

**MINUTES OF A REGULAR
MEETING OF THE
MAYOR AND COUNCIL**

CALL TO ORDER

Mayor Henry called the January 16, 2017 meeting of the Mayor and Council to order at 8:00PM in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry led a moment of silent meditation followed by the Pledge of Allegiance.

OPENING STATEMENT

Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the *Observer-Tribune* and the *Morristown Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE

Mayor Neil Henry
Councilman John Andrews
Councilman John Andrus
Councilman Brad Badal
Councilwoman Christine Glassner
Councilman David Sharkey
Council President Stanley Witczak

Also present: Dawn Sullivan for Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 12/19/16
Minutes of the reorganization meeting of 1/2/17
Raffle License: Mendham Borough PTO – Off-Premise 50/50 (5/4/17)
Raffle License: Mendham Borough PTO – Off-Premise Merchandise (5/4/17)
Raffle License: Mendham Borough PTO – On-Premise Tricky Tray (5/4/17)
Blue Light Permit Application – Daniel Swift, Mendham Fire Department

Motion to approve Consent Agenda

First: Councilman Sharkey

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DISCUSSION

Stormwater

Paul Ferriero, Borough Engineer, stated that the 2018 NJDEP stormwater permit will be issued soon and will include more stringent parameters relating to:

- Site cleanliness
- Public education
- Vehicle maintenance
- Employee and Board Member training
- Storm basin cleaning/repairs

Mr. Ferriero indicated that the NJDEP has concerns about being challenged on the new permit requirements. He added that the storm basins are cleaned only when the annual inspection reveals a problem.

Cherry Lane Improvements

Mr. Ferriero explained the process by which he and Mr. O'Brien identify roads for grant funding eligibility. He indicated that the current grant is for the entire length of Cherry Lane and that a contract must be awarded within two (2) years from the date of the DOT contract. Mr. Ferriero further stated that Borough costs could be managed by spreading the capital costs over the 2017 and 2018 budget years or seeking DOT approval to complete the project in two (2) phases. He confirmed that the Borough can apply for the total grant amount and use the funds to complete

phase one (1) only. He further stated that canceling the Cherry Lane project may negatively impact the Borough for future DOT applications.

Mr. Ferriero explained that the soft costs associated with project administration account for approximately 15-18% of the total project cost and include the survey, design, bid process, construction management and inspections. He further stated that grants are available for financial losses incurred as a result of the recent state suspension of road projects.

Bliss Road

After discussion, it was agreed that a road rating system be developed wherein grant-eligible opportunities are identified. Furthermore, the accompanying Borough costs will be discussed prior to any grant application filing to ensure the Council has a role in the road repair selection process.

There was consensus that Mr. Ferriero be authorized to request DOT approval to complete Cherry Lane in phases. It was also agreed that the Bliss Road grant application be postponed until the scope of the Cherry Lane project is finalized.

Mountain Valley Park Dam

Mr. Ferriero stated that a 2016 inspection revealed that the dam is in poor condition and requires significant improvements. He estimated the total project cost to be \$500-900K depending on what is unearthed once the project begins. Mr. Ferriero noted that although county funds are not available, Borough Open Space funding may offset the Borough's out-of-pocket expenses. Councilman Andrus stated that the Open Space funds are ear-marked for property acquisition and may not necessarily be available. Mr. Ferriero warned that the NJDEP has the authority to remove the dam at the Borough's expense should the Borough fail to complete the improvements.

Revised Outdoor Facility Request Form

Ms. Kaye requested approval from the Mayor and Council for a revised Outdoor Facility Request form to include a request for the number and location of porto-johns, if any. There was unanimous consent to the change.

Prorated Fees (Fire Damage)

Questions surfaced regarding whether the Borough is able to prorate and refund sewer fees and food license fees for the businesses that were affected by the Mendham Village Shopping Center fire. Ms. Sullivan opined that while sewer fees are billed based on actual consumption, food license fees can be refunded if deemed appropriate by the Council. She did caution that doing so would set a precedent. Ms. Sullivan added that the businesses would then apply for a new license prior to reopening. Discussion focused on possible options to assist the tenants but it was ultimately decided that the issue be tabled until actual damages/insurance payouts are determined.

ORDINANCE INTRODUCTION

ORDINANCE #01-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #01-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM

Be passed on first reading by title; and

BE IT FURTHER RESOLVED, that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on February 6, 2017 at 8:00PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to introduce Ordinance #01-17 was made by Councilman Andrews

Seconded by Councilwoman Glassner

Discussion: Mr. Merkt reviewed the process leading up to the introduction of the ordinance and explained that residents will be automatically enrolled in the energy aggregation

program but will have the ability to opt out. Councilman Andrus requested a copy of the agreement/contract that the resolution authorizes. Mayor Henry advised that the relevant documentation will be collected prior to the public hearing on February 6, 2017. Mr. Merkt agreed to invite Mr. Chegwiddden, Wharton Borough Mayor, and Mr. Rheinhart, Wharton Borough Administrator/CFO, to the hearing.

Roll Call – the vote was as follows:

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

ORDINANCE ADOPTION None

ACTIONS TAKEN

Res. #27-17 Environmental Commission Appointment – Elise Dann

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Res. #28-16 Fire Mutual Aid Agreement - Morris County Municipalities and Fire Districts

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Discussion: Ms. Kaye confirmed that references to Mendham Township had already been removed from the resolution.

Roll Call – the vote was as follows:

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

Res. #29-17 NJDOT Grant Application – Bliss Road Improvements

Motion to deny: Councilman Badal

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Res. #30-17 Release of Engineering Inspection Fees - various

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Res. #31-17 Tax Overpayment Refund – 290 Mountainside Road, Block 101, Lot 23

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Res. #32-17 Tax Lien Redemption – 147 Hardscrabble Road, Block 2401, Lot 11

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Res. #33-17 Tax Lien Redemption – 15 Orchard Street, Block 602, Lot 25

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #34-17 Tax Overpayment Refund – Washington Corner Road, Block 2401, Lot 9.04

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #35-17 Transfer of Appropriation Reserves

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #36-17 OEM Coordinator Appointment – Nicholas Witczak

Motion to approve: Councilman Sharkey

Second: Councilman Badal

Discussion: Mayor Henry praised Mr. Witczak for his achievements as OEM Coordinator and confirmed his appointment to a second term.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Witczak

Absent: None

Res. #37-17 Municipal Court Judge Interim Appointment – Brian J. Levine

Motion to approve, as amended: Councilman Badal

Second: Councilman Andrus

Discussion: Discussion focused on the interim judge selection process and the potential effects the combined Chester Police Department may have on the Chester Borough-Mendham Borough Municipal Court. There was consensus that the appointment term end on March 31, 2017 with more information to follow after the joint court meeting on January 21, 2017.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Mayor and Council previously.

Mr. Merkt confirmed that the T-1 installed in the Phoenix House will allow multiple telephone calls to be connected simultaneously and that handicapped parking spaces will be added in West Field this spring at minimal cost. He further indicated that a new server can be leased for \$3K/year with an option to buy after five (5) years.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – Weekly meetings with Chief Libertino and Sergeant Camoia continue. There has been no response from Daytop to the Zoning Officer's correspondence regarding security measures. The Public Safety Committee will be arranging meetings with the Fire Department, First Aid Squad and OEM.

Councilman Andrus – The annual audit is underway and the amount in fund balance will be available shortly.

Councilman Badal – DPW put down five (5) tons of hot patch last week and are now switching to cold patch. Christmas tree pickup continues as does street-sweeping by Chester Borough. The compactor has been repaired and DPW Superintendent O'Brien has announced his resignation.

Discussion followed regarding the new Superintendent search and Mr. Merkt, Councilwoman Glassner and Councilmen Andrews and Badal were named to the hiring committee. Issues for consideration include unlicensed candidates, retirees, pension implications, etc. Carl Callahan will be Acting Superintendent while the search is ongoing. Councilman Witczak thanked Mr. O'Brien for his ten (10) years of service and stated it was a pleasure to work with him.

Councilwoman Glassner – The Personnel Committee quarterly meeting schedule is being developed. The first project will be a salary comparison among similar municipalities.

Councilman Sharkey – Councilman Sharkey stated that it was a pleasure serving as the Recreation Committee Chair and praised Mr. DiBisceglie for the tremendous work he does.

Councilman Witczak – Councilman Witczak thanked the Police and Fire Departments for their emergency response at 62 Mountain Avenue.

ATTORNEY ITEMS

No report.

MAYOR'S ITEMS

No report.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public.

Ms. Marian Mundy, Pembroke Drive, urged the Council to consider energy providers who are environmentally friendly. She also clarified that the styrofoam recycling event was sponsored by the Borough and Township Environmental Commissions rather than the DPW as stated in the Observer Tribune. Ms. Mundy praised the work Mr. O'Brien has done for the Borough and thanked him for his years of service.

Chief Pasquale Libertino announced that this was his last Council meeting and thanked the Mayor and Council for the opportunity to serve the Borough.

Hearing no further comments, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated January 16, 2017

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION None

ADJOURNMENT

There being no further business scheduled for the consideration of the Mayor and Council at this time, on a motion duly made, seconded and unanimously carried by a voice vote, the meeting was adjourned at approximately 10:01PM next to convene at a regular meeting on February 6, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk