

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

**CALL TO ORDER**

Mayor Henry called the April 17, 2017 regular meeting of the Mayor and Council to order at 8:00PM 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 John Andrus  
Councilman Brad Badal  
Councilwoman Christine Glassner  
Councilman David Sharkey  
Council President Stanley Witzcak

Also present: Dawn Sullivan for Fred Semrau, Borough Attorney  
Richard Merkt, Borough Administrator

**CONSENT AGENDA**

Minutes of the regular meeting of 4/3/17  
Minutes of the executive session of 4/3/17  
Raffle – On Premise 50/50 – Sisters of Christian Charity (5/7/17)

Motion to approve Consent Agenda

First: Councilwoman Glassner

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Sharkey (minutes only due to absence)

Absent: None

**DISCUSSION:**

Verizon Nodes

Mr. Merkt reviewed Verizon's request to place caps and cabinets on a number of telephone poles in the Borough in order to improve service. Although the project will ultimately require Planning Board approval, the Council had previously requested the specific pole locations and inquired whether the cabinets could be ground-mounted. Mr. Merkt summarized the documentation received from Verizon and confirmed that the 18 proposed nodes are located primarily in the southern portion of the Borough and most can be ground-mounted. He further confirmed that new poles are required as JCP&L won't allow Verizon to hang cabinets on its utility poles. Members of Council questioned the necessity of certain locations, particularly new poles on Hilltop Road and Windymere Lane. Mr. Merkt agreed to secure markers at the proposed locations so that Councilmen Andrus and Sharkey can visit each location, take photographs and report back to the Council. Councilman Witzcak stated that Verizon had previously agreed to mark the locations and were willing to negotiate based on resident feedback. Councilman Andrus reiterated that the Council will approve the project via resolution before it goes to the Planning Board.

**PROCLAMATION**

Mayor Henry presented a proclamation recognizing April 28<sup>th</sup> as Arbor Day 2017. Councilman Sharkey added that this action is being taken as part of the Borough's Tree City rating.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE ADOPTION:**

**ORDINANCE #03-17**

**CALENDAR YEAR 2017  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

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

**ORDINANCE #03-17**

**CALENDAR YEAR 2017  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

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 #03-17**

**CALENDAR YEAR 2017  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

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 #03-17 was made by Councilman Andrus  
Seconded by Councilman Andrews  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrews, Andrus, Badal, Glassner, Sharkey, Witczak  
Opposed: None  
Abstain: None  
Absent: None

Ordinance #03-17 was adopted.

**ACTIONS TAKEN**

Res. #87-17 Self-Examination of Budget

Motion to approve: Councilman Badal

Second: Councilman Andrus

Discussion: Bud Jones, Municipal Auditor, stated that the Borough qualifies for self-examination for the 2017 budget.

Roll Call – the vote was as follows:

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

Res. #88-17 2017 Budget Adoption

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: Mr. Jones reviewed the budget process and noted that the adoption is earlier than in previous years. There were no comments from the public.

Roll Call – the vote was as follows:

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

Councilman Andrus praised Mr. Jones for his exceptional work on behalf of the Borough and presented him with a plaque to commemorate his 35 dedicated years of service. Mr. Jones thanked the Mayor and Council and agreed to assist with the rollout of the new financial software.

**ORDINANCE #05-17**

**ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE  
SANITARY SEWERAGE SYSTEM IN AND BY THE BOROUGH OF  
MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND  
APPROPRIATING \$25,000 THEREFOR FROM THE SEWER CAPITAL  
IMPROVEMENT FUND OF THE BOROUGH**

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

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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.

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APPROPRIATING \$25,000 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 #05-17 was made by Councilman Badal

Seconded by Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Ordinance #05-17 was adopted.

**ORDINANCE #06-17**

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR  
PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF  
MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND  
APPROPRIATING \$738,100 THEREFOR FROM VARIOUS FUNDS  
OF THE BOROUGH.**

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

**ORDINANCE #06-17**

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR  
PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF  
MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND  
APPROPRIATING \$738,100 THEREFOR FROM VARIOUS FUNDS  
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.

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**ORDINANCE #06-17**

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$738,100 THEREFOR FROM VARIOUS FUNDS 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 #06-17 was made by Councilman Andrus

Seconded by Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Ordinance #06-17 was adopted.

**ACTIONS TAKEN**

Res. #81-17 Tax Overpayment Refund – Mountainside Road, Block 501/Lot 43.01 (Well Pump House)

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #82-17 Contract: Garden State Laboratories, Inc. – Discharge Monitoring Testing

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Mr. Merkt confirmed that the annual contract applies to sewer discharge.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #83-17 Tax Lien Redemption - 8 Garabrant Street, Block 402/Lot 5

Motion to approve: Councilman Sharkey

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #84-17 Septic Repair Fee Partial Refund – 480 Cherry Lane, Block 2101/Lot 1.09

Motion to approve: Councilman Sharkey

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #85-17 Expenditure of Funds for Litigation - COAH

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Ms. Sullivan indicated that the requested amount is for additional costs associated with the Borough's participation in the COAH litigation consortium. Mayor Henry added that the funds will come from the Housing Trust Fund rather than the operating budget.

Roll Call – the vote was as follows:

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

Opposed: Badal

Abstain: None

Absent: None

Res. #86-17 The Entech Group, Inc. – Statement of Work No. 2

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: Mr. Merkt stated that the Mountain Valley pond testing revealed a number of contaminants and explained that Entech Group is able to conduct a more cost-effective clean-up than the DEP. He further indicated that work cannot begin until a remediation plan is developed and approved by the DEP. Contrary to the original statement of work, the pond will not be drained and follow-up regarding the necessity of fish removal was requested. Mr. Merkt confirmed that the Borough is able to remediate the pond and file a claim for reimbursement with EJIF. Councilman Sharkey proposed that a second analysis be conducted in order to confirm initial results. Ms. Cantale, 11 Village Circle, inquired as to the source of the contaminants and commented that there are no guarantees that contamination won't happen again. The Mayor and Council concurred and Councilman Badal stated that the clean-up is mandated by the DEP.

Roll Call – the vote was as follows:

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

Opposed: Sharkey

Abstain: None

Absent: None

### **ADMINISTRATOR REPORT**

The Administrator's report was distributed previously.

Mayor Henry requested that a timeline for implementation of the finance software be included in the next Administrator report.

Mayor Henry confirmed that there has been no sighting of a Daytop security officer and sought legal advice regarding next steps. Ms. Sullivan stated that the Borough may file a lawsuit in the Chancery Division in order to enforce compliance with all conditions. The Borough also has the option to file a complaint with the state since Daytop is a state-licensed facility. Discussion followed regarding adverse conditions on the property and the alarming lack of adult supervision. Sgt. Camoia, OIC, added that the admission requirements have changed over the last several years such that children with emotional/behavioral issues are now being admitted. The Mayor and Council agreed that the situation greatly impacts both public safety and the safety of the children in Daytop's care. Ms. Sullivan agreed to present enforcement alternatives in more detail at the next meeting.

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

Councilman Andrews – The Public Safety Committee met to discuss the Chief promotion process and identified the top five (5) key candidate traits. Sergeant Camoia has selected five (5) patrolman candidates for interviews. A meeting has been scheduled with MFD and MFAS to discuss future capital needs.

Councilman Andrus – Councilman Andrus distributed a handout (attached) and provided a more thorough breakdown of the 2017 budget.

Councilman Badal – DPW is conducting brush pickup along with milling and paving of several roads. Trees have been planted in accordance with Shade Tree Commission recommendations. The quarterly JIF safety checklist has been completed and divots in West Field have been repaired. Jeff Cooper has been hired as the new DPW Superintendent.

Councilwoman Glassner – The Personnel Committee will be meeting with Councilman Andrus to discuss salary recommendations. The 2<sup>nd</sup> quarter meeting has been scheduled for May 1<sup>st</sup> to discuss the salary ordinance and succession planning. Mayor Henry added that Department Head meetings will now be held the morning after each Council meeting.

Councilman Sharkey – The April 10th Planning Board meeting was cancelled. The DPW has planted a few trees however the department may be short-staffed due to the lack of responses to the summer help job advertisement. Mr. Merkt confirmed that the Shade Tree Commission may be merged into the Environmental Commission.

Councilman Witczak – The Recreation Department has hired counselors for 2017 day camp along with administrative and senior staff.

### **ATTORNEY ITEMS**

Mediation was held today and Eric Harrison, Esq. will provide an update during the May 1<sup>st</sup> or May 15<sup>th</sup> meeting.

**MAYOR'S ITEMS**

Council meeting dates may be changed to the first and third Thursdays of each month in order to accommodate professional obligations.

**PUBLIC COMMENT**

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

**APPROVAL OF VOUCHERS**

Bill Lists dated April 17, 2017

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**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 9:40PM next to convene at a regular meeting on May 1, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

*Margot G. Kaye*

Margot G. Kaye, RMC  
Borough Clerk