

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

CALL TO ORDER

Mayor Henry called the November 21, 2016 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 Veronica Daly
Councilman David Sharkey
Councilman Stanley Witczak

Excused: Council President John Andrus

Also present: Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 11/7/16
Minutes of the executive session of 11/7/16
Bingo License: St. Joseph Church - 2/25/16
Municipal Lot Parking Permit: Craig Nixon/Mairin Clark
Mendham Fire Department Appointment: James J. Cillo, Sr., Probationary Member

Motion to approve Consent Agenda: Councilman Sharkey
Second: Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak
Opposed: None
Abstain: Andrews - parking permit only (Pastime Club Officer)
Absent: Andrus

DISCUSSION

ENERGY AGGREGATION

Present: Bill Chegwidden, Mayor, Borough of Wharton
John Rheinhardt, Business Administrator/CFO, Borough of Wharton

Mayor Henry welcomed Mayor Chegwidden and Mr. Rheinhardt and stated that since the Council's energy aggregation discussion in February 2015, data has been gathered that clearly demonstrates savings for those who participate in the cooperative program. Mayor Chegwidden added that Wharton entered the program about a year ago, and that initially, approximately 20% of the residents opted out. He added that there has been an average of 6% in savings over last year.

Mr. Rheinhardt indicated that the state dictates who provides the utility and what the rate will be and explained that smaller chunks of business, i.e., a cooperative, allow smaller companies to bid and provide service at a lower rate. He confirmed that the program ends if state rates go below the cooperative price, i.e., participants either save money or go back to their former supplier. Mr. Rheinhardt added that JCP&L maintains the lines and continues to receive reports of outages.

Mayor Chegwiddden stressed the importance of communication prior to going live with the program and recommended such steps as mailings, Facebook, public meetings, website, etc. in order to familiarize Borough residents. He further confirmed that materials already exist for the Borough's use.

Mayor Henry stated that Long Hill Township has already realized \$122K since joining the cooperative and added that some residents who initially opted out have since opted in to take advantage of the savings.

Mr. Rheinhardt confirmed that Bay Head, Lincoln Park, Wharton, Long Hill and Riverdale are existing members and that an ordinance and resolution are required to begin the process. He laid out a timeline to include ordinance adoption in January/February followed by several months of communications/public relations. He further identified June/July as a possible start date.

After discussion, it was unanimous among the Council members present that the Borough move forward with next steps to join the energy cooperative.

TELEPHONE SYSTEM UPGRADE

Mr. Merkt updated the Council regarding his search for a vendor to integrate the Borough telephones onto a VOIP system in the Phoenix House, Bowers building, Public Works and Police Department. Since the total amount is beneath the bid threshold, quotes were requested from several vendors and Monmouth Telecom was selected due to its competitive pricing and responsiveness. Mr. Merkt added that the Police Department system would complete its current contract through September 2017 and that costs associated with the upgrade will be recovered in operating expenses over the next couple of years. He further agreed to explore whether additional lines may be required once all the locations are integrated onto a single system. Councilman Daly added that a VOIP telephone system may allow employees to take handsets home and conduct Borough business if offices are closed due to inclement weather.

There was consensus that funds from the 2016 budget be used for the purchase of the VoIP system.

ORDINANCE INTRODUCTION:

ORDINANCE #16-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 73, "DOGS AND OTHER PETS," ARTICLE I, "LICENSING REQUIREMENTS FOR DOGS AND REQUIREMENTS FOR THE PROPER DISPOSAL OF DOG AND OTHER PET FECES/SOLID WASTE," SECTION 73-12, "REMOVAL OF DOG OR PET FECES/SOLID WASTE" OF THE CODE OF THE BOROUGH OF MENDHAM TO CLARIFY PROCEDURES REGARDING THE DISPOSAL OF DOG OR PET FECES/SOLID WASTE

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

ORDINANCE #16-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 73, "DOGS AND OTHER PETS," ARTICLE I, "LICENSING REQUIREMENTS FOR DOGS AND REQUIREMENTS FOR THE PROPER DISPOSAL OF DOG AND OTHER PET FECES/SOLID WASTE," SECTION 73-12, "REMOVAL OF DOG OR PET FECES/SOLID WASTE" OF THE CODE OF THE BOROUGH OF MENDHAM TO CLARIFY PROCEDURES REGARDING THE DISPOSAL OF DOG OR PET FECES/SOLID WASTE

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 5, 2016 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 #16-16 was made by Councilwoman Daly

Seconded by Councilman Sharkey

Discussion: Mr. Semrau summarized that the ordinance forbids pet owners from disposing of animal waste in unauthorized containers or private garbage cans other than their own. He further confirmed that the penalties associated with doing do are set forth

in the code. The public hearing will be held on December 5, 2016.
In favor: Andrews, Badal, Daly, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: Andrus

ORDINANCE ADOPTION:

ORDINANCE #15-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 4 ENTITLED "ADMINISTRATIVE ORGANIZATION" AND TO ESTABLISH ARTICLE IX SECTION 4-62 ENTITLED "CLOTHING RECYCLING BINS"

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

ORDINANCE #15-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 4 ENTITLED "ADMINISTRATIVE ORGANIZATION" AND TO ESTABLISH ARTICLE IX SECTION 4-62 ENTITLED "CLOTHING RECYCLING BINS"

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for 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 #15-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 4 ENTITLED "ADMINISTRATIVE ORGANIZATION" AND TO ESTABLISH ARTICLE IX SECTION 4-62 ENTITLED "CLOTHING RECYCLING BINS"

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 #15-16 was made by Councilwoman Daly
Seconded by Councilman Sharkey

Discussion: Mr. Semrau explained that this legislation limits clothing recycling bins to only non-profit organizations who must file for site plan approval. He confirmed that the existing bins are for non-profits and are "grandfathered" in. Mr. Semrau also suggested that section 4-62.5 be amended such that the clothing bins are required to be emptied one (1) time per week rather than three (3) times.

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

Ordinance #15-16 was adopted, as amended.

ACTIONS TAKEN

Res. #155-16 S-2254/A-3821 Support - The Fair Housing Act

Motion to approve: Councilman Badal

Second: Councilwoman Daly

Discussion: Mr. Semrau stated that the resolution is essentially a request for the legislature to remove the "gap period" aspect of the litigation. He explained that the Fair Share group believes municipalities should be retroactively charged for new construction dating back to 1999. The Appellate Division overturned the Superior Court's decision in favor of Fair Share and now the matter is pending before the Supreme Court.

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

Res. #156-16 Transfer of Budget Appropriations

Motion to approve: Councilman Badal

Second: Councilman Sharkey

Discussion: None

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

Res. #157-16 Officer-In-Charge Appointment: Sergeant John Camoia
Motion to approve, as amended: Councilwoman Daly
Second: Councilman Sharkey

Discussion: Mayor Henry confirmed that Sergeant Camoia has accepted the interim OIC appointment effective February 1, 2017 and is working with Chief Liberto on a 5-day schedule to manage the day-to-day operations and ensure a smooth transition. Accordingly, the monthly OIC stipend is effective immediately. Administration will provide a copy of the resolution to the PBA and request their consent to the appointment. Mr. Semrau suggested two (2) amendments to clarify the terms of the appointment, which were incorporated therein.

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

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 – Performance reviews will be completed by December 1, 2016.

Councilman Badal – Dante's has not been responsive to telephone calls to discuss the site plan fees associated with outdoor dining. Councilman Badal will make one more attempt to contact Anthony Scotto. Mr. Merkt agreed to provide a job advertisement for new patrolmen.

Councilwoman Daly – no report.

Councilman Sharkey – Holly Trail will be held on December 3, 2016 with events scheduled throughout the day.

Councilman Witczak – no report.

Councilman Andrus – excused.

ATTORNEY ITEMS

Mr. Semrau announced that Judge Maryann Nergaard has been appointed to preside over the Affordable Housing litigation. He further commended the Clerk's office for its timely completion of minutes.

MAYOR'S ITEMS

No response has been received from James Curtain at Daytop. Mr. Semrau agreed to work with the Planning Board and Board of Adjustment Attorneys to review Borough approvals for use of the property and evaluate compliance with same.

Motion to approve the use of two (2) parking spaces near the First Aid bay for the emergency response vehicle, subject to Borough approval of the building: Councilman Badal

Second: Councilman Witczak

Discussion: James Hendren is seeking feedback from the Council regarding the use of two (2) handicapped parking spaces to build a shelter for the emergency response vehicle perpendicular to the MFAS building. Councilman Andrews added that the shelter must be built on pavement since the property falls under Green Acres protection. Councilman Sharkey expressed his support for the MFAS but stated he did not want any more buildings in town. Councilman Andrews indicated that the equipment in the vehicle must be protected and offered that the exterior would be in keeping with the Historic District. Mr. Merkt confirmed that approval from the Planning Board, Historic Preservation Commission and Borough Engineer would be required. Councilwoman Daly stated that the two (2) parking spaces would have to be relocated.

In favor: Badal, Daly, Witczak
Opposed: Sharkey
Abstain: Andrews (Quartermaster, First Aid Squad)
Absent: Andrus

Assemblyman Declan O'Scanlon has developed a "third option" for shared police services which is essentially a mutual aid agreement in which municipalities are able to save money by utilizing shared manpower. Asm. O'Scanlon has agreed to mediate talks between Mayor Henry and Mayor Cioppettini who has indicated a willingness to participate in a discussion.

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 November 21, 2016
Motion to approve: Councilwoman Daly
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak
Opposed: None
Abstain: Witczak (nos. 002846 and 002862 only)
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 9:29PM next to convene at a regular meeting on December 5, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Borough Clerk