

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

**CALL TO ORDER**

Mayor Henry called the October 5, 2015 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  
Councilman David Sharkey  
Councilman Stanley Witczak  
Council President Veronica Daly

Also present: Fred Semrau, Borough Attorney  
Richard Merkt, Borough Administrator

**CONSENT AGENDA**

Approval of the minutes of the regular meeting of 9/21/15

Approval of the minutes of the executive session meeting of 9/21/15

Motion to approve Consent Agenda

First: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Andrus, Badal and Witczak abstained from the executive session minutes

Absent: None

**DISCUSSION**

**NJ Center for Tourette Syndrome 5K**

Present: Nicole Greco

Mayor Henry indicated that the annual event was approved at the September 8, 2015 meeting. Ms. Greco thanked the Mayor & Council for permitting the very first 5K in 2010 and reported that it is now a statewide event with several municipalities hosting the event.

**JCP&L Montville-Whippany Reinforcement Project Update**

Present: Mike Obremski

Mr. Obremski stated that PJM informed JCP&L that deficiencies were identified that must be rectified. He further indicated that the current project proposal was determined to be the best course of action.

Discussion focused on the additional rights of way and the effects of higher voltage on an adjacent school and condominium complex located at the north end of the project area. Mr. Obremski clarified that the right of way existed prior to the complex being build but after the school was. He further stated that the project will be located primarily at the south end in swamp/meadowland.

Mr. Obremski stated that the Township of Montville is currently the only municipality that has voted against the project and added that another course of action will have to be developed if the Board of Public Utilities does not approve it.

There was consensus that a number of questions remain unanswered and the vote was tabled until the October 19, 2015 Council meeting. It was agreed that a member of Montville's Governing Body be invited to present its position on the proposal.

## **Master Plan Amendment – SCC Religious Campus**

Present: Chuck McGroarty

Mr. McGroarty indicated that the Planning Board adopted a Master Plan amendment to allow a religious campus on the Sisters of Christian Charity property. He outlined the details of the amendment and clarified the following:

- The proposed construction plans show a 400' front setback
- Should the Sisters want to subdivide the property in the future, the religious campus must be at least 80 contiguous acres with the remaining lots no smaller than 5 acres
- Due to the wetlands present, subdivision would result in only 3 or 4 taxable lots at the most
- The Sisters have not expressed any indication that they intend to subdivide

He further requested that the Council amend the zoning ordinance to reflect the Land Use Plan Element. Mr. Semrau added that the public had been notified and that there've no real objections to the proposal.

Mr. Harry Riskin, Cromwell Lane, stated that the Sisters hosted a meeting with surrounding property owners and wished to confirm the following:

- Setbacks will remain as depicted in the plans
- Landscape buffering will be used so the project will not affect neighboring views
- The height of the proposed two-story structure will be comparable to residential dwellings in the area

Mr. McGroarty agreed to confirm the information presented and include any relevant language in the ordinance to be introduced at the October 19, 2015 Council meeting.

## **Best Practices Questionnaire**

Mayor Henry explained the questionnaire process and stated that the responses dictate the amount of state aid each municipality receives. He added that, historically, Mendham Borough has been compliant. Councilman Andrus questioned the negative response to question #28 regarding fund balance. He further stated that the fund balance figure is a written policy in the minutes. Mr. Merkt asked that Councilman Andrus prepare a memorandum to the CFO stating same.

## **WMMHS Homecoming Bonfire**

Mayor Henry announced that the Chester Borough Fire Department, in conjunction with the Mendham Borough Fire Department, is seeking approval to host a bonfire at Borough Park on Friday, October 9, 2015. He indicated that this is a recurring event and that there have been no issues previously. Councilman Badal questioned the propriety of burning pallets as nails are left behind which could damage car tires. Superintendent O'Brien assured the Mayor and Council that the DPW has effectively cleaned up bonfire debris in the past, including nails, without incident. Councilman Andrus made a motion to approve the bonfire which was seconded by Councilman Daly.

ROLL CALL: The result of the roll call was 6 to 0 as follows:

In Favor: Andrews, Andrus, Badal, Sharkey, Witczak, Daly  
Opposed: None  
Abstain: None  
Absent: None

Motion carried.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE ADOPTION:** None

## **ACTIONS TAKEN**

Res. #154-15 JCP&L Montville-Whippany Reinforcement Project (**carried to 10/19/15**)

Motion to approve:

Second:

Discussion:

Roll Call – the vote was as follows:

In favor:

Opposed:

Abstain:

Absent:

Res. #157-15 Municipal Aid Extension: Talmage Road Resurfacing

Motion to approve: Councilwoman Daly

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #158-15 Sanitary Grant Application – NJDOT SAGE – Cherry Lane Improvements

Motion to approve: Councilman Witczak

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #159-15 Sanitary Sewer Connection – 5 Knollwood Drive, Block 903/Lot 6

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #160-15 Ferriero Engineering: Orchard Street Improvements

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #161-15 PSA – Scott Farm Phase I Environmental Study

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #162-15 Executive Session (**withdrawn**)

Motion to approve:

Second:

Discussion:

Roll Call – the vote was as follows:

In favor:

Opposed:

Abstain:

Res. #163-15 Conservation Partnership Agreement (Scott Farm Acquisition)

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

### **ADMINISTRATOR REPORT**

The Administrator's report was distributed to the Council previously. Mr. Merkt stated that the Scott Farm Power Point presentation will be presented to the County Grant Committee on October 22, 2015. Mayor Henry added that the potential for approval looks favorable. Mr. Merkt further indicated that Mr. Semrau has approved the Conservation Partnership Agreement with the MCMUA and requested a resolution to authorize execution of same. Mr. Merkt stated for the record that the property will be deeded for passive recreation.

Mr. Merkt made recommendations regarding staffing. He selected Penny Andrus as the best candidate to replace Helen Cleary after Ms. Cleary's retirement. He further suggested that four

(4) part-time positions be restructured into two (2) full-time positions, i.e., Land Use be combined with TACO and Tax Collection with Zoning.

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

Councilman Andrews – The Land Use Committee will be meeting in the coming weeks to discuss the draft outdoor dining ordinance and the revised generator/AC pad language.

Councilman Andrus – Susan Giordano, CFO, and Bud Jones, Auditor, are to be commended for the Borough's AAA bond rating. The 2016 budget memo has been distributed and responses are due October 30, 2015. The annual budget meeting is scheduled for December 5, 2015 at 9AM in the Garabrant Center. The policy regulating employee purchases must be enforced and it was suggested that procurement cards be issued for employee use.

Councilman Badal – The Personnel Committee agrees with Mr. Merkt's staffing recommendations and the revised job descriptions are 75% completed.

Councilman Sharkey – Tree City certification is up for renewal and the Borough has received Shade Tree approval status from the state.

Councilman Witczak – DPW is conducting response testing in anticipation of winter storms. They had an outstanding dry run and were able to identify potential deficiencies prior to the season, e.g. purchase of a new chain saw is required. Mowing continues and areas for new plantings are being considered.

Councilwoman Daly – The number of siren blasts have been reduced by 25% (4 for fire, 2 for EMT and 6 for both). The OEM Coordinator and the Fire Chief are delineating their roles in terms of emergency response and the Mayor reiterated that the OEM Coordinator is the point of contact. The Public Safety Committee voted unanimously to recommend adoption of a snow removal ordinance that addresses timing, fines and exemptions for the elderly and infirm. Councilman Andrus added that historically there have been enforcement issues, i.e., enforcement cannot be selective. The Public Safety Committee will review the prior ordinance that was repealed. In addition, they will be proposing an ordinance to ban retail sales of cats and dogs in the Borough. Mr. Semrau opined that it might be difficult to exclude a particular type of business without a compelling reason. He stated that he will review Randolph's ordinance and draft an opinion memorandum.

#### **ATTORNEY ITEMS**

Mr. Semrau indicated that he had solicited three (3) proposals for the Scott Farm Phase I Environmental Study and recommended that The Louis Berger Group be awarded the contract as per the proposal submitted.

#### **MAYOR'S ITEMS**

Mayor Henry stated that the PBA members were to go door to door to notify affected property owners that a scoreboard was being erected in Borough Park. He has since learned that that is not the case and complaints have been received. Conversations with the Borough Engineer confirm that the current location is the only possible spot in order to maximize the visibility of the scoreboard.

#### **PUBLIC COMMENT**

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

#### **APPROVAL OF VOUCHERS**

Minute Book Attachment Bill List dated October 5, 2015

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: 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 9:37PM next to convene at the Regular Meeting on October 19, 2015 at 8:00PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

*Margot G. Kaye*

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Borough Clerk