out the stump from tree removal. Hearing no other questions he thanked Council for the opportunity to join them this evening and Mayor Henry thanked him for coming.

DISCUSSION ITEMS

Peddler and Soliciting – Ordinance Review

Attorney Semrau opened the discussion regarding the proposed ordinance for review. He stated that he has written a draft of a new ordinance which will consider food truck requests, etc. He explained his submission is simply a proposal and a place to start the discussion. Discussion ensued. Several questions and ideas were bantered back and forth. In the end Attorney Semrau stated he would take these suggestions and comments and incorporate them into a second version that would be on an upcoming agenda for further discussion.

ORDINANCES

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

Mayor Henry opened the public hearing for Ordinance 05-2018. Seeing no one wishing to speak he closed the public hearing and asked for the Clerk to ask for a motion.

Motion to adopt: Councilman Badal

Second: Councilwoman Glassner

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

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

Mayor Henry opened the public hearing for Ordinance 06-2018.

Ron Weissman, 15 Tempewick asked if there was a diagram for the easement boundaries. He was given a copy of the diagram and stated he had nothing further.

Seeing no one else wishing to speak Mayor Henry closed the public hearing and asked for the Clerk to ask for a motion.

Motion to adopt: Councilwoman Glassner

Second: Councilman Andrus

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

ACTIONS TAKEN – OTHER RESOLUTIONS

105-2018 Resolution Authorizing Approval of the Corrective Action Plan Report for the 2017 Audit Year

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

106-2018 Resolution Authorizing Refund of Overpayment of Property Tax to Wells Fargo Bank

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

107-2018 Resolution Authorizing Tax Court Appeal on Real Property Located at 9 Whispering Ivy

Motion to approve: Councilman Glassner

Second: Councilman Andrews

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

108-2018 To Authorize 2018-2019 Liquor License Renewals

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

109-2018 A Resolution of the Mayor and Council of the Borough of Mendham, County of Morris And State of New Jersey Authorizing a Temporary Exemption of the Sign Ordinance Enforcement for the Limited Purpose of Recognizing Graduating Seniors of West Morris Regional High School

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

110-2018 A Resolution of the Mayor and Council of the Borough of Mendham, Morris County, in Support of Submission of an Application to Sell a Development Easement to The Morris County Agriculture Development Board For Farmland Preservation Purposes for the Rowe Sheep Farm

Mayor Henry recognized Mr. George Connelly, 22 Hampshire Drive, who stated that the Open Space Committee strongly endorses this application and it's a great opportunity to preserve a beautiful piece of property.

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

111-2018 Resolution to Hire a Part-time Police Secretary

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

112-2018 Resolution Of The Borough Of Mendham, County Of Morris, And State Of New Jersey, Appointing Robert Rosendale As Construction Official/Plans Examiner And Building Sub-code Official/Inspector

Motion to approve: Councilwoman Glassner

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

113-2018 A Resolution of the Borough of Mendham, County of Morris, State of New Jersey Authorizing Change Order No.1 (Final) to the Contract with Grade Construction for the Mountain Valley Dam Rehabilitation and Lake Dredging Project

Motion to approve: Councilman Badal

Second: Councilman Andrews

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

114-2018 Resolution to Refund Duplicate Sewer System Connection Fee to David Sprandel for Property Located at 20 North Linden Lane, Block 201, Lot 60.01

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Roll Call:

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

Opposed: None

Abstain: None
Absent: None

ADMINISTRATOR'S REPORT

Mayor Henry asked if there were any questions or comments regarding the Administrator's report of May 3, 2018.

Councilman Andrus thanked the Administrator for the tax appeal report but he noted it was not exactly what he was looking for so he hoped they could clarify and then resubmit to the Council for the next agenda. Administrator Bushman concurred that was not a problem. Mayor Henry confirmed that everyone was aware that Park Avenue would be closed for the Food Truck Festival on June 16, 2018. Administrator Bushman hearing no other questions concluded her report.

COUNCIL REPORTS, OLD & NEW BUSINESS

Public Works and Utilities Committee

Councilman Badal reported that the water fountain is on at the park and the outside water lines are in working order for the Garden Club. He stated that Public Works has completed three of the paving projects at Kerby Road, Heather Hill and Muirfield. Additionally he noted that the sink hole has been filled and patched. Councilman Badal concluded his report.

Personnel Committee and Local Economic Development Committee

Councilwoman Glassner reported that she is meeting with Administrator Bushman to finalize the Salary Ordinance and it will be ready to introduce on the next agenda. She shared that the Clerk had submitted a grant proposal on behalf of the Ad-hoc Economic Committee and hopes to hear by early July. Councilwoman Glassner concluded her report.

Public Safety Committee

Councilman Andrews reported that the Public Safety Committee met on June 6, 2018 and he shared that the four sessions of CPR classes are set for June 19th and 25th. He noted that there were over 400 attendees at the PBA sponsored event called Kids, Cops and Cones. He stated that Lisa Smith of the Borough DPW was posting on Facebook and sending an email blast out regarding the Food Truck Festival. Councilman Andrews had nothing else and concluded his report.

Land Use Committee and Environmental Commission

Councilman Sharkey stated that Planning Board was scheduled for June 11th and there were three applications on the agenda including the Dunkin Donuts. It was advertised that the meeting would be moved to the Mountain View School cafeteria. He shared that DPW will be planting trees soon. Councilman Sharkey stated that he had nothing else and concluded his report.

Finance Committee

Council President Andrus stated he had nothing additional to report this evening regarding Open Space, as they have already addressed that this evening. He additionally noted that he had the final dam numbers to review; but he would bring them to the meeting with Paul Ferriero and having nothing further he concluded his report.

Recreation Committee

Councilman Witczak reported that the Recreation sponsored Food Truck Festival is Saturday June 16, 2018 from 11am to 7pm. He invited all to attend and support the event. He noted the donations will benefit the First Aid Squad and Fire Department. They expect over 20 food trucks and there will be three bands entertaining over the course of the day. He shared that the camp counselor training session was complete and they were ready for the start of the camp season. He noted that camp registration is down a bit but they hope it will pick up. He reported that the summer band concert series is all set and he concluded his report.

ATTORNEY ITEMS

Borough Attorney Fred Semrau, Esq. stated there is nothing else to report at this time.

MAYOR'S ITEMS

Mayor Henry stated he was approached by a member of the Mendham Township Committee to see if the Borough was interested in co-sponsoring the Sigma Free month as part of our drug prevention council. I see no harm in participating so they will approach at their meeting and we will see what happens.

PUBLIC COMMENT

Mayor Henry opened the meeting to the public for comments.

Ron Weissman 15 Tempewick Road, Mendham, commented on the following:

1. Mr. Weissman delivered a Shade Tree handout to Councilman Sharkey.
2. He asked if they were aware that he had submitted a request for an inspection of 25 East Main Street. Attorney Semrau stated he was aware and it was being addressed.
3. He shared that he has submitted information regarding 51 East Main Street noting that there has been vandalism and is asking construction to consider inspecting the premises.
4. He thanked DPW for investigating the possibility of grading Prentice Lane.
5. He noted that he will check with the Administrator/Engineer regarding updates for the Stormwater report.
6. He asked that Council review the recording and public address system for the Planning Board meeting as it was very difficult to hear the applicants speak. PW Superintendent Cooper noted that the problem was being addressed.

Mr. Weissman concluded his comments.

Brennan Reilly, New Street, Mendham, stated he continues to investigate the issue of curbside food services and hopes that the Council will consider looking into it for safety reasons.

Laura Montenegro, asked if the Cell tower was now complete? Mayor Henry stated he believes that construction is done but there are other open issues such as available space on the tower.

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 May 17, 2018.

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Roll Call:

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

Abstain: None

Absent: None

EXECUTIVE SESSION

Mayor Henry announced that the Council would be adjourning for an Executive Session. Clerk Marlora asked the Mayor to call for a vote on Resolution 115-2018 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.

115-2018 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 Andrews

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

At 9:19 the Council cleared the Garabrant Center for the Executive Session

At 9:33 the Council resumed the regular meeting

Mayor Henry 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, the meeting was adjourned at 9:34 p.m.

The next Regular Meeting of the Mayor and Council will convene on Thursday, June 21, 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