

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

September 23, 2019

CALL TO ORDER

Mayor Christine Serrano-Glassner called the September 23, 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 John Andrews
- Council Member Brad Badal
- Council Member James R. Kelly
- Council Member Brennan Reilly
- Council President David Sharkey

- Council Member Steve Andrew was absent

Also present were:

- Fred Semrau, Esq., Borough Attorney
- Joyce Bushman, Borough Administrator
- Robin R. Kline, Borough Clerk

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

PROCLAMATIONS

Mayor Serrano-Glassner read the following proclamation:

**PROCLAMATION OF CONDOLENCE
REMEMBERING AND HONORING THE PUBLIC SERVICE LEGACY OF NEW JERSEY STATE SENATOR
ANTHONY R. BUCCO**

- Motion to Approve: Council President Sharkey
- Second: Council Member Andrews
- Ayes: Andrews, Badal, Kelly, Reilly, Sharkey
- Nayes: None

Mayor Serrano-Glassner read the following proclamation:

**PROCLAMATION OF CONDOLENCE
REMEMBERING AND HONORING WILLIAM DEBUVITZ FOR HIS YEARS OF VOLUNTEER SERVICE TO
THE BOROUGH OF MENDHAM**

- Motion to Approve: Council Member Reilly
- Second: Council President Sharkey
- Ayes: Andrews, Badal, Kelly, Reilly, Sharkey
- Nayes: None

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 requests that an item be removed and considered separately.

- 1. Approval of Minutes: September 11, 2019 Regular Meeting

- Motion to Approve: Council Member Badal
- Second: Council Member Andrew
- Ayes: Andrews, Badal, Kelly, Reilly, Sharkey
- Nayes: None

Discussion Item(s)

None.

ORDINANCES FOR FIRST READING

Council Member Kelly requested the following Ordinances be withdrawn from the agenda to allow for further review and revisions.

#12-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 4, ADMINISTRATIVE ORGANIZATION, OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS

#13-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 42, "PUBLIC WORKS, DEPARTMENT OF," OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS

#14-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 50, SEWER DEPARTMENT, OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS

#15-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 168, SEWERS, OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS

Council Member Andrews requested that any revisions or edits should be red-lined to clearly indicate the removal or addition of text.

Mayor Serrano-Glassner requested that Council Members direct their questions or comments to the Borough Administrator.

There was no further Council discussion.

Council Member Kelly made a motion to withdraw Ordinances #12-2019, #13-2019, #14-2019 and #15-2019.

Second: Council Member Andrews
Ayes: Andrews, Badal, Kelly, Reilly, Sharkey
Nays: None

Ordinances #12-2019, #13-2019, #14-2019 and #15-2019 were withdrawn from the agenda.

ORDINANCE FOR PUBLIC HEARING AND ADOPTION

#11-2019 BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SEWERAGE SYSTEM IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$5,075,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,075,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #11-2019 was introduced and passed on first reading at the September 11, 2019 meeting and further indicated that the second reading and public hearing would be held on September 23, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #11-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

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

Ordinance #11-2019 was adopted. The Borough Clerk will prepare and publish the adoption notice and take all other action required by law.

RESOLUTIONS

#137-2019 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM APPOINTING A MUNICIPAL COURT JUDGE, PROSECUTOR AND PUBLIC DEFENDER TO THE WASHINGTON TOWNSHIP AND MENDHAM BOROUGH SHARED MUNICIPAL COURT

There was no Council discussion.

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

Resolution #137-2019 passed.

#138-2019 RESOLUTION APPROVING THE SANITARY SEWER CONNECTION APPLICATION OF STUDIO FITNESS LLC DBA ORANGETHEORY FITNESS REGARDING PROPERTY LOCATED AT 84 EAST MAIN STREET, BLOCK 801, LOT 20

There was no Council discussion.

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

Resolution #138-2019 passed.

#139-2019 RESOLUTION AUTHORIZING JAMES R. WANCHO, P.E. OF PAULUS, SOKOLOWSKI AND SARTOR, LLC TO PREPARE CONTRACT SPECIFICATIONS AND BID DOCUMENTS IN CONNECTION WITH PHASE I, CCTV INSPECTION PROGRAM, OF THE CAPITAL IMPROVEMENT PLAN FOR THE BOROUGH OF MENDHAM WATER RECLAMATION FACILITY

There was no Council discussion.

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

Resolution #139-2019 passed.

#140-2019 RESOLUTION AUTHORIZING THE PUBLIC SALE OF BOROUGH PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH GOVDEALS.COM PUBLIC ONLINE AUCTION

There was no Council discussion.

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

Resolution #140-2019 passed.

#141-2019 RESOLUTION AUTHORIZING THE REFUND OF AN OVERPAYMENT OF PROPERTY TAX 17 PROSPECT STREET [BLOCK 1903, LOT 2]

There was no Council discussion.

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

Resolution #141-2019 passed.

#142-2019 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO WINCHESTER COMMUNICATION LLC FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT AND ACCESSORIES FOR TWO NEW POLICE VEHICLES

There was no Council discussion.

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

Resolution #142-2019 passed.

#143-2019 RESOLUTION AUTHORIZING THE HIRING OF JUDITH BENVENUTI AS A SCHOOL CROSSING GUARD IN THE MENDHAM BOROUGH POLICE DEPARTMENT

There was no Council discussion.

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

Resolution #143-2019 passed.

#144-2019 RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$5,075,000 SEWER BONDS, OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH [2/3 affirmative vote of full Council membership required]

There was no Council discussion.

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

Resolution #144-2019 passed.

Add-on resolution:

#146-2019 RESOLUTION AUTHORIZING AN EXCHANGE OF SERVICES WITH MONTANA CONSTRUCTION AND THE BOROUGH OF MENDHAM

There was no Council discussion.

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

Resolution #146-2019 passed.

ADMINISTRATOR'S REPORT

Ms. Bushman provided a copy of her Administrator's Report dated September 23, 2019 to the Mayor and Council.

Council President Sharkey inquired on the status of the rehabilitation of the tennis courts. Ms. Bushman confirmed the project is moving forward, however, a line item transfer of funds will be required before a contract can be awarded.

Council President also inquired about the status of the implementation of on-line tax and sewer utility payments and also the status of appointing a Tax Collector. Ms. Bushman responded that the implementation of on-line payments is on target to begin with the October payment cycle. She also reported that the Tax Collector position has not been advertised but two candidates have submitted resumes.

There was no further Council discussion concerning the Administrator's Report.

COUNCIL COMMITTEE REPORTS

Finance [Standing Committee of the Council]

Council Member Badal had nothing new to report.

Board of Health

Council Member Andrew was absent.

Recreation and Parks [Standing Committee of the Council]

Council Member Andrew was absent.

Board of Education

Council Member Andrew was absent.

Public Safety [Standing Committee of the Council]

Council Member Andrews reported 6th annual First Responders Golf Outing was held on September 16th at the Mendham Golf & tennis Club and the Police Department held its Cops, Kids & Cones event on September 18th. Council Member Andrews also reported that a meeting with Dean Road residents will take place on Wednesday (9/25) at 7:00 p.m. to review the findings of the traffic study. On OEM meeting is scheduled for next Monday (9/30).

Personnel [Standing Committee of the Council]

Council President Sharkey reported that several personnel issues are under review.

Public Works and Utilities [Standing Committee of the Council]

Council Member Kelly reported that DPW crews removed a dead tree on Borough property along Halstead Road and are gearing up for the fall season.

Land Use [Standing Committee of the Council]

Council Member Reilly reported that one new application has been submitted to the Planning Board.

ECOSST Committee

Council Member Reilly had nothing new to report.

ATTORNEY’S ITEMS

Mr. Semrau advised that Judge Minkowitz approved the shared services agreement between Mendham Borough and Washington Township for municipal court services and again thanked Chief Camoia for his efforts. The shared municipal court with Washington Township will begin October 1st.

MAYOR’S ITEMS

Mayor Serrano-Glassner reported that a settlement in the affordable housing matter has been agreed to with the Fair Share Housing Center and mentioned that once the settlement has been executed and filed with the court, more information would be provided to the community.

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.

Seeing no one 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 September 23, 2019.

- Motion to Approve: Council Member Badal
- Second: Council Member Reilly
- Ayes: Andrews, Badal, Kelly, Reilly, Sharkey
- Abstention: Council Member Andrews abstained on vouchers concerning “Aid to Volunteer Ambulance Squad”

Bills List dated September 23, 2019 was approved.

EXECUTIVE SESSION

#145-2019 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: Affordable Housing Update
- 2. Attorney-Client Privilege: Private Roads
- 3. Collective Bargaining Negotiations: PBA Contract

There was no Council discussion.

- Motion to Approve: Council Member Kelly
- Second: Council President Sharkey
- Ayes: Andrews, Badal, Kelly, Reilly, Sharkey
- Nays: None

Resolution #145-2019 passed.

The Mayor and Council convened into closed session at 8:35 p.m.

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The Mayor and Council reconvened into public session at 9:30 p.m.

ADJOURNMENT

Having no further business to conduct, Mayor Serrano-Glassner asked for a motion to adjourn.

Council Member Andrews made a motion to adjourn. Council President Sharkey seconded the motion. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 9:30 p.m.

The next Regular Meeting of the Mayor and Council will convene on October 9, 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