

**BOROUGH OF MENDHAM
MEETING OF THE MAYOR AND COUNCIL**

December 11, 2019

7:00 PM

AGENDA

1. CALL TO ORDER

2. INVOCATION AND FLAG SALUTE

3. MAYOR'S OPENING STATEMENT

Notice of the change in time of this meeting of the Mayor and Council of the Borough of Mendham was provided to the Daily Record and Star Ledger and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

The Mayor and Council will initially convene into Closed Session to discuss a personnel matter and will reconvene in Public Session at or about 8:00 PM after the Closed Session has been adjourned. Official action will not be taken in Closed Session.

4. ROLL CALL

Mayor Christine Serrano-Glassner
Council Member Steven Andrew
Council Member John Andrews
Council Member Brad Badal
Council Member James Kelly
Council Member Brennan Reilly
Council President David Sharkey

5. CLOSED SESSION

#176-2019 A RESOLUTION PROVIDING FOR A CLOSED SESSION NOT OPEN TO THE PUBLIC PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b

The Mayor and Council of the Borough of Mendham will adjourn into closed session to discuss the following subject matter without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A. 10:4-12b:

1. Personnel Matter: Police Department

The matter discussed will be made known to the public at such time as appropriate action is taken on said matter and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Mendham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Mayor and Borough Council will reconvene in public session after this closed session.

6. RECONVENE INTO PUBLIC SESSION AT 8:00 PM

ROLL CALL

Mayor Christine Serrano-Glassner
Council Member Steven Andrew
Council Member John Andrews
Council Member Brad Badal
Council Member James Kelly
Council Member Brennan Reilly
Council President David Sharkey

7. CONSENT AGENDA ITEMS

Items on the Consent Agenda are considered routine and will be acted upon by the Borough Council by a single vote unless a member of the Governing Body requests that an item be removed and considered separately.

1. Approval of Minutes: November 25, 2019 Regular Meeting & Executive Session

8. DISCUSSION ITEM

None

9. ORDINANCE FOR INTRODUCTION

None

10. ORDINANCE FOR PUBLIC HEARING/ADOPTION

#18-2019 AN ORDINANCE ESTABLISHING PAY RANGES FOR APPOINTED OFFICIAL AND EMPLOYEE POSITIONS OF THE BOROUGH OF MENDHAM FOR CALENDAR YEAR 2020

A legal notice was published indicating that Ordinance #18-2019 was introduced and passed on first reading at the November 25, 2019 meeting and further indicated that the second reading and public hearing would be held on December 11, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner will open the public hearing at which time any interested person will be given an opportunity to be heard on said Ordinance. After the public hearing is closed, Ordinance #18-2019 will be considered for final passage and adoption by the Borough Council.

11. RESOLUTIONS

#172-2019 RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE MENDHAM COOPERATIVE NURSERY SCHOOL

[Tabled from the November 25, 2019 agenda]

#177-2019 RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN BUDGET APPROPRIATIONS IN THE 2019 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58

[Requires not less than a two-thirds (2/3) vote of the full membership of the governing body]

#178-2019 RESOLUTION AUTHORIZING A RETROACTIVE SALARY INCREASE FOR THE BOROUGH POLICE CHIEF

#179-2019 RESOLUTION AUTHORIZING THE STRATEGIC PLAN FOR MUNICIPAL ALLIANCE FUNDING FOR THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR FISCAL GRANT CYCLE JULY 2020-JUNE 2025

#180-2019 RESOLUTION APPROVING THE APPOINTMENT OF ROBERT J. BRUIN AS A JUNIOR MEMBER TO THE MENDHAM BOROUGH FIRE DEPARTMENT, MENDHAM HOSE CO. #1

#181-2019 RESOLUTION PROVIDING FOR SALARIES TO BE PAID TO BOROUGH APPOINTED OFFICIALS AND EMPLOYEES FOR CALENDAR YEAR 2020

12. ADMINISTRATOR'S REPORT

13. COUNCIL REPORTS

14. ATTORNEY'S REPORT

15. MAYOR'S REPORT

16. PUBLIC COMMENT – AUDIENCE PARTICIPATION

Please stand, approach the microphone and state your name and address for the record. Comments should be briefly stated to the Mayor and Borough Council.

17. APPROVAL OF VOUCHERS

Bills List prepared by the Chief Financial Officer dated December 11, 2019

18. CLOSED SESSION

#xxx-2019 A RESOLUTION PROVIDING FOR A CLOSED SESSION NOT OPEN TO THE PUBLIC PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b

The Mayor and Council of the Borough of Mendham will adjourn into closed session to discuss the following subject matter without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A. 10:4-12b:

1.

No further action will be taken by the Mayor and Council after the Closed Session.

19. ADJOURNMENT

The next scheduled meeting of the Mayor and Council of the Borough of Mendham will be the 2020 Reorganization Meeting on Friday, January 3, 2020 at 7:00 PM in the Mendham Borough Firehouse, East Main Street, Mendham.

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #176-2019

A RESOLUTION PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into an Executive (Closed) Session during a public meeting to discuss certain matters such as:

- (1) Matters required by law to be confidential: Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) Matters involving individual privacy: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned.
- (4) Matters pertaining to a collective bargaining agreement: Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters relating to the purchase, lease, acquisition of real property or investment of public funds: Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters of public protection: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) Matters relating to litigation, negotiations and attorney-client privilege: Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Borough is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) Matters relating to the employment relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) Deliberations after public hearing. Deliberations by the Borough occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party.

And,

WHEREAS, the Mayor and Council have determined that it is necessary to go into an Executive Closed Session to discuss certain matters relating to items as permitted by N.J.S.A. 10:4-12b.

THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

1. Personnel Matter: Police Department

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Mendham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #172-2019

[Tabled from November 25, 2019]

**RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT
WITH THE MENDHAM COOPERATIVE NURSERY SCHOOL**

WHEREAS, the Borough of Mendham (the "Borough") and the Mendham Cooperative Nursery School mutually desire to renew the Lease Agreement for premises designated as a portion of Block 601, Lot 16 on the official tax map of the Borough of Mendham and commonly known as 8 Orchard Street (the "Leased Premises") for the operation of a child care center and other community activities approved by the Borough; and

WHEREAS, the lease period shall be for a term of five (5) years to commence on July 15, 2019 and end on July 14, 2024 and shall be in accordance with all terms and conditions provided in the Lease Agreement approved by the Borough Attorney.

BE IT RESOLVED, by the Council of the Borough of Mendham in the County of Morris and the State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute a Lease Agreement with Mendham Cooperative Nursery School for premises designated as a portion of Block 601, Lot 16 commonly known as 8 Orchard Street for a five (5) year lease period to commence on July 15, 2019 and end on July 14, 2024; and

BE IT FURTHER RESOLVED, that all Borough officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Dated: December 11, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #177-2019

**RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET APPROPRIATIONS
IN THE 2019 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year or the first three months of the next succeeding fiscal year by an authorizing resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated; and

WHEREAS, these transfers do not affect the total of the operations budget as originally approved in the 2019 Current Fund Budget.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that, in accordance with N.J.S.A. 40A:4-58, the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2019 Current Fund Budget with an effective date of December 12, 2019:

Account Name	Account Number	Transfer Amount	Transfer Amount
TO:			
Clerk	01-2019-0020-0120-1-00012	\$ 1,710.00	
Zoning Board of Adjustment	01-2019-0021-0185-1-00132	\$ 2,500.00	
Board of Health	01-2019-0027-0330-1-00104	\$ 500.00	
Fire	01-2019-0025-0265-1-00641	\$ 2,200.00	
Emergency Management	01-2019-0025-0252-2-00034	\$ 1,500.00	
Engineering	01-2019-0020-0165-2-00540	\$ 3,000.00	
Engineering	01-2019-0020-0165-2-00648	\$ 8,200.00	
Police	01-2019-0025-0240-2-00403	\$ 5,000.00	
FROM:			
General Administration	01-2019-0020-0100-2-00114		\$ 1,710.00
Tax Collection	01-2019-0020-0145-1-00109		\$ 2,500.00
Road Repairs and Maintenance	01-2019-0026-0290-1-00143		\$ 2,000.00
Planning Board	01-2019-0021-0180-2-00540		\$ 1,500.00
Zoning Board of Adjustment	01-2019-0021-0185-2-00540		\$ 1,500.00
Shade Tree	01-2019-0026-0300-2-00027		\$ 8,200.00
Police	01-2019-0025-0240-1-00124		\$ 3,145.00
Police	01-2019-0025-0240-1-00126		\$ 1,855.00
Uniform Construction Code	01-2019-0022-0195-1-00331		\$ 2,200.00
TOTAL:		\$ 24,610.00	\$ 24,610.00

And

BE IT FURTHER RESOLVED, that the Borough Clerk shall provide a certified copy of this resolution to the Administrator and to the Chief Financial Officer.

Dated: December 11, 2019

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #178-2019

RESOLUTION AUTHORIZING A RETROACTIVE SALARY INCREASE FOR THE BOROUGH POLICE CHIEF

WHEREAS, the Borough of Mendham has adopted a salary ordinance setting salary ranges for various positions; and

WHEREAS, the Borough's Finance Committee convened on November 25, 2019 and concluded and that it was necessary and appropriate to increase Borough Police Chief John Camoia's salary for 2019 to \$135,200, retroactive to January 1, 2019; and

WHEREAS, the resolution authorizing the salary increase was inadvertently omitted from the November 25, 2019 agenda for the meeting of the Mayor and Council; and

WHEREAS, the New Jersey Division of Pension & Benefits rules and regulations required that salary increases for December 2019 be entered into the system no later than December 6, 2019; and

WHEREAS, the Administration did effectuate that change; and

WHEREAS, the Mayor and Council wish to now authorize the Police Chief's salary increase by way of this Resolution, approved Nunc Pro Tunc and due to the inadvertent omission from the previous meeting agenda, so as to meet the deadline established by the New Jersey Division of Pensions & Benefits.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, that it does hereby authorize an increase in salary for Borough Police Chief John Camoia to \$135,200 retroactive to January 1, 2019.

This Resolution shall take effect immediately.

Dated: December 11, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #179-2019

**RESOLUTION AUTHORIZING THE STRATEGIC PLAN FOR MUNICIPAL ALLIANCE FUNDING
FOR THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FOR FISCAL GRANT CYCLE JULY 2020-JUNE 2025**

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mendham Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mendham Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris [Form 1A attached].

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Mendham Borough Council does hereby authorize submission of a strategic plan for the Mendham Municipal Alliance grant for fiscal year 2020-2025 annually allocated in the amount of:

DEDR	\$16,026.00
Cash Match	\$ 4,006.50
In-Kind	\$12,019.50

2. The Mendham Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Dated: December 11, 2019

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #180-2019

**RESOLUTION APPROVING THE APPOINTMENT OF ROBERT J. BRUIN AS A JUNIOR MEMBER TO THE
MENDHAM BOROUGH FIRE DEPARTMENT, MENDHAM HOSE CO. #1**

WHEREAS, the Mayor and Council of the Borough of Mendham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Robert J. Bruin has expressed interest in becoming a Junior Firefighter with the Mendham Borough Fire Department and has submitted an application to the Fire Chief; and

WHEREAS, the Officers and Members of the Mendham Borough Fire Department have accepted his application and have recommended the appointment of Robert J. Bruin to the membership rolls of the Mendham Hose Co. #1 as a Junior Member.

BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that they hereby approve the appointment of Robert J. Bruin as a Junior Member to the Mendham Borough Fire Department, Mendham Hose Co. #1; and

BE IT FURTHER RESOLVED that a certified copy of this resolution, executed by the Mayor and attested to by the Borough Clerk, shall be presented to the Secretary of the Mendham Borough Fire Department.

Dated: December 11, 2019