

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

CALL TO ORDER

Mayor Henry called the September 7, 2017 regular meeting of the Mayor and Council to order at 8:05PM 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 Serrano Glassner
Councilman David Sharkey
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 8/17/17
Minutes of the executive session of 8/17/17
Raffle Approval: Hickory Tree Chorus – Sweet Adelines (On-Premise 50/50 - 11/18/17)
Block Party Road Closure – Phoenix Drive (9/9/17, rain date 9/16/17)
Block Party Road Closure – Florie Farm Road (9/9/17)
Solicitors Permit Renewal: Gerard Raho – Edward Jones

Motion to approve Consent Agenda

First: Councilwoman Glassner

Second: Councilman Andrews

Discussion: Councilman Andrews inquired as to whether the Borough maintained a “no-knock” list for residents who did not wish to have solicitors visit them at home. Sergeant Camoia confirmed that no such list currently exists. Mr. Semrau agreed to present additional information at the next Council meeting.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Sharkey (minutes only – absence)

Absent: None

DISCUSSION

Borough Facility Use Requirements

Ms. Kaye explained the reasoning behind the revisions to the existing Facility Use Agreement. Mayor Henry stated that the changes have been made so that the Borough is compliant with the Risk Manager’s recommendations and Mr. Semrau concurred. Councilman Badal suggested that all references to the Recreation Secretary be followed by “or his/her designee”.

Motion to approve the Facility Use Agreement, as amended, was made by Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DOT Local Aid 2018

Mr. Cooper indicated that not all roads on the repair priority list are eligible for grant funding, e.g., Bliss Road, and agreed to research the metrics the DOT uses to determine eligibility. He recommended Cherry Lane (phase II) and Mountainside Road for repairs and confirmed that Cherry Lane is no. 4 on the priority list. He added that the Borough Engineer has estimated a project cost of \$338K for the Cherry Lane improvements.

Discussion followed regarding Mountainside Road repairs and a joint venture with Mendham Township. Mr. Merkt agreed to contact the Township but opined that deadline constraints may impede a collaborative project at this time.

Mayor Henry directed the DPW subcommittee to review the options over the next two (2) weeks and prepare a recommendation for the September 21, 2017 Council meeting.

Councilman Andrus cautioned against using capital improvement funds to repair low-priority roads and questioned whether the Borough can apply for a grant but not necessarily accept it. Mr. Merkt advised against same.

Mayor Henry asked the subcommittee to consider the 6-year capital improvement plan as part of their review.

ORDINANCE INTRODUCTION

None

ORDINANCE ADOPTION

ORDINANCE #08-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 38, POLICE DEPARTMENT, TO AMEND SECTION 38-20 TO DELETE CHIEF OF POLICE FROM PROMOTIONAL POLICY AND TO ESTABLISH NEW SECTION 38-21, CHIEF OF POLICE PROMOTIONAL GUIDELINES

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

ORDINANCE #08-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 38, POLICE DEPARTMENT, TO AMEND SECTION 38-20 TO DELETE CHIEF OF POLICE FROM PROMOTIONAL POLICY AND TO ESTABLISH NEW SECTION 38-21, CHIEF OF POLICE PROMOTIONAL GUIDELINES

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 #08-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 38, POLICE DEPARTMENT, TO AMEND SECTION 38-20 TO DELETE CHIEF OF POLICE FROM PROMOTIONAL POLICY AND TO ESTABLISH NEW SECTION 38-21, CHIEF OF POLICE PROMOTIONAL GUIDELINES

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 #08-17 was made by Councilwoman Glassner

Second: Councilman Sharkey

Discussion: Mayor Henry provided a brief history of the ordinance process and commended the Council for its diligence throughout. Ms. Kaye confirmed that a copy of ordinance no. 08-17 was inadvertently left out of the meeting packet and the vote was tabled momentarily so that revisions could be confirmed. Mr. Semrau stated that following

the publication of the ordinance, the Council must decide when they want to publish notice of the examination.

Roll Call – the vote was as follows:

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

Ordinance #08-17 was adopted.

ACTIONS TAKEN

Res. #156-17 Crossing Guard Appointment: Richard Cooper

Motion to approve: Councilman Witczak

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. #157-17 Police Vehicles – H-GAC Cooperative Purchasing Program

Motion to approve: Councilman Andrews

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

ADMINISTRATOR REPORT

The MBPD was commended for security measures established for the Labor Day parade. Handicapped parking spaces in West Field are under construction. The plans/costs associated with the West Field pavilion have been approved by the donor and the project is moving forward. A draft snow/ice removal plan will be submitted for consideration/adoption at the September 21, 2017 Council meeting. The Scott farm trail project is being reexamined due to DEP permitting requirements which the Borough Engineering is addressing.

Mr. Ferriero has stated that a professional services contract will be required in order to get an estimate for the disassembly and reassembly of the Scott farm barn. Mr. Merkt will follow up with Councilman Andrus after the next OSAC meeting regarding same.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – Members of the FAS, FD and OEM are expected to attend the Public Safety subcommittee meeting next week. Sergeant Camoia and the FAS were commended for their actions during the Labor Day parade. Borough and Township police collaborated on 1st Day of School appearances.

Mayor Henry added that the Borough and the Township are sharing more police services with additional programs being planned.

Councilman Andrus – OSAC money is available for the Borough to self-fund the dam project which would then be paid back out of general revenue over ten (10) years. Consequently, notes would not have to be issued and the Borough would pay back interest to itself. If funding is required for other Open Space projects in the interim, the Borough Auditor has advised that amounts remaining in fund balance are available.

Mr. Andrus distributed a hand-out depicting current Borough debt. He itemized various options to reduce the debt and pay into Open Space or other funds which would leave the Borough in excellent financial shape over the next decade.

Councilman Badal – The DPW did an outstanding job with the Labor Day carnival. Replacement glass has been ordered for the Garabrant Center door which was shattered by a rock during lawn mowing.

Councilwoman Glassner – The Personnel Committee continues to work on salary comparisons. The Boonton report is expected within the week.

Councilman Sharkey – Mr. DiBisceglie was formally thanked for coordinating the Labor Day parade. The Shade Tree Committee is developing a tree inventory with the DPW Superintendent

to identify areas for fall planting.

Councilman Witczak – Sergeant Camoia and Mr. DiBisceglie were commended for their efforts on the Labor Day parade. To accommodate the new location of the band, a speaker system will be purchased next year which may be used for other Borough events as well.

ATTORNEY ITEMS

The Affordable Housing matter remains dormant until the special master makes his determination. Mr. Holzauer has resolved most of the tax appeals.

MAYOR'S ITEMS

Mayor Henry commended Councilman Andrews for his accomplishments thus far in terms of shared services with Township PD and stated that both parties plan to meet in the coming weeks to discuss additional services. The Mayors of the Mendhams and the Chesters are scheduled to meet on October 6, 2017 to discuss expanded recreation programs.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public and requested that comments be kept to three (3) minutes.

Mr. Brian Hill, 35 East Main Street, stated that he represents 25 families who are opposed to Dunkin Donuts. He indicated that the families have launched an awareness campaign with flyers and signage that reads 'No Dunkin Donuts on East Main Street' and opined that their constitutional rights were violated when the signs were removed from their yards. Mayor Henry stated that Mr. Semrau will review the sign ordinance and follow up with Mr. Hill.

Mr. Hill confirmed that he is not an attorney but that Jay Delaney, Esq. has been retained by another resident who is opposed to the application. Mayor Henry explained that the public is welcome to express opinion however he and the Council are unable to comment as any appeal from the Board of Adjustment's decision would be heard by them. He further explained that the Council has no ability to interfere with the Board of Adjustment as it is a quasi-judicial body. Mayor Henry requested that Mr. Hill relay that information to his group.

Mr. Hill stated that his goal is to make the public aware of the proposed development. Mr. Semrau reiterated Mayor Henry's position and added that the Board of Adjustment must adhere to Municipal Land Use Law in its proceedings.

Ms. Vicky Norton, 18 Halstead Road, expressed concerns regarding the volume of cars on Main Street and its effect on the children who must cross it before and after school. She opined that the crosswalks are not visible and drivers do not adhere to them. Ms. Norton stated that she is appealing to the county for measures to ensure pedestrian safety.

Mayor Henry indicated that the Borough has attempted to secure assistance from the county regarding same but without much success. He recommended that Ms. Norton contact Freeholder Myers to voice her concerns. Mayor Henry further stated that traffic is a component of the Borough's Master Plan. Ms. Kaye agreed to provide a copy of the Circulation Plan to Ms. Norton.

Sergeant Camoia stated that there is now a crosswalk at Tempe Wick Road and Councilman Andrus suggested an increase in crossing guard hours after school. Mr. Semrau agreed to draft a resolution indicating the Council's support for Ms. Norton's efforts.

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

APPROVAL OF VOUCHERS

Bill Lists dated September 7, 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

Res. #158-17 Contract Negotiations

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: Mayor Henry stated that two (2) matters will be considered during executive session and that action may or may not be taken upon return to open session. Mr. Semrau added that action(s) taken, if any, will be whether to retain The Canning Group LLC for professional services.

Roll Call – the vote was as follows:

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

Mayor and Council entered into executive session at 9:21PM.

Mayor and Council returned to open session at 10:28PM.

ACTIONS TAKEN

Mr. Semrau stated that authorization is required in order to enter into a professional services agreement with The Canning Group LLC, in an amount not to exceed \$11,500.00, in accordance with the proposal dated September 7, 2017, to provide professional services including, but not limited to, advertising, screening and background checks of potential Administrator candidates along with management of the interview process and recommendation of candidates.

Motion to authorize a professional services agreement between the Borough and The Canning Group LLC was made by Councilman Andrews, seconded by Councilwoman Glassner and unanimously carried by a voice vote.

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 10:30PM next to convene at a regular meeting on September 21, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Borough Clerk