

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

**April 14, 2021
MINUTES**

CALL TO ORDER

Mayor Christine Serrano Glassner called the April 14, 2021 Regular Meeting of the Mayor and Council to order at 7:00 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey and remotely by Zoom webinar, Meeting ID 841 1893 9092.

MOMENT OF SILENCE AND FLAG SALUTE

Mayor Serrano Glassner led a moment of silence and proceeded with the Pledge of Allegiance.

MAYOR'S OPENING STATEMENT

Mayor Serrano Glassner read the following statement:

Please take notice that the start time for regular meetings of the Mayor and Council of the Borough of Mendham shall begin at 7:00PM. Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the Daily Record and Star Ledger, posted in the Phoenix House, and was filed in the Office of the Borough Clerk in accordance with the Open Public Meetings Act. Official action will be taken at this meeting.

During a declared state of emergency when meetings of the Mayor and Council are held remotely, written comments to be read during the public hearings or public comment period listed on the agenda may be submitted in writing to our Borough Clerk electronically by email, or by letter, no later than 4:00PM on the date of the meeting. Only one public comment, whether oral or written, from each person at each public comment period will, as with all public comments, be heard or read. The reading of the written comments will, as with all public comments, be limited to four minutes and the reading will end after four minutes.

ROLL CALL

The following officials were present:

Mayor Christine Serrano Glassner
Council Member Steven Andrew
Council President John Andrews
Council Member James Kelly
Council Member Mary Sue Martin [via Zoom conferencing]

Council Member Brad Badal and Council Member Brennan Reilly were absent.

Also present were:

Fred Semrau, Esq., Borough Attorney [via Zoom conferencing]
Joyce Bushman, Borough Administrator
Robin R. Kline, Borough Clerk

CONSENT AGENDA ITEM(S)

- 1. Approval of Minutes:** March 22, 2021 Regular Meeting
- 2. Banner Display Requests:** Mendham Cub Scout Pack 133
Model Rocket Launch Events
May 17, 2021 through May 31, 2021 and
August 9, 2021 through August 23, 2021
- 3. Raffle License Application:** P.G. Chambers School
On Premise Merchandise Raffle
Roxiticus Golf Club, May 24, 2021, 11AM to 7PM
- 4. Solicitor/Peddler Application:** Stacy Solano
Door-to-Door sales solicitation for Verizon Fios
Monday-Friday 12PM to 6PM

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin
Abstain: Martin abstained on the approval of minutes.

DISCUSSION ITEMS

Request from West Morris Regional High School regarding Student Graduation Lawn Signs

Mayor Serrano Glassner reported that in past years the Borough Council provided a temporary exemption of the Borough's sign ordinance to permit graduating seniors at the high school to place a lawn sign on their property during the month of June. She inquired whether the Borough Council wishes to approve a temporary exemption of the Borough's sign ordinance again this year.

The Borough Council voiced its concurrence to allow a temporary exemption of the sign ordinance, permitting graduating seniors at the high school, as well as at any of the Mendham Borough School District schools to place one or more lawn signs on their property.

Motion

Council President Andrews made a motion to authorize a temporary exemption of the Borough’s sign ordinance to permit graduating seniors at both West Morris Regional High School and graduating students attending a Mendham Borough School District school to place one or more lawn sign on their property during the month of June.

A voice vote was taken with all Council members present voting in favor. There were no abstentions.

The Borough Clerk will notify Mr. Schetelick, the Borough’s zoning officer, of the Council’s authorization.

Request from St. Mark’s Episcopal Church regarding proposed May 1st Boutique Event

Mayor Serrano Glassner informed the Borough Council that St. Mark’s Episcopal Church is seeking permission to close a portion of the church parking lot on Saturday, May 1st to hold a vendor fair “Boutique Event” in advance of Mother’s Day and inquired if the Borough Council had any concerns.

The Borough Council provided its support for the event. The Borough Clerk was asked to notify the sponsor to submit a Special Event Application for Council consideration at its next meeting.

Adopted New Jersey Cannabis Legislation

Mr. Semrau provided an update of the adopted state legislation concerning recreational cannabis. Six types of licenses will be available, five of which may be legislated by local government. A sixth license, the “cannabis delivery license” cannot be restricted by a municipality due to intra-state commerce law.

Licenses that the Borough Can Permit or Prohibit

- 1) Cannabis Cultivator License (facilities that grow and cultivate);
- 2) Cannabis Manufacturer License (for facilities that manufacture, prepare, and package cannabis);
- 3) Cannabis Wholesaler License (facilities that obtain and sell cannabis items for later resale by other licensees);
- 4) Cannabis Distributor License, (businesses that transport bulk cannabis plants from one cultivator to another or any other cannabis items in bulk from licensed businesses to other licensed businesses);
- 5) Cannabis Retailer License (storefronts that sell directly to consumers); and
- 6) Cannabis Delivery License

Mr. Semrau advised that the state legislation provides municipalities 180 days, until August 21, 2021, to enact ordinances opting out of, or selectively permitting, certain licenses. If the Borough intends to opt out of certain, newly-legal activity (e.g. cultivation, retail sales), it must do so by August 21, 2021, or its next opportunity to do so will come in 2026.

If the Borough does not enact an ordinance by August 21, 2021 prohibiting operation, it will automatically lose the ability to restrict cultivation and wholesale sales in industrial zones and retail sales in business/commercial zones. If the Borough enacts ordinances to allow the above types of uses, it can limit the number and types of business licenses, as well as restrict the time, location, & manner of operations.

It was further reported that police departments will have several legal and enforcement considerations, including protocols for dealing with underage persons and traffic stops. Mr. Semrau confirmed that his office will be discussing these issues with Chief Camoia and will be working with him as the State guidance on the issues becomes clearer. Mr. Semrau also advised that the New Jersey League of Municipalities has recommended municipalities to opt-out until state regulations are in effect.

In closing, Mr. Semrau advised that by the end of the month of June the Borough Council must decide what options to move with:

1. Fully prohibit the sale of cannabis for recreational use available by law (this will not prohibit personal recreational use within the Borough);
2. Fully permit licensing and sale of recreational cannabis as permitted by law, or with local restrictions; or
3. Take a hybrid approach by permitting certain licenses (e.g., cultivation) but precluding others (e.g., retail sales).

RESOLUTION REQUIRING SEPARATE ACTION

#064-2021 RESOLUTION AMENDING THE INTRODUCED 2021 CAPITAL BUDGET [Resolution requires affirmative vote of not less than 2/3 of all Council members]

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

ORDINANCES FOR INTRODUCTION

#05-2021 ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND CHAPTER 60, AFFORDABLE HOUSING, REGARDING ADMINISTRATIVE AGENT FEES

Purpose: This Ordinance amends Chapter 60, Affordable Housing, of the Borough Code by authorizing the Borough to hire an administrative agent to administer affordable units in Mendham Borough and sets forth that administration costs shall be reimbursed to the Borough. Administration costs will include affirmative marketing, determining, and establishing rents and sales prices for affordable units, establishing buyer and tenant income eligibility, certifying buyer's income eligibility to purchase an affordable unit, and rental and re-sale of units.

Mayor Serrano Glassner announced the Public Hearing concerning this Ordinance is scheduled for April 26, 2021.

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#06-2021 AN ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF AN EASEMENT IN FAVOR OF THE BOROUGH OF MENDHAM FOR A PORTION OF THE PROPERTY KNOWN AS BLOCK 1901, LOT 19

Purpose: This Ordinance provides a 10-foot-wide walking path easement on a portion of private property known as Block 1901, Lot 19 for the pedestrian benefit of the public, which will address the long-standing need to memorialize the public's pedestrian need to access Main Street in Mendham. The easement is limited to pedestrian use, no motorized vehicles, and from dawn to dusk for a term of one year.

Mayor Serrano Glassner announced the Public Hearing concerning this Ordinance is scheduled for April 26, 2021.

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#07-2021 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 \$1,017,000 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH

Purpose: This Ordinance appropriates \$1,017,000 from moneys available in the Capital Improvement Fund of the Borough for capital improvements of (a) the Department of Public Works facilities, including rehabilitation of the Administrative/Mechanical/Garage building, the demolition of the Equipment/Vehicle storage building and the construction of a new building (\$630,000); (b) the improvement of various roads in the Borough (\$317,000); (c) the improvement of the Garabrant Center by the construction and installation of a dais (\$25,000); and (d) the acquisition and installation of new and additional equipment for use by the Police Department of the Borough including an in-car body camera system.

Mayor Serrano Glassner announced the Public Hearing concerning this Ordinance is scheduled for April 26, 2021.

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#08-2021 BOND ORDINANCE APPROPRIATING \$200,000, AND AUTHORIZING THE ISSUANCE OF \$105,000 BONDS OR NOTES OF THE BOROUGH, FOR THE ACQUISITION OF VARIOUS EQUIPMENT BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY [Ordinance requires affirmative vote of not less than 2/3 of all Council members]

Purpose: This Bond Ordinance appropriates \$200,000 and authorizes the issuance of \$105,000 in bonds or notes for the purchase of (1) backhoe, one (1) truck and a fuel management system for the Department of Public Works.

Mayor Serrano Glassner announced the Public Hearing concerning this Ordinance is scheduled for April 26, 2021.

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

ORDINANCE FOR ADOPTION

None

RESOLUTIONS

065-2021 RESOLUTION TEMPORARILY EXTENDING CONTRACT WITH PEGNET COMPUTERS FOR IT SERVICES THROUGH MAY 31, 2021 PENDING ISSUANCE OF A COMPETITIVE CONTRACTING RFP

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#066-2021 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PAULUS, SOKOLOWSKI AND SARTOR, LLC FOR CAPITAL/WRF IMPROVEMENTS PHASE 2B & 3

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#067-2021 RESOLUTION AUTHORIZING THE RELEASE OF A CASH BOND FOR A ROAD OPENING PERMIT CONCERNING PROPERTY LOCATED AT 86 MOUNTAIN AVENUE [BLOCK 101, LOT 8]

Council Member Kelly noted that there may be an open construction permit concerning another matter for the subject property and asked that the resolution be tabled so that all outstanding issues can be closed.

Motion to Table: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#068-2021 RESOLUTION AWARDED A CONTRACT TO GARDEN STATE LABORATORIES, INC. FOR PERFORMING REQUIRED SEWAGE TREATMENT DISCHARGE MONITORING TESTS

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#069-2021 RESOLUTION APPROVING THE APPOINTMENT OF SEAN DAY AND CASEY WARCOLA FROM JUNIOR MEMBERS TO PROBATIONARY REGULAR MEMBERS OF THE MENDHAM HOSE CO. #1

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#070-2021 RESOLUTION APPROVING THE APPOINTMENT OF RAGHAV MATHUR AS A JUNIOR MEMBER OF MENDHAM HOSE CO. #1

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

#071-2021 RESOLUTION AUTHORIZING THE DIGITAL SUBMISSION OF A GRANT APPLICATION BY THE BOROUGH OF MENDHAM TO THE NEW JERSEY HISTORIC TRUST PRESERVE NEW JERSEY PROGRAM FOR A 2021 GRANT FOR STRUCTURAL UPGRADES AT THE PHOENIX HOUSE OWNED BY THE BOROUGH OF MENDHAM

Motion to Approve: Council Member Andrew
Second: Council President Andrews
Ayes: Andrew, Andrews, Kelly, Martin

ADMINISTRATOR'S REPORT

A copy of the Administrator's Report dated April 14, 2021 was distributed to the Governing Body. The Borough Administrator reported that the Public Works office will be giving out free tree seedling beginning on April 23rd and reported registration for the Summer Day Camp has begun. Three Water Reclamation Facility employees received C-1 and S-1 licensing from the state.

COUNCIL COMMITTEE REPORTS

Finance [Standing Committee of the Council]

Council President Badal was absent.

Board of Health

Council President Andrews reported that Atlantic Health ran a vaccination clinic at MASH last month and mentioned that Bernards Township Department of Health hired a new outreach coordinator.

Recreation and Parks [Standing Committee of the Council]

Council Member Andrew reported new tennis courts opened April 10th and confirmed that the Recreation Committee has scheduled a series of concerts and movies in the park for the summer months. He also reported that a Memorial Day ceremony is being planned, as well as Labor Day festivities.

Board of Education

Council Member Andrew had nothing new to report.

Public Safety [Standing Committee of the Council]

Council President Andrews reported that the Mendham Borough Police Department will be hosting its first annual “Fishing Frenzy” on Sunday, May 9th from 10:00am to 1:00pm at the Mountain Valley Park, rain, or shine. The event is open to children under 16 years of age. He also reported that the new ambulance, EMS-3, is out of service due to a Stryker Auto Lift stretcher issue.

Council President further reported that the Hometown Heroes Banner Program committee is making its final decision for May’s honorees. The program recently secured a \$400.00 donation from the Mendham Business Association for the purchase of banners. Anyone interested in donating to the program can do so by contacting Council President Andrews. He also reported that Memorial Day flags on Veterans Graves will take place on Sunday, May 23rd at 10:00 am. Ryan Takayama's Eagle Project identified, mapped, and raised funds to place a veteran flag medallion on each veteran's final resting place so that no veteran would be forgotten.

Lastly, Council President reported that a Memorial Day Ceremony is being planned for Monday, May 31st at 10:00am at the corner of Park and Mountain.

Personnel [Standing Committee of the Council]

Council Member Martin reported that the Borough is hiring camp counselors for the Summer Day Camp program.

Public Works and Utilities [Standing Committee of the Council]

Council Member Kelly reported that DPW had installed new park benches around Borough Park near the tennis courts and are attending to spring maintenance of the playground equipment.

Land Use [Standing Committee of the Council] and ECOSST Committee

Council Member Reilly was absent.

ATTORNEY’S ITEMS

Mr. Semrau advised that 12 property assessment appeals had been filed in Mendham Borough.

MAYOR’S ITEMS

Mayor Serrano Glassner made the following appointments:

Appointments to the Mendham Borough Historic Preservation Commission [Mayoral Appointments]

<u>Name</u>	<u>Position</u>	<u>Term</u>
Tony Maresca	Class B Member	04/12/2021 to 12/31/2024 [appointed to unexpired term]
Mark Tosso	Alternate I Member	04/12/2021 to 12/31/2021 [appointed to unexpired term]

PUBLIC COMMENT – AUDIENCE PARTICIPATION

Mayor Christine Serrano Glassner opened the public comment portion of the meeting.

Seeing and hearing no one wishing to speak, Mayor Serrano-Glassner closed the public comment portion of the meeting.

APPROVAL OF VOUCHERS

Bills List dated April 14, 2021.

The Bills List had been posted on the website for full disclosure to the public.

The Council did not act on the approval of vouchers. Resolution #034-2021, passed by the Council at the January 7, 2021 Reorganization, authorized the Borough Administrator to disburse and/or authorize payment, subject to the availability of funds, for reoccurring necessary expenses during the Public Health Emergency.

EXECUTIVE SESSION

None.

ADJOURNMENT

Having no further business to conduct, Mayor Serrano Glassner asked for a motion to adjourn. Council Member Andrew made a motion to adjourn, seconded by Council President Andrews. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 7:55 p.m.

The next scheduled meeting of the Mendham Borough Mayor and Council will be held April 26, 2021 at 7:00 PM, the Garabrant Center, 4 Wilson Street, Mendham and remotely by Zoom webinar.

Respectfully Submitted:

Robin R. Kline

Robin R. Kline, MAS, RMC, CMR
Municipal Clerk
BOROUGH OF MENDHAM