

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

**CALL TO ORDER**

Mayor Henry called the November 7, 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  
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 10/17/16  
Mendham Hose Co. Member Appointments: Daniel Swift, Regular Member  
Ryan Bruin, Junior Member  
Raffle Licenses: WMMHS PTO (12/15/16) - Off-Premise 50/50  
On-Premise Merchandise Draw

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

**DISCUSSION**

**BOROUGH SIGNAGE**

Councilman Andrus stated that there are currently several instances where residents/businesses are not adhering to the sign ordinance. He noted that the 'grand opening' signs in the Mendham Shopping Center exceed existing size limits and are not addressed in the ordinance. He recommended that allowances be made for temporary signage for new businesses.

Councilman Andrus reiterated the Council's previous approval for one (1) sporting event sign on Main Street adjacent to the high school and observed that there are frequently as many as four (4) signs on a given day. Mr. Merkt agreed to contact the high school Administrator to discuss options for school event signage.

Councilman Andrus questioned the possibility of weekend enforcement by the PD when Borough offices are closed. Discussion revealed potential issues such as the PD's inability to determine which signs are and are not permitted. Mayor Henry indicated that software is available such that information can be made easily accessible to other departments. A conference call was scheduled among the Land Use subcommittee (Councilmen Badal, Andrews and Andrus), Mr. Semrau, Mr. Merkt and Mr. McGroarty at 12PM on November 8, 2016 to discuss same.

**2017 REORGANIZATION MEETING DATE**

After a brief discussion, there was full consensus that the 2017 reorganization meeting be held on January 2, 2017 at 4PM in the firehouse.

**MASH**

Mayor Henry stated that the income generated from the sale of the MASH bus was approximately \$5000 which the Borough is currently holding. MASH has requested that the money be released to them to be applied towards the purchase of a new vehicle. No additional funding is being requested. Mayor Henry confirmed that the Borough will purchase the new vehicle from MASH for one dollar (\$1) and will hold the title and maintain insurance. Mr. Semrau agreed to check whether the requested amount can be withdrawn from the Affordable Housing Trust Fund.

The vote to release the funds to MASH was as follows:

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

**ORDINANCE INTRODUCTION:**

**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"**

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 November 21, 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 #15-16 was made by Councilman Andrus  
Seconded by Councilwoman Daly

Discussion: Mr. Semrau confirmed that there is currently no legislation governing the use of clothing donation bins and that this ordinance limits the use to only non-profit organizations who must receive site plan approval and pay an annual fee. The public hearing will be held on November 21, 2016.

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

**ORDINANCE ADOPTION:** None

**ACTIONS TAKEN**

Res. #149-16 Sanitary Sewer – Wells Fargo Bank, 86 East Main Street, Block 801, Lot 20

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Discussion: None

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

Res. #150-16 Sanitary Sewer – 4 East Main Street LP, 4 East Main Street, Block 602, Lot 2

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: None

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

Opposed: None

Abstain: None

Absent: None

Res. #151-16 Current Fund Unexpended Balance Cancellation

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: Councilman Andrus confirmed the unexpended amount will go into Fund Balance.

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

Opposed: None

Abstain: None

Absent: None

Res. #152-16 Transfer of Budget Appropriations

Res. #153-16 Purchase of MorphoTrak LiveScan Fingerprint System

Mr. Merkt explained that the transfer is necessary in order to provide funding to purchase the MorphoTrak LiveScan Fingerprint System. Chief Libertino indicated that the current system is 8-9 years old and unable to receive updates as required by the Prosecutor's office. He added that utilizing the Township's system could present problems such as a shortage of officers if a detainee has to be transported to another municipality. Councilman Andrus stated that dialogue with the Township will focus on shared services and suggested that both coverage and equipment be part of the discussion. Councilwoman Daly moved that the issue be tabled in order to facilitate discussion with the Township. The vote was unanimous and resolution nos. 152-16 and 153-16 were tabled indefinitely. Mr. Merkt agreed to contact the Township Administrator to initiate the dialogue.

Mayor Henry added that he will be meeting with Assemblyman O'Scanlon at the League in order to discuss PD leadership options.

#### **ADMINISTRATOR REPORT**

The Administrator's report was distributed to the Mayor and Council previously. Mr. Merkt stated that the 2017 budget requests have been received from the department heads and the budget meeting scheduled for December 3, 2016. He further stated that an ordinance amending dog waste disposal will be introduced at the November 21, 2017 meeting.

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

Councilman Andrews – no report.

Councilman Badal – no report.

Councilwoman Daly – Item for discussion during executive session.

Councilman Sharkey – Borough fields suffered during the recent drought but are coming back nicely. Tree planting will continue.

Councilman Witczak – DPW has spruced up the building grounds in preparation for Election Day. The holiday banner on the pole outside the Phoenix House has been approved. The brine unit, plows and salters and are ready for the upcoming winter. Robert Orgera saved the Borough the costs associated with a service call by repairing the heating system in the Bowers building himself.

Councilman Andrus – The budget meeting is scheduled for December 3, 2017. Item for discussion during executive session.

#### **ATTORNEY ITEMS**

Affordable Housing litigation continues although Judge Hansbury has retired. One (1) municipality has accepted the Fair Share number and received a judgment. The court will be notified that the Borough does not accept the proposed number of units. The substantive certification remains in effect while the litigation is pending.

Work on the firehouse roof has been completed, however, the performance bond has not been filed. The IRS has been made aware that the final balance will not be paid until the close-out documents are in place. The bond company has been notified.

**MAYOR'S ITEMS**

The Township has agreed to explore shared services as a way to expand police services and reduce costs. There has been no response to the recent correspondence sent to James Curtain at Daytop.

**PUBLIC COMMENT**

Mayor Henry opened the floor to comments/questions from the public.

Mr. Walter Schubert, 69 West Main Street, recommended a survey to gauge the sentiments of the residents followed by the use of metrics to measure progress.

Mary Kay O'Neill, 20 Prospect Street, stated that an officer should be promoted from within only if there is a qualified candidate. She expressed concern that the public is not familiar with the education and qualifications of the officers. Mayor Henry acknowledged same, as evidenced by resident feedback, and clarified that the succession plan is being discussed in executive session due to the sensitivity of the information. He encouraged Mrs. O'Neill to participate in future open session discussions during which comment from the public is always welcome. Councilman Badal confirmed that the officers' personnel records are protected by law.

Patricia Serrano, 34 Maple Avenue, opined that the high school event signage on Main Street represents the good life that residents enjoy in the Borough.

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

**APPROVAL OF VOUCHERS**

Bill Lists dated November 7, 2016

Motion to approve: Councilman Badal

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**EXECUTIVE SESSION:**

Res. #154-16 Executive Session: Attorney/Client Privilege – Police Chief Succession Plan  
McNichol Litigation

Motion to approve: Councilman Andrews

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

The Mayor and Council entered executive session at 9:03PM.

The Mayor and Council returned to open session at 10:54PM.

**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 10:55PM next to convene at a regular meeting on November 21, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

*Margot G. Kaye*

Margot G. Kaye  
Borough Clerk