

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

CALL TO ORDER

Mayor Henry called the November 2, 2017 regular meeting of the Mayor and Council to order at 8:01PM 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
Councilwoman Christine Serrano Glassner
Councilman David Sharkey
Council President Stanley Witzcak

Excused: Councilman John Andrus

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

CONSENT AGENDA

Minutes of the regular meeting of 10/19/17
Raffle License: Minutemen Sports Club – Off-premise Merchandise Draw (1/10/18)
Raffle License Date Change: Mendham Borough HAS (12/1/17)
Bingo License: St. Joseph Catholic Church (1/13/18)

Motion to approve Consent Agenda: Councilman Sharkey

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Witzcak (bingo license only)

Absent: Andrus

DISCUSSION

Mountain Valley Park Pond Project: Paul Ferriero

Mr. Ferriero stated that the project is tracking well against the proposal despite a slight delay due to inclement weather. He estimated that the pond matter will be removed by the end of next week after which it will dry in place before being hauled away. Since the cost is calculated per cubic yard, post-removal analysis will be conducted to ensure accuracy.

Mr. Ferriero opined that the costs align with projections and predicted certain line item decreases. He indicated that DEP regulations require both an on-site Engineer during dredging and special disposal for contaminated soil. He stated that those costs will be submitted to EJIF for possible reimbursement.

Mr. Ferriero confirmed that re-seeding will be done by the contractor upon completion of the project including the soil area adjacent to the concrete spill-way. He clarified that at the conclusion of the project, the Borough can utilize the pond in any manner they see fit, and suggested that the Council consider a proposal from Princeton Hydro for long-term pond management.

Mr. Cooper, DPW Superintendent, stated that he is waiting for a response from Princeton Hydro regarding the necessity of aerators at the pond. Mr. Ferriero agreed to follow up with Mr. Cooper to discuss same.

Mr. Ferriero indicated that any leftover project funding may be used for a sediment containment system if deemed appropriate by the Council.

Interlocal Services Agreement - MASH Bus

Mayor Henry stated that Ms. Rajoppi, MASH Assistant Director, is amenable to data reporting as stipulated by the agreement. He asked that the Council consider the agreement, as written, when action is taken.

OTHER BUSINESS

Mr. Semrau stated that the attorney for Frank's Pizza ("Applicant") is requesting relief for the sanitary sewer fee which has been paid in full. Mr. Ferriero explained that the prior allocation was based on the retail use of the Chocolate Shoppe and the food service use of Village Pizza. He confirmed that the current allocation was calculated based on the proposed use and combined seating and was calculated according to DEP guidelines. He added that the Borough is required to report reserves and flows to the DEP quarterly and any deviation from their guidelines may negatively impact the Borough. Mr. Semrau explained that the sanitary sewer fee is a one-time charge similar to a capital contribution and Mr. Ferriero confirmed that the allocation is not transferrable. Mr. Semrau advised that concessions have not been made in the past and warned against setting precedent regarding payment.

Mr. Semrau listed the options for consideration by the Council:

1. Adhere to the code as written
2. Provide relief to the Applicant
3. Table the issue for further discussion

Mr. Witczak made a motion to stay consistent with Borough ordinance and adhere to Mr. Ferriero's recommendation.

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #179-17 Interlocal Agreement – MASH Transportation

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

Res. #181-17 Duplicate Tax Payment Refund – 21 Florie Farm Road, Block 902, Lot 20

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

ADMINISTRATOR REPORT

None

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – MFAS continues its recruiting campaign and is hosting an EMR class at the Morris County Public Safety facility. Announcement of same will be via email blast, website ticker, MBPD social media and Everbridge. Three (3) DPW employees have received CEVO

certification and will follow up with CPR training. Notice will be distributed alerting residents that ambulance driver training is available as a one-day class. Delivery of two (2) new police vehicles is expected within the next two (2) weeks. Discussions with the MTPD continue regarding a formal mutual aid agreement. Sergeant Camoia will address speed limit concerns on Hardscrabble Road and report back to the Council.

Councilman Andrus – excused.

Councilman Badal – Mr. Cooper agreed to work with Township Administration to develop a formal agreement for the Borough's use of a Township snow plow, then forward same to Mr. Semrau for review. Borough personnel met with Mr. Olive representatives to discuss shared services for the collection of recycling. Savings may be realized if the Borough arranged for internal transport and unloading of the DPW recycling container.

Councilwoman Glassner – Interviews will be scheduled for Administrator candidates. The LEDC held its first meeting and are drafting a registry for businesses in town. Other projects are also under way. An employee has requested approval for professional development which will be considered by the Personnel Committee. Mr. Semrau confirmed that Council may adopt a reimbursement policy if employees do not stay for a specified period of time after course completion. A part-time employee who is seeking full-time hours has been notified that additional hours are not currently available.

Councilman Sharkey – Ms. Kaye confirmed that an application from Dunkin Donuts has not been filed. The DPW is planting more trees this fall than the last several years. Ordinance no. 11-17 (Site Plan Exclusions) is on the November 13, 2017 agenda for Planning Board review. Mr. Semrau agreed to draft a letter to the Planning Board that explains the intent of the ordinance, i.e., to promote efficiency for local business while maintaining the aesthetics of the community.

Councilman Witczak – Mr. Cooper was commended for clearing Borough trails for improved resident enjoyment. Mr. Semrau agreed to conduct both employment practices and ethics training for Borough employees.

ATTORNEY ITEMS

Mr. Semrau commended Borough employees for maintaining consistent contact with his office in the absence of an Administrator. Mayor Henry confirmed that the staff is doing an excellent job of managing Borough business.

MAYOR'S ITEMS

Mayor Henry stated that he met with the County Engineer who will get back to him regarding funding for crosswalk lighting. He further announced that the Borough will conduct an RFP for a new Borough Planner and invited Planning Board participation in the selection process to ensure that Affording Housing is addressed. A new firewall will be procured to support the new financial software. The Public Safety Committee will look into outsourcing police detail management.

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 a follow-up on stormwater issues he raised at a previous meeting and was told that the Borough Engineer is investigating. Mr. Weissman referred to the Mayor's Observer Tribune letter relating to the Dunkin Donuts application and requested that Mayor Henry give his personal opinion regarding same. Mayor Henry affirmed his position as stated in the letter and added that no new application has in fact been filed. Mr. Semrau explained that the opinion of the Mayor may be construed as undue influence over the Planning Board/Board of Adjustment since he appoints the members to both quasi-judicial bodies. He further cautioned that it would harm the integrity of the application process.

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

APPROVAL OF VOUCHERS

Bill Lists dated November 2, 2017

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

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 9:22PM next to convene at a regular meeting on November 16, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk