

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

CALL TO ORDER

Mayor Henry called the March 21, 2016 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

Present: Mayor Neil Henry
Councilman John Andrews
Councilman Brad Badal
Councilwoman Veronica Daly
Councilman David Sharkey
Council President John Andrus

Excused: Councilman Stanley Witczak

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

CONSENT AGENDA

Minutes of the regular meeting of 3/7/16
Mendham Hose Company – Membership Status: Michael J. Bruin, Probationary Member
Tier I Banner Approval: Pastime Club – Labor Day (8/23/16 – 9/6/16)

Motion to approve Consent Agenda

First: Councilwoman Daly

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Andrews (banner approval – Club Trustee), Badal (minutes – absence), Andrus
(minutes – absence)

Absent: Witczak

DISCUSSION:

Lights Installation at High School Football Field – discussion item was tabled.

2016 Fishing Derby – Councilman Andrus announced that the fishing derby is an annual PBA-sponsored event and the Borough's \$2K contribution is listed as a line item in the annual budget.

Motion to approve contribution to the event was made by Councilman Sharkey

Seconded by Councilwoman Daly

Discussion: None

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

Opposed: None

Abstain: None

Absent: Witczak

ACTION TAKEN:

Res. #55-16 Emergency Temporary Capital Budget Adoption

Motion to approve: Councilman Andrus

Second: Councilman Daly

Discussion: Councilman Andrus stated that action is required in order to authorize funds to award the Talmage Road paving contract and remain eligible for grant funding.

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

Opposed: None

Abstain: None

Absent: Witczak

ORDINANCE INTRODUCTION:

ORDINANCE #05-16

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

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

ORDINANCE #05-16

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

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 April 18, 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 #05-16 was made by Councilman Andrus

Seconded by Councilman Andrews

Discussion: None

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

Opposed: None

Abstain: None

Absent: Witczak

ORDINANCE #06-16

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102, AND ESTABLISHING SECTION 102-5, KEY DEPOSIT FEE

After discussion, there was consensus that ordinance#06-16 be withdrawn pending further investigation by Administration. Mr. Merkt agreed to gather more information and report back to the Council.

ORDINANCE ADOPTION:

ORDINANCE #03-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 220. FOOD ESTABLISHMENTS, RETAIL, SECTION 2. LICENSE REQUIRED; FEE; SUSPENSION OR REVOCATION AND CHAPTER 102. FEES, TO ADD LATE PAYMENT PENALTIES

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

ORDINANCE #03-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 220. FOOD ESTABLISHMENTS, RETAIL, SECTION 2. LICENSE REQUIRED; FEE; SUSPENSION OR REVOCATION AND CHAPTER 102. FEES, TO ADD LATE PAYMENT PENALTIES

Was published in full in the Daily Record.

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 #03-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 220. FOOD ESTABLISHMENTS, RETAIL, SECTION 2. LICENSE REQUIRED; FEE; SUSPENSION OR REVOCATION AND CHAPTER 102. FEES, TO ADD LATE PAYMENT PENALTIES

Be passed and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Daily Record, according to law.

Motion to adopt Ordinance #03-16 was made by Councilman Andrews
Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Ordinance #03-16 was adopted.

ORDINANCE #04-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND THE CONSTRUCTION FEES

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

ORDINANCE #04-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND THE CONSTRUCTION FEES

Was published in full in the Daily Record.

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 #04-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND THE CONSTRUCTION FEES

Be passed and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Daily Record, according to law.

Motion to adopt Ordinance #04-16 was made by Councilman Badal
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Ordinance #04-16 was adopted.

ACTIONS TAKEN

Res. #48-16 Emergency Appropriation: 2016 Temporary Budget
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #49-16 Emergency Appropriation: 2016 Temporary Sewer Utility Budget
Motion to approve: Councilman Andrus
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #50-16 Transfer of Appropriation Reserves
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #51-16 Board of Health Appointment: Maureen Walker, Regular Member (12/31/18)
Motion to approve: Councilman Sharkey
Second: Councilman Andrews
Discussion: Mayor Henry indicated that Mrs. Walker is a 20 year resident of the Borough and will be a great addition to the Board of Health.
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #52-16 Planning Board Resolution Endorsement: Housing Element and Fair Share Plan
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: Mr. Semrau clarified that the Master Plan amendment is part of the Affordable Housing litigation and is intended to protect the Borough against builder's remedy lawsuits. He added that the Borough's proposal is very close to what was previously approved.
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #53-16 Planning Board Escrow Refund: Apto Partners, 5 Cold Hill Rd, B2701/L5
Motion to approve: Councilman Andrews
Second: Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #54-16 Interim Code Enforcement Officer Appointment: Richard Merkt
Motion to approve: Councilman Andrews
Second: Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Mayor and Council previously.

Councilman Badal inquired whether the Borough's outgoing phone message could be reordered such that more frequently called departments were closer to the beginning of the recording. A brief discussion followed regarding phone system options and Mr. Merkt agreed to look into the matter.

Mr. Merkt agreed to obtain procurement cards for use by Borough employees.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The Zoning Officer candidate turned down the Borough's offer and a second advertisement will be posted on www.njslom.org and www.njclerks.org. The Land Use Committee continues to refine the Outdoor Dining ordinance and Ms. Kaye will send the current version to Mr. Semrau for legal review.

Councilman Badal – no report.

Councilwoman Daly – The Public Safety Committee has already held a few meetings and the next regular-scheduled meeting is June 15, 2016. The Committee is still waiting for the OEM Coordinator and Fire Department to resolve chain-of-command questions.

Councilman Sharkey – Mr. DiBisceglie was commended for his work on the summer camp program. His efforts have resulted in higher-than-anticipated enrollment and financials are up 7%. The recreation booklet will be out by April 1st and Grand Marshal nominations are being considered. Mayor Henry advised Councilman Sharkey to gather information for each candidate in order to narrow the criteria for selection.

Councilman Witczak – excused.

Councilman Andrus – A budget meeting will be held next week to finalize capital expenditures, tax rate and fund balance. Refunding bond ordinance #02-15 will result in savings of \$166K over the next six (6) years. Court costs are down \$30-40K from last year.

ATTORNEY ITEMS

Mr. Semrau stated that the Affordable Housing litigation is pending and is expected to be heard in April. He confirmed that the Borough is currently in compliance and expects the matter to be decided within 30 days.

MAYOR'S ITEMS

Mayor Henry indicated that two (2) residents have expressed interest in joining the Historic Preservation Commission which would fill all positions. He further announced that the April 4, 2016 Special Meeting with the Board of Education to discuss the Feasibility Study has been confirmed. The Mayor asked that the Council and other interested parties view the Haber presentation on MendhamTV prior to the meeting.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Hearing none, the Mayor closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated March 21, 2016

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

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 9:02PM next to convene at a regular meeting on April 4, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk