

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

**CALL TO ORDER**

Mayor Henry called the October 17, 2016 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 *Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

**ATTENDANCE**

Present: Mayor Neil Henry  
Councilman John Andrews  
Councilman Brad Badal  
Councilman David Sharkey  
Councilman Stanley Witczak  
Council President John Andrus

Excused: Councilwoman Veronica Daly

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 10/3/16

Off-Premise Draw Raffle Approval: Minutemen Sports Club - 1/23/17 Girls HS Basketball

Off-Premise Draw Raffle Approval: Minutemen Sports Club - 2/16/17 Boys HS Basketball

Motion to approve Consent Agenda: Councilman Andrus

Second: Councilman Andrews

Discussion: Councilman Andrews requested that the minutes be revised to include his support for a police department upgrade feasibility study. Ms. Kaye noted that she had misquoted Councilman Witczak regarding holiday banner placement and clarified the correct language.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**DISCUSSION**

**Morris County 2016 Budget:** Morris County Freeholder Hank Lyon

Freeholder Lyon reviewed the attached presentation and explained the development process and the budget goals. He further stated that although there was a 2.39% tax increase this year, taxes have increased only .5% over the last four (4) years. Freeholder Lyon explained the spending breakdown and highlighted the array of human/social services offered in Morris County. His presentation centered on:

- Public safety services
- Debt management
- County financial strength
- Fund balance

General discussion followed regarding Morris View Healthcare Center, trail construction grants and the costs associated with road resurfacing.

### **Tenant Parking (3 Hilltop Road)**

Mayor Henry indicated that the Pastime Club is having difficulty leasing its two (2) rental apartments due to the lack of available parking. He then summarized the club's written request for Council approval of two (2) municipal lot spaces per unit. Councilman Andrews, Pastime Club member and officer, reiterated that overnight parking in municipal lots is prohibited from 2AM – 6AM with additional limitations set forth in the ordinance. Discussion followed regarding the precedent set by the permitted tenant parking in the Ward Sands lot and whether tenant vehicles should be assigned reserved spaces or identified by permit. Discussion also focused on which lot(s) which be most suitable. There was consensus that the Pastime Club's request be granted with the logistics to be determined. Councilman Andrus suggested that the MBPD be consulted and Mayor Henry directed Councilman Andrews to advise prospective tenants that parking will be made available.

### **Best Practices**

Mr. Merkt reviewed the Best Practices worksheet and announced that the Borough scored 90% which is more than enough to qualify for state funding. He further stated that while some metrics can be improved, e.g., timely introduction of the budget utilizing the new accounting software, not all can be satisfied due to the size of the Borough and the necessity for varied responsibilities among the employees. Mr. Merkt confirmed that the Best Practices worksheet will be filed with the state this week.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE ADOPTION:** None

### **ACTIONS TAKEN**

Res. #147-16 Consent to Locate and Operate in Public Right of Way (Verizon Wireless Poles)

Richard Komissar from Tilson Tech explained that in order to increase data capacity in the Borough, Verizon is proposing to install 2½' antennas with 20" x 55" boxes on existing telephone poles. He estimated that between one (1) and three (3) poles would be affected. Mr. Komissar further confirmed that this resolution is seeking only general approval and that site-specific approval will be required in the future. Discussion followed regarding areas of insufficient coverage and alternate options to improve capacity. The vote was tabled pending additional information from Mr. Komissar relating to the number of installations, proposed locations and timeframes along with potential alternatives.

Res. #148-16 Tax Lien Redemption – 4 Hampton Road, Block 1102, Lot 123

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

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

Opposed: None

Abstain: None

Absent: Daly

### **ADMINISTRATOR REPORT**

The Administrator's report was distributed to the Mayor and Council previously. There were no additional comments.

### **COUNCIL REPORTS, OLD & NEW BUSINESS**

Councilman Andrews – no report.

Councilman Badal – The Master Plan Reexamination Report has been filed with the state. JP Morgan Chase is moving into the former Lakeland Bank building and has received site plan approval for minor interior and exterior renovations. Meetings will be scheduled with local restaurant owners to discuss the outdoor dining ordinance as feedback indicates that the cost of site plan approval is prohibitive and would take years to recoup.

Councilwoman Daly – excused.

Councilman Sharkey – Tree planting in the Borough will take place this fall.

Councilman Witczak – The Chester Borough DPW Superintendent passed away unexpectedly and the Borough DPW has offered whatever assistance they can provide. DPW continues to maintain good relationships with surrounding municipalities. Repair of catch basins has begun along with the marking of fire hydrants in preparation for winter.

Councilman Andrus – Ms. Giordano has prepared a memo to assist in the upcoming budget process. Initial meetings are to begin in October and the budget meeting will be held on Saturday, December 3, 2016 at 9AM in the Phoenix House. Legal fees continue to exceed budgeted amounts and Mr. Merkt agreed to allocate each charge to its respective department. Performance reviews will be completed by December 1, 2016. The Open Space ordinance is ambiguous as to how funds are to be used for maintenance; accordingly, dredging in Mountain Valley Park may not be eligible. Funds for dredging will likely be included in the 2017 budget. Mr. Merkt agreed to seek an opinion from Mr. Semrau regarding funding for Open Space maintenance. New construction on Sussex Turnpike in Randolph is rumored to include six hundred (600) Section 8 housing units. Mr. Merkt agreed to ask Mr. Semrau and Mr. McGroarty to research the issue to determine whether the Borough is at risk for a similar project. Mr. Merkt also agreed to contact Randolph's Administrator regarding same.

**ATTORNEY ITEMS** – no report

**MAYOR'S ITEMS**

Chester Borough is seeking a replacement for the court judge who is retiring. Mr. Merkt agreed to contact Mr. Ferriero to determine what is required to provide handicapped parking and accessibility at West Field. Mendham native and former NFL football player, Carl Zander, will be attending the WMMHS football game on November 5, 2016 and will be presented with a proclamation.

The Mayor distributed his draft response to correspondence from Daytop in which James Curtin objected to the Mayor's Update in the October 2016 Mendham Messenger. Councilman Andrews reiterated that Daytop officials were asked back in the spring to provide an action plan that would preserve the safety of first responders. To date, nothing has been provided and the nature of the calls has become more violent. Mr. Merkt added that Daytop representatives are denying a problem exists. Councilman Andrus commented that patients are often sent to Daytop as the preferred option rather than jail, i.e., placement does not constitute "voluntary." Councilman Badal requested a copy of the conditions set forth in the original Planning Board resolution and suggested that Mr. Semrau draft an opinion regarding legal options to enforce compliance.

**PUBLIC COMMENT**

Mayor Henry opened the floor to comments/questions from the public. Hearing none, Mayor Henry closed the public portion of the meeting.

**APPROVAL OF VOUCHERS**

Bill Lists dated October 17, 2016  
Motion to approve: Councilman Andrus  
Second: Councilman Sharkey  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrews, Badal, Sharkey, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: Daly

**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 9:33PM next to convene at a regular meeting on November 7, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

*Margot G. Kaye*  
Margot G. Kaye  
Borough Clerk