

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

CALL TO ORDER

Mayor Henry called the February 21, 2017 meeting of the Mayor and Council to order at 8:02PM 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

Mayor Neil Henry
Councilman John Andrus
Councilman Brad Badal
Councilwoman Christine Glassner
Councilman David Sharkey

Excused: Councilman John Andrews
Council President Stanley Witczak

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

CONSENT AGENDA

Minutes of the regular meeting of 2/6/17
Minutes of the executive session of 2/6/17
Tier I Banner Request – WMMHS Project Graduation (4/21/17–5/5/17)
Raffle License – Minutemen Sports Club Off-Premise 50/50 (5/5/17)

Motion to approve Consent Agenda

First: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

DISCUSSION

Cherry Lane Improvements

Mr. Merkt reviewed previous discussions regarding the project and stated his optimism for the DOT's approval to separate it into two (2) phases. Paul Ferriero, Borough Engineer, indicated that he contacted the DOT and received an unofficial approval (written approval cannot be granted until a formal request is submitted). Mr. Ferriero clarified that Phase I of the project would encompass Prentice Lane to the municipal boundary going eastbound. He further recommended that the project design be finalized by the end of the year so that it can go out for bid during the winter months and the contract awarded by April 2018 as required by the DOT. He confirmed that the Borough would receive 75% of the grant upon award of the contract and added that the Borough is under no obligation to complete Phase II.

Labor Day Parade – Grand Marshal

After a brief discussion, there was unanimous consent that Bob and Helen Cleary be appointed the Grand Marshals at this year's Labor Day parade on September 4, 2017.

Vacant Property Registration

Councilman Andrus expressed concern that the proposed registration form did not include a section for mortgagor information which would be of significant importance in instances of foreclosure. After discussion, it was agreed that the Council revisit the Borough Code in light of recent issues and consider an amendment. Councilman Badal recommended that property maintenance regulations be reevaluated as well in order to strengthen enforcement. Mr. Semrau suggested that feedback be obtained from the Zoning Officer regarding same.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION

ORDINANCE #02-17

ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW UV SYSTEM FOR USE BY THE SEWER UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND APPROPRIATING \$67,800 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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

ORDINANCE #02-17

ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW UV SYSTEM FOR USE BY THE SEWER UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND APPROPRIATING \$67,800 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing. Hearing no comments, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #02-17

ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW UV SYSTEM FOR USE BY THE SEWER UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND APPROPRIATING \$67,800 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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 #02-17 was made by Councilman Badal

Seconded by Councilwoman Glassner

Discussion: None

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Ordinance #02-17 was adopted.

ACTIONS TAKEN

Res. #45-17 Cherry Lane Improvement Phases

Motion to approve, as amended: Councilman Badal

Second: Councilman Andrus

Discussion: Councilman Andrus opined that the adoption of this resolution should occur closer to the adoption of the budget but added that he supports it in order to receive the grant money. He added that other capital expenditures may have to be eliminated or postponed in order to complete the project.

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Res. #46-17 Board of Health Appointment – Nathalie Masse

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Res. #47-17 Planning Board Appointment – Nathalie Masse, Alternate I

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Res. #48-17 Board of Adjustment Appointment – Jennifer Cass, Alternate II

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Res. #49-17 PSA - Dalessio Engineering, LLC

Motion to approve: Councilman Badal

Second: Councilman Sharkey

Discussion: Mr. Ferriero stated that Mr. Dalessio is a structural engineer whom he has known for 30 years. He added that Mr. Dalessio has done work for the Randolph YMCA and is reasonably priced.

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Res. #50-17 PSA - The Entech Group, Inc.

Motion to approve: Councilman Sharkey

Second: Councilman Badal

Discussion: Mr. Ferriero stated that he has been acquainted with the firm for 15 years and has worked with them on several occasions. He added that they rescoped the dam sampling project to lower the cost and are ready to begin work as soon as the contract is in place. Mr. Ferriero confirmed that no MBPD road control will be required and that the two (2) existing trees on the dam must be removed. He advised that the mudhole is not eligible for stream cleanup this year and that the annual fishing derby must take place in early April.

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Res. #51-17 Contract Award: CFM Construction Inc. – UV Disinfection System

Motion to approve: Councilman Badal

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

Res. #52-17 Cash Bond Refund – Maplecrest Ford

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

ADMINISTRATOR REPORT

The Administrator's report was distributed previously. Mayor Henry stated that a Borough resident has offered to donate funds for improvements at West Field. Mr. Merkt added that he and Mr. Ferriero are meeting with the resident on February 22, 2017 to discuss possible options.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – absent.

Councilman Andrus – Progress was made during a recent budget meeting that focused on the capital budget. The Auditor has stated that the Borough is in excellent financial shape and that some smaller capital items can be moved into the operating budget. Councilman Andrus listed several of the capital requests and opined that many of them will have to be postponed. He also indicated that the Borough will have to issue notes in order to pay for the dam repair project. Another meeting will be scheduled to further refine the budget.

Mr. Merkt has agreed to find grant opportunities for Phoenix House repairs in 2018 and there was consensus that the new server be purchased rather than leased.

Councilman Andrus will distribute the tally from the Police Chief survey and work with Councilman Badal to draft a special meeting agenda to discuss the police promotion process.

Councilman Badal – no report.

Councilwoman Glassner – The Personnel Committee is moving forward with the CPWM hiring process and will be selecting interview candidates shortly.

Councilman Sharkey – The Community Forestry Management Plan has been approved through 2020. Seedling distribution will begin in late April and the "Most Beautiful Tree" photo contest will be announced. The DPW nursery continues to thrive.

Councilman Witczak – absent.

ATTORNEY ITEMS

Mr. Semrau requested an Executive Session during the March 6, 2017 meeting.

MAYOR'S ITEMS

The Environmental Commission's new Acting Chair has requested a meeting with the Mayor to discuss Commission membership.

PUBLIC COMMENT

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

Laurie Felber, former Environmental Commission Chair/Acting Chair, announced that she has stepped down from the Commission entirely in order to pursue other endeavors. She requested that any new facilities at West Field be kept locked to avoid inappropriate usage and indicated that a high school student will be contacting Mr. Merkt to seek approvals for a Tranquility Garden project. Ms. Felber also distributed information relating to preservation of the Mountain Valley Park pond.

Mayor Henry and the Council thanked Laurie for all her efforts on behalf on the Borough and wished her good luck.

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

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated February 21, 2017

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Sharkey

Opposed: None

Abstain: None

Absent: Andrews, Witczak

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 a regular meeting on March 6, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk