

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

**July 26, 2021
MINUTES**

CALL TO ORDER

Mayor Christine Serrano Glassner called the July 26, 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.

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:

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.

ROLL CALL

The following officials were present:

Mayor Christine Serrano Glassner
Council Member Steven Andrew
Council President John Andrews
Council Member Brad Badal
Council Member James Kelly
Council Member Mary Sue Martin
Council Member Brennan Reilly

Also, present were:

Fred Semrau, Esq., Borough Attorney
Joyce Bushman, Borough Administrator
Robin R. Kline, Borough Clerk

PRESENTATION OF CITIZEN SERVICE AWARD

Mendham Borough Citizen Service Award presented to Ryan Takayama

Mayor Serrano Glassner presented Mendham Borough's Citizen Service Award to Ryan Takayama recognizing the completion of his extensive project researching, mapping, fund-raising, and purchasing American veteran medallions for more than 550 veterans laid to rest in the two Mendham Borough cemeteries. Ryan was joined by his parents in accepting the Citizen Service Award.

Council President Andrews applauded Ryan for his investigative skills in identifying over 550 veterans whose final resting place is in Mendham Borough and thanked him purchasing and placing a veteran medallion and American flag at each veteran's gravesite.

The governing body and everyone in attendance and applauded Ryan in receiving the Citizen Service Award.

POLICE PROMOTION

Mayor Serrano Glassner recognized Officer Lee Barnes, Police Chief Camoia and members of the Mendham Borough Police Department who were in attendance.

Mayor Serrano Glassner read Resolution #109-2021 by title and asked the Council for a motion to approve.

#109-2021 RESOLUTION PROMOTING PATROLMAN LEE BARNES TO THE RANK OF SERGEANT WITH THE MENDHAM BOROUGH POLICE DEPARTMENT

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

Administration of the Oath of Office

Mayor Serrano Glassner administered the Oath of Office to Police Sgt. Lee Barnes. Sgt. Barnes was accompanied by his wife and two children.

Presentation of Sergeant Badge

Police Chief John Camoia presented the Sergeant badge to Sgt. Lee Barnes' wife, who ceremoniously pinned the badge to her husband's uniform in the presence of Chief Camoia, members of the Mendham Borough Police Department, the governing body and all in attendance.

Sgt. Lee Barnes was congratulated by all in attendance.

CONSENT AGENDA ITEMS

- 1. **Approval of Minutes:** June 28, 2021, Regular Meeting and Executive Session
- 2. **Road Closure Requests:**
 - Dina Malanga
Neighborhood Block Party
September 25, 2021, 2:00pm to 11:00pm
Rain date: October 2, 2021
 - Amara D’Aguanni
Neighborhood Block Party
September 18, 2021, 3:00pm to 10:00pm
Rain date: None
- 3. **Special Event Applications:**
 - Bike MS: Country Challenge
2-Day Charity Bicycle Ride
September 18 & 19, 2021
 - Olivia DeMattio, Simple Coffee
Cars and Coffee, Classic Car Meet
August 1, 2021, 1:00pm to 3:00pm
Rain date: August 8, 2021

Mayor Serrano Glassner removed the Bike MS Country Challenge Special Event Application for separate discussion and consideration.

Motion to approve the Consent Agenda items with the exception of the Special Event Application for the Bike MS Country Challenge event.

- Motion to Approve: Council Member Badal
- Second: Council Member Andrew
- Ayes: Andrew, Andrews, Badal, Kelly, Martin, Reilly

Bike MS Country Challenge Special Event Application Discussion

Police Chief Camoia reported that the event organizer will be hiring a police officer to assist in traffic control as bicyclists cross over Main Street from Hilltop Road to Mountain Avenue. He further reported that the Mountain View Middle School would be used as a resting stop during the 2-day biking event but was not aware whether the School District had provided permission for this purpose.

The governing body tabled action on the Special Event Application until the August 26th Council meeting to allow for clarification concerning the scope of the biking event.

Motion

Council President Andrews made a motion to table consideration of the Bike MS Country Challenge Special Event Application to the August 26th Council meeting. Motion seconded by Council Member Martin. A roll call vote was taken with all in favor, none opposed.

ORDINANCE FOR INTRODUCTION

#11-2021 ORDINANCE PROVIDING FOR VARIOUS SEWER SYSTEM IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$126,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

This ordinance will appropriate \$126,000 from the Sewer Capital Improvement Fund for general improvements to be made to the sewer treatment facility and for the purchase of a new pickup truck with plow and liftgate.

Public Hearing scheduled for August 23, 2021

There was no Council discussion.

- Motion to Approve: Council Member Andrew
- Second: Council Member Kelly
- Ayes: Andrew, Andrews, Badal, Kelly, Martin, Reilly

ORDINANCE FOR PUBLIC HEARING/ADOPTION

None

RESOLUTIONS

#106-2021 RESOLUTION AWARDING A CONTRACT TO DUTCHMAN CONTRACTING, LLC FOR THE CONSTRUCTION OF A DEPARTMENT OF PUBLIC WORKS VEHICLE STORAGE GARAGE [tabled from June 28, 2021]

There was no Council discussion.

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

#110-2021 RESOLUTION AUTHORIZING MEMBERSHIP RENEWAL AND EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR THE 5-YEAR PERIOD OCTOBER 1, 2021, THROUGH SEPTEMBER 30, 2026

There was no Council discussion.

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

#111-2021 RESOLUTION AUTHORIZING THE REFUND OF A PROPERTY TAX PAYMENT MADE IN ERROR FOR PROPERTY LOCATED AT 36 WEST MAIN STREET [BLOCK 1901, LOT 39]

The Borough Clerk reported this matter has been resolved by the Tax Collector and should be stricken.

Motion to Strike: Council Member Andrew
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Martin, Reilly

#112-2021 RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2020

There was no Council discussion.

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

#113-2021 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PAULUS, SOKOLOWSKI AND SARTOR, LLC FOR SEWER COLLECTION SYSTEM REHABILITATION - CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES

There was no Council discussion.

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

#114-2021 RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$370,500 BOND ANTICIPATION NOTES OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

The purpose of this resolution is to authorize the rollover of the CY2020 bond note funding the purchase of the new ambulance and DPW loader to CY2021.

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

#115-2021 RESOLUTION AUTHORIZING A REFUND OF \$1,500 TO MOIRA CUMELLA IN CONNECTION WITH D1 VARIANCE APPLICATION BOA #04-20 FOR 20 HALSTEAD ROAD (BLOCK 705, LOT 13)

There was no Council discussion.

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

#116-2021 RESOLUTION AUTHORIZING A PRIVATE FIREWORKS DISPLAY AT ROXITICUS GOLF CLUB

The Council directed the Borough Administrator to send a Nixel communication notifying residents of the planned fireworks event.

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

#117-2021 RESOLUTION OF THE BOROUGH OF MENDHAM OF INTENT TO APPROPRIATE AN ACTUAL NET FUNDING MATCH SHORTFALL IN CONNECTION WITH A GRANT APPLICATION TO THE NEW JERSEY HISTORIC TRUST PRESERVE NEW JERSEY PROGRAM FOR A 2021 GRANT FOR STRUCTURAL UPGRADES TO THE BOROUGH-OWNED PHOENIX HOUSE

There was no Council discussion.

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

ADMINISTRATOR'S REPORT

A copy of the Administrator's Report dated July 26, 2021, was distributed to the Governing Body. The Administrator reported that the COVID-19 memorial plaque had been installed in Borough Park. The Borough submitted eight historic site nominations for Morris County's Historic Marker program. The Joint Municipal Court shared service agreement expires at the end of the year. Police Chief Camoia will work with Washington Township to renew the agreement.

COUNCIL COMMITTEE REPORTS

Finance [Standing Committee of the Council]

Council Member Badal had nothing new to report.

Board of Health

Council President Andrews had nothing new to report.

Recreation and Parks [Standing Committee of the Council]

Council Member Andrew reported that registration for the Summer Day Camp program closed. Over 1,100 children have registered for the program.

Board of Education

Council Member Andrew reported that the first day of school for Mendham Borough school district students is August 25th.

Public Safety [Standing Committee of the Council]

Council President Andrews reported that the Committee had discussed the renewal of the Joint Municipal Court Agreement and mentioned that the police officers' body worn cameras are expected to be operational in the next week or two. Dispatch radios will be replaced on Thursday.

Council President Andrews also reported that the Dean Road Improvement Project is scheduled to begin on July 29th. The American Water water main replacement project is moving along. The contractor is scheduled to perform night work on August 5th and 6th with respect to the installation of water main connections for the shopping center.

Personnel [Standing Committee of the Council]

Council Member Martin reported that the Committee will be reviewing updates to the Employee Policy and Procedures Manual.

Public Works and Utilities [Standing Committee of the Council]

Council Member Kelly reported that the issue with the new HVAC system power supply at the Garabrant Center is being investigated. He also reported that 19 new park benches have been installed at the parks and a few additional park benches are to be installed next year at the Mountain Valley Pond.

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

Council Member Reilly reported that an Eagle Scout candidate is proposing a service project, which will be overseen by the ECOSST Committee.

ATTORNEY'S ITEMS

Mr. Semrau reported his law firm will be assisting the Personnel Committee and Administration in updating personnel policies in conjunction with the Morris County Joint Insurance Fund. He also reported there are no pending litigation matters with the Borough.

MAYOR'S ITEMS

Mayor Serrano Glassner had nothing new to report.

PUBLIC COMMENT – AUDIENCE PARTICIPATION

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

Peter Banos, 47 Ironia Road, voiced his opposition to the proposed Backer Farm brewery and tasting bar application pending before the Mendham Township Land Use Board. He provided written comments to the governing body which are attached to these minutes.

David Rainis, 290 Mountainside Road, voiced his opposition to the proposed Backer Farm brewery application and inquired how the proposed commercial business would be regulated and enforced.

Melissa Rainis, 290 Mountainside Road, voiced her opposition to the proposed Backer Farm brewery application. She pointed out that 51% of the Backer Farm property is located in Mendham Borough (approximately 2 acres are adjacent to the Mendham Borough Water Reclamation Facility). Mrs. Raines further commented that the commercial operation proposes to operate 6 days per week and have 78 indoor seats, unlimited outdoor seating, and live entertainment. She commented that the proposed use would change the character of the Mendhams forever.

Jim Duva, 30 Talmage Road, inquired why Main Street was closed for 4 weeks for the water main replacement project and commented that county and borough officials may have required the contractor to schedule multiple crews to accelerate the project or schedule overnight operations. Mr. Duva also commented on the need to properly align the manhole covers at the time the roadway is repaved.

Steve Dreskin, 3 Roxiticus Road Mendham Township, voiced his opposition to the proposed Backer Farm brewery application and commented that the proposed use would disrupt the residential neighborhood and create traffic congestion. He urged the governing body to require the applicant to perform a traffic impact study, a public safety impact and an environmental impact study on behalf of Mendham Borough.

Peter Banos, 47 Ironia Road, questioned what agency would be responsible for enforcing the noise regulations.

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

APPROVAL OF VOUCHERS

Bills List dated July 26, 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 meeting 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.

CLOSED SESSION

#118-2021 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 adjourned 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.

Matters to be discussed: 1. Attorney-Client Privilege Matter: Land Use

Following the closed session, no other matters were to be discussed or acted upon in public session.

Motion to Approve: Council President Andrews

Second: Council Member Andrew

Ayes: Andrew, Andrews, Badal, Kelly, Martin, Reilly

The Mayor and Council convened into Executive Session at 8:16 p.m.

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The Mayor and Council reconvened into public session at 8:45 p.m. only for purpose of adjourning the public meeting.

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 Member Kelly. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 8:45 p.m.

The next scheduled meeting of the Mendham Borough Mayor and Council will be held August 23, 2021, at 7:00 PM, the Garabrant Center, 4 Wilson Street, Mendham.

Respectfully Submitted:

Robin R. Kline

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

[Attachment referenced in Public Comments follows]

Public Comment submitted:

Opposition to Backers Farm Brew Plan by Mendham Residents

Backer Farm on Ironia Road, which borders Mendham Township and Mendham Borough, is planning to open a brewery and "tasting room." This "tasting room" is a large beer bar that can be open 365 days a year with outdoor entertainment until 10 or 11 pm. Permanent parking is planned for 68- 78 vehicles, with extra over flow parking in two large paddocks. Local residents were shocked to discover that BackerFarm is planning literally a commercial bar in our neighborhood. The plan will increase traffic, jeopardize safety for local residents, have a negative environmental impact. Increased traffic and out of town visitors will produce increased crime in our neighborhood and town. The feeling of residents is the historic and bucolic neighborhood will be ruined.

Ironia Road is a narrow, steep road lined with family homes. There are no sidewalks and limited streetlights. Both Mendham Township and Mendham Borough police will be challenged to find resources to ensure the road remains safe with additional (and intoxicated) drivers. They will also need to increase policing in nearby Patriots Path and unpaved roads which will see increased traffic from bar patrons. Both Mendham Township and Mendham Borough have volunteer Rescue and Fire squads which will be taxed and divert resources from residential safety.

Hikers and bicyclists enjoy the area. Local residents, adults, children and their pets frequently walk along the road. Safety will be compromised. Additional traffic plus alcohol is a threat to public health and safety.

At the bottom of the hill a wetlands harbors wildlife, including endangered species. Some endangered species currently make their home on the Backer's Farm Property. Fishermen can be seen trout fishing the beautiful Ironia Brook. Effluent from a brewery plus sewage and litter from a commercial beer bar will negatively impact the environment. A thorough environmental impact has not been completed for the plan.

Residents who share the valley with Backer's Farm have grown accustomed to the sounds of farm life over the years. None of us have any interest in listening to "entertainment" at any time, especially when they and their children are trying to work, study and sleep.

The operation of a brewery and bar certainly constitutes a public and private nuisance and should not be allowed in a zoned residential neighborhood on Ironia Rd. Residents will vigorously oppose this plan at every level of the approval process.

The next planning board meeting is August 18th at 7:30 pm on Zoom. Please attend and voice your opposition to the plan. Please write the Mendham Township Planning Board, Township Committee and Mayor and voice your opposition. Together and united we can request Mendham Township Officials who represent residents not the Backers financial interests to NOT approve this plan

Kind regards,

Peter Banos

Ironia Rd. Mendham Borough Resident