

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

CALL TO ORDER

Mayor Henry called the November 16, 2017 regular meeting of the Mayor and Council to order at 8:07PM 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 John Andrus
Councilman Brad Badal
Councilman David Sharkey
Council President Stanley Witzcak

Excused: Councilwoman Christine Serrano Glassner

Also present: Fred Semrau, Borough Attorney
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 11/2/17
Mendham Fire Department Appointment: Jonathan D. Gould, Junior Member

Motion to approve Consent Agenda: Councilman Sharkey
Second: Councilman Witzcak
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Sharkey, Witzcak
Opposed: None
Abstain: Andrus (minutes only due to absence)
Absent: Glassner

DISCUSSION

None

ORDINANCE INTRODUCTION

ORDINANCE #12-17

**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

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

ORDINANCE #12-17

**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

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 December 7, 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 #12-17: Councilman Badal

Second: Councilman Andrews

Discussion: Mayor Henry advised that the ordinance amends the Administrator salary range so that it is aligned with other municipalities. He confirmed that the range could be amended in the future to accommodate any staffing changes related to the position.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Witzcak

Opposed: Sharkey

Abstain: None

Absent: Glassner

ORDINANCE ADOPTION:

ORDINANCE #11-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 195-34 OF THE BOROUGH CODE ENTITLED EXEMPTIONS FROM SITE PLAN APPROVAL

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

ORDINANCE #11-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 195-34 OF THE BOROUGH CODE ENTITLED EXEMPTIONS FROM SITE PLAN APPROVAL

Was published in full in the Observer Tribune.

Mayor Henry opened the floor for public comment. Hearing none, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #11-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING SECTION 195-34 OF THE BOROUGH CODE ENTITLED EXEMPTIONS FROM SITE PLAN APPROVAL

Be passed and adopted on this final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune according to law.

Motion to adopt Ordinance #11-17, as amended: Councilman Witzcak

Second: Councilman Sharkey

Discussion: Mr. Semrau stated that the intent of the ordinance is to simplify the land use procedure for new business owners by streamlining the application process. He confirmed that the Zoning Officer and Borough Engineer are authorized to grant approvals in cases where there is no significant change of use. Mr. Semrau noted that the Planning Board recommended additional language in paragraph 1B(3) which was incorporated into the ordinance.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Glassner

Ordinance #11-17 was adopted.

ACTIONS TAKEN

Res. #182-17 Current Fund Unexpended Balance Cancellation

Motion to approve: Councilman Witzcak

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Res. #183-17 Tax Refund – 29 East Main Street, Block 1501, Lot 13

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Res. #184-17 Xtel Contract Addendum

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Res. #185-17 Recycling Contract Award: Blue Diamond Disposal

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: Mayor Henry reiterated that Blue Diamond was the sole bidder and that the bid price was increased by 82%. He confirmed that shared services were discussed with a number of municipalities and added that the MUA was unable to provide a proposal at this time. Mayor Henry indicated that action must be taken as the deadline to award the contract is December 3rd. Discussion followed regarding opportunities for shared services in the future.

Roll Call – the vote was as follows:

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

Res. #186-17 HPC Appointment: Dan Encin, Class A

Motion to approve: Councilman Sharkey

Second: Councilman Badal

Discussion: Mayor Henry stated that Mr. Encin is a local architect who is recommended by Mike Zedalis and Carolyn Mazzucco.

Roll Call – the vote was as follows:

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

ADMINISTRATOR REPORT

None

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – Five (5) members of the DPW received CPR training with four (4) others scheduled for November 30th. Ambulance driver training will be conducted at no cost to the Borough. The scheduled EMR class has been postponed to January with two (2) police officers and three (3) new MFAS members scheduled to participate. Phase 2 of the firehouse renovation has begun. The OEM Coordinator is seeking additional funding for the Garabrant Center emergency generator since the lowest bid was over budget. Mr. Semrau stated that it may be possible to amend the grant amount in order to cover the bid costs. A conference call is scheduled for November 22, 2017 to discuss same.

Councilman Andrus – The preliminary budget is 152K above the 2% cap (including repayment of the 80K dam project loan) so reductions must be found. Pension and health insurance increases are well over 2%. Capital requests are up but cap money may be available. Meetings will be held with Department Heads prior to the budget meeting with the full Council.

Councilman Badal – The DEP has planted 27 trees in accordance with Councilman Sharkey's recommendations. Carbon dioxide detectors have been installed in Borough buildings. A PEOSHA

inspection has determined that the Borough is in compliance. 1000 cubic yards of silt were removed from the dam. Doug Wright was recognized as Superintendent/Director of Year.

Councilwoman Glassner – excused.

Councilman Sharkey – The Planning Board approved the Ketchum subdivision. Dunkin Donuts has not filed a new application. Three (3) candidates are being considered for the Administrator position and 2nd round interviews will be held on December 7th beginning at 5PM. The Canning Group will notify the candidates.

Councilman Witczak – Holly Trail is scheduled for December 2nd and all are encouraged to participate and support the Recreation Department.

ATTORNEY ITEMS

Mr. Semrau announced that Judge Nergaard has ordered all participating municipalities to contribute \$5K for the services of Richard Reading who has been appointed the Affordable Housing Special Master. Mr. Reading will look at the current figures and develop his own fair share numbers.

MAYOR'S ITEMS

Mayor Henry requested that he be updated on any Board/Commission/Committee vacancies. He confirmed that Administrator interviews will be conducted in closed session.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public and advised that comments must be kept to five (5) minutes.

Mr. Ronald Weissman, 15 Tempe Wick Road, requested an update on infrastructure deficiencies he alleged during a previous meeting. Councilman Badal advised that the DPW Superintendent and Borough Engineer are visiting the various sites and will provide feedback once the review is completed. Mr. Weissman stated that he had seen heavy trucks on Bliss Road. He further requested that the Borough reconsider its flag-lowering policy and follow the orders of the President rather than the Governor. Mayor Henry stated that the Borough will continue with its current policy.

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

APPROVAL OF VOUCHERS

Bill Lists dated November 16, 2017

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Glassner

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 8:51PM next to convene at a regular meeting on December 7, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk