

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

CALL TO ORDER

Mayor Henry called the November 2, 2015 meeting of the Mayor and Council to order at 8:04PM 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: Dawn Sullivan for Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator

CONSENT AGENDA

Approval of the minutes of the regular meeting of 10/19/15

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Witczak

Opposed: None

Abstain: Andrus, Sharkey, Daly (absence)

Absent: None

DISCUSSION

Snow Removal Ordinance

Mayor Henry stated that discussions regarding a snow removal ordinance continue and indicated that feedback from 41 respondents shows 24% in favor of an ordinance while 76% are opposed. Further discussion focused on the intent of the ordinance and the propriety of snow removal by the DPW rather than the residents. It was suggested that the issue be addressed by something other than an ordinance.

Mayor Henry opened the meeting for comments/questions from the public.

Lori Caldwell, Coventry Road, inquired about snow removal enforcement for commercial properties and unoccupied spaces on Main Street. Councilwoman Daly agreed to raise the issue with the Public Safety Committee.

Ed Beck, Coventry Road, stated his opposition to the ordinance as did Geri Bain, Gunther Street, Ann Haller, Coventry Road, and Bob Keroack, Gunther Street.

Priscilla Beck, Coventry Road, suggested allocating tax dollars for snow removal by the Borough. Mayor Henry pointed out that that option could potentially be at the expense of other services.

Tom Parker, Forest Drive, stated his support of the ordinance. Jim Rooney, Dean Road, agreed and recommended that the ordinance focus on the main arteries in and around the schools.

Mr. Merkt agreed to further discussions with Ken O'Brien, DPW Superintendent, regarding equipment and personnel requirements and will develop a cost estimate based on his findings.

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

There was consensus among the Council that other options be explored prior to introduction of the proposed ordinance. Primarily, the focus should be on the main arteries and low sight areas. It was recommended that the police monitor speeding within the school zones, particularly on snowy days. It was further suggested that the schools utilize their budgets as well to help subsidize additional costs associated with DPW snow removal.

Ms. Sullivan agreed to research issues surrounding the clearing of some sidewalks, but not all, and the potential for liability.

ORDINANCE INTRODUCTION:

ORDINANCE #8-15

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE TO ADD AN ARTICLE V, ENTITLED "SNOW AND ICE REMOVAL," TO CHAPTER 190, ENTITLED "STREETS AND SIDEWALKS"

Ordinance #8-15 was tabled for further consideration by the Public Safety Committee and the Department of Public Works.

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #169-15 Sanitary Sewer Connection – 78 Mountainside Rd, Block 501, Lot 24

Motion to approve: Councilman Witczak

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #170-15 Release Planning Board Escrow – 106 East Main St, Block 801, Lot 12

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

Absent: None

Res. #171-15 Release Performance Bonds – 8 Forest Road, Block 604, Lot 7.01

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #172-15 Adoption of Morris County Hazard Mitigation Plan Update

Motion to approve: Councilman Badal

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

Res. #173-15 Release Engineering Escrow – 8 Forest Drive, Block 604, Lot 7.01

Motion to approve: Councilman Badal

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Sharkey, Witzcak, Daly
Opposed: None
Abstain: None
Absent: None

Res. #174-15 Appoint Penny Andrus, Regular Member – Board of Health

Motion to approve: Councilman Witzcak

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Sharkey, Witzcak, Daly
Opposed: None
Abstain: Andrus
Absent: None

Res. #175-15 Authorize Cancellation of Salary Adjustment Account Balance

Motion to approve: Councilman Andrus

Second: Councilman Witzcak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Sharkey, Witzcak, Daly
Opposed: None
Abstain: None
Absent: None

Res. #176-15 Authorize 2015 Budget Transfers

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Sharkey, Witzcak, Daly
Opposed: None
Abstain: None
Absent: None

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Mayor and Council previously. Mayor Henry requested an update on the Borough Park scoreboard. Mr. Merkt stated that he attended a meeting with the Borough Engineer, DPW Superintendent and Orchard Street resident, Jennie Kervick, to discuss the height of the scoreboard as well as the rear exterior and whether buffering would be a viable solution. Mr. Ferriero continues to explore various options.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The Land Use Committee met on October 28th to discuss the draft outdoor dining ordinance and the revised generator/AC pad language. Both were tweaked slightly and will be sent to the Planning Board for a Master Plan consistency determination. The Mayor requested that both be introduced at the November 16, 2015 Council meeting pending Planning Board approval.

Councilman Andrus – Department budgets for 2016 were due to the CFO by October 30, 2015.

Councilman Badal – Job descriptions have been reviewed and changes will be made to existing versions. Copies will be available upon request for Council review.

Councilman Sharkey – Trees have been planted in the Borough and a 5-year Tree City plan is being developed.

Councilman Witzcak – The Phoenix House railings are to be installed within the next few weeks. Mr. O'Brien and his team are repairing/painting the Phoenix House fence. The Borough has stocked an adequate amount of salt for the upcoming winter.

Councilwoman Daly – The Borough received an award for having zero (0) traffic fatalities in 2014.

ATTORNEY ITEMS

Ms. Sullivan deferred to Mr. Semrau who arrived at the meeting at approximately 8:55PM. Mr. Semrau stated that the Scott Farm Phase I environmental assessment has commenced. COAH has extended the deadline to provide an approved housing plan, thus negating the need for the

November 21, 2015 joint meeting with the Planning Board. A public hearing for the Sisters of Christian Charity zoning ordinance is scheduled for November 16, 2015. Notice will be provided by the Sisters' attorney.

MAYOR'S ITEMS

Mayor Henry stated that he and Mr. Merkt will be meeting with local school board members to elicit feedback regarding the feasibility study.

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 November 2, 2015

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

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 9:15PM next to convene at the Regular Meeting on November 16, 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