

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

**CALL TO ORDER**

Mayor Henry called the July 18, 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: Joseph Bock for Fred Semrau, Borough Attorney  
Richard Merkt, Borough Administrator  
Margot Kaye, Borough Clerk

**CONSENT AGENDA**

Minutes of the special meeting of 6/20/16  
Minutes of the regular meeting of 6/20/16  
Minutes of the executive session of 6/20/16

Motion to approve Consent Agenda

First: Councilman Sharkey

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey

Opposed: None

Abstain: Andrus (recusal due to absence)

Absent: Witczak

**DISCUSSION**

**MBA Holiday Banners – Bob Diffin, MBA President**

Discussion was tabled until the September 6, 2016 meeting.

**Randolph Township Resolution #124-16 Supporting H.R. 343 - The Volunteer  
Emergency Responders Tax Deduction Act**

Mayor Henry indicated that the above legislation was introduced in the United States Congress on January 14, 2015 and that Randolph Township is requesting the Borough consider a resolution supporting same. Councilman Andrews explained that the bill proposes a charitable contribution for volunteer first responders equivalent to \$20/hour up to 300 hours. Councilman Andrus stated that although the premise is good in theory, there exists a potential for abuse. After discussion, an informal poll of the Council confirmed majority support for H.R. 343. The draft resolution was assigned a number and action will be taken.

**Tier V Banner Application: Brookside Community Club (11/7/16 – 11/21/16)**

Mayor Henry reviewed the banner policy as it relates to the number of permitted banners and Tier eligibility. Councilman Andrus read aloud section II.A. of the policy which states:

Banners will be limited to non-profit organizations or organizations endorsed by the Governing Body that are located within Mendham Borough and/or hold events that benefit the Borough, its residents and businesses.

After discussion, there was consensus that the Brookside Community Club/Holiday Boutique does not qualify under the policy. The request was denied.

**ORDINANCE INTRODUCTION:**

**ORDINANCE #13-16**

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 20, SECTIONS 20-2, 20-3, 20-5, AND 20-8, CHAPTER 4, SECTION 4-48, AND ORDINANCE NO. 23-89, TO ALIGN THE FIRE DEPARTMENT CODE WITH CURRENT STATE OPERATIONAL REQUIREMENTS AND LOCAL MUTUAL AID REQUIREMENTS**

Was tabled until the August 15, 2016 meeting.

**ORDINANCE ADOPTION:** None

**ACTIONS TAKEN**

Res. #105-16 Police Vehicle Purchase Authorization – Morris County Cooperative Pricing Council  
Motion to approve: Councilwoman Daly

Second: Councilman Andrews

Discussion: Chief Libertino confirmed that the remaining costs for the new SUV will be the radio transfer, computer install and exterior marking. Councilman Badal stated that sedans are available but the cost differential between the sedan and SUV is perhaps only a couple hundred dollars per month. He added that the SUV is higher off the ground, has 4-wheel drive and is safer in the snow.

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #106-16 Refund Duplicate Camp Payment

Motion to approve: Councilwoman Daly

Second: Councilman Badal

Discussion: None

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #107-16 MCCPC Membership Renewal for 2016-2021

Motion to approve: Councilwoman Daly

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. #108-16 Tax Collector Authority to Cancel Delinquencies Under \$10

Motion to approve: Councilwoman Daly

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #109-16 Recreation Committee Appointment: Edward Sisson, Alternate I  
Motion to approve: Councilman Andrews  
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. #110-16 PSA – Master Plan Reexamination Report: Banisch Associates, Inc.  
Motion to approve: Councilman Badal  
Second: Councilman Andrus  
Discussion: Mr. Merkt indicated that a reexamination of the Master Plan is required every ten (10) years and that Banisch Associates has been selected by the Planning Board to prepare the 2016 update.  
In favor: Andrews, Badal, Daly, Sharkey, Andrus  
Opposed: None  
Abstain: None  
Absent: Witczak

Res. #111-16 Sanitary Sewer Approval: 7 West Main Street, Block 301, Lot 35  
Motion to approve: Councilman Andrus  
Second: Councilman Sharkey  
Discussion: None  
In favor: Andrews, Badal, Daly, Sharkey, Andrus  
Opposed: None  
Abstain: None  
Absent: Witczak

Res. #112-16 Sanitary Sewer Approval: 106 East Main Street, Block 801, Lots 12,12.01 and 13  
Motion to approve: Councilwoman Daly  
Second: Councilman Sharkey  
Discussion: None  
In favor: Andrews, Badal, Daly, Sharkey, Andrus  
Opposed: None  
Abstain: None  
Absent: Witczak

Res. #113-16 Accounting Software Contract: InterSoft Technologies, Inc.  
Motion to approve: Councilman Andrus  
Second: Councilman Sharkey  
Discussion: None  
In favor: Andrews, Badal, Daly, Sharkey, Andrus  
Opposed: None  
Abstain: None  
Absent: Witczak

Res. #114-16 Temporary Electrical Inspector: Rob Smith  
Motion to approve: Councilman Andrus  
Second: Councilman Andrews  
Discussion: None  
In favor: Andrews, Badal, Daly, Sharkey, Andrus  
Opposed: None  
Abstain: None  
Absent: Witczak

Res. #115-16 Temporary Construction Inspector: Len Perre – WITHDRAWN

Res. #115-16 Volunteer Emergency Responders Tax Deduction Act  
Motion to approve: Councilman Andrews  
Second: Councilwoman Daly  
Discussion: None  
In favor: Andrews, Badal, Daly, Sharkey  
Opposed: Andrus  
Abstain: None  
Absent: Witczak

### **ADMINISTRATOR REPORT**

The Administrator's report was distributed to the Mayor and Council previously. Mr. Merkt announced that going forward his written report will be submitted monthly.

In response to Councilman Badal's inquiry regarding significant versus minor administrative projects, Mr. Merkt confirmed that those which require policy are forwarded to the Council. Councilman Badal clarified that the Mayor and Council should continue to be advised on all matters that become public information.

Mr. Merkt indicated that Talmage Road paving has been completed but Orchard Street is on hold until the DOT Trust Fund issued is resolved. Mayor Henry requested that Mr. Merkt confirm whether Bliss, Hilltop and Bernardsville Roads are to be scheduled for paving.

Mr. Merkt stated that he has not received a response to his recent correspondence to Daytop.

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

Councilman Andrews – no report.

Councilman Badal – An application for subdivision of 44 Prentice Lane is scheduled to be heard by the Planning Board on August 8, 2016.

Councilwoman Daly – The Public Safety Committee has an item for executive session.

Councilman Sharkey – The next Recreation Committee meeting is scheduled for July 21, 2016. The July 10<sup>th</sup> concert was well attended and two (2) more concerts are scheduled. Camp continues to go well.

Councilman Witczak – excused.

Councilman Andrus – The midyear budget review indicates that the Borough is operating within or close to within budget.

#### **ATTORNEY ITEMS**

Mr. Bock advised that Mr. Semrau is expecting to provide an update on the COAH litigation during the August 15, 2016 meeting. Mayor Henry asked that Mr. Semrau be prepared to update the Council on the additional two (2) litigation matters as well.

#### **MAYOR'S ITEMS**

No report.

#### **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**

Minute Book Attachment Bill Lists dated July 18, 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**

Mayor Henry announced that no action will be taken upon return to open session.

Res. #116-16 Executive Session: Personnel

Motion to approve: Councilwoman Daly

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

The Mayor and Council entered into closed session at 8:41PM.

The Mayor and Council returned to open session at 9:01PM.

**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 August 15, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

*Margot G. Kaye*

Margot G. Kaye, RMC  
Borough Clerk