

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

**July 27, 2020
MINUTES**

CALL TO ORDER

Mayor Christine Serrano-Glassner called the July 27, 2020 Regular Meeting of the Mayor and Council to order at 8:00 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 then proceeded with the Pledge of Allegiance.

MAYOR'S OPENING STATEMENT

Mayor Serrano-Glassner read the following statement:

Notice of this rescheduled meeting of the Mayor and Council of the Borough of Mendham was published in the Daily Record and the 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.

ROLL CALL

The following officials were present:

Mayor Christine Serrano-Glassner
Council Member Steven Andrew
Council Member John Andrews
Council President Brad Badal [via video conferencing]
Council Member James Kelly
Council Member Mary Sue Martin
Council Member Brennan Reilly [via video conferencing]

Also present were:

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

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: July 15, 2020 Regular and Closed Session Meeting

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

ORDINANCE(S) FOR INTRODUCTION

None.

ORDINANCE(S) FOR PUBLIC HEARING/ADOPTION

#06-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING VARIOUS CHAPTERS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MENDHAM PURSUANT TO THE CONDITIONS OF APPROVAL OF THE BOROUGH'S SETTLEMENT OF ITS AFFORDABLE HOUSING LITIGATION

A legal notice was published indicating that Ordinance #06-2020 was introduced and passed on first reading at the June 10, 2020 meeting and further indicated that the second reading and public hearing would be held on July 15, 2020 at 8:00 p.m. for consideration of final adoption. The ordinance was tabled at the July 15, 2020 meeting, and at that time, rescheduled to July 27, 2020. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Public Hearing

Mayor Serrano-Glassner opened the public hearing and invited any interested person the opportunity to be heard on this ordinance.

Debra Dolan, 8 Hampton Road, expressed her concern regarding points of ingress and egress, as well as local traffic impacts of any future proposed residential development.

Mr. Semrau responded that Ms. Dolan is likely referring to the ordinance for the King's Shopping Center and to that effect any prospective developer would be obligated to submit a formal application before the Borough's

Planning Board for review, approval, and public comment on any proposed development.

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

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#07-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT

A legal notice was published indicating that Ordinance #07-2020 was introduced and passed on first reading at the June 10, 2020 meeting and further indicated that the second reading and public hearing would be held on July 15, 2020 at 8:00 p.m. for consideration of final adoption. The ordinance was tabled at the July 15, 2020 meeting, and at that time, rescheduled to July 27, 2020. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mr. Semrau confirmed that as a condition of approval of the Borough's settlement in the affordable housing litigation, the Borough is required to revise, update and amend its existing development fee ordinance and approved Spending Plan to bring them into compliance with current state law. The updated fees would apply to only to new construction.

Public Hearing

Mayor Serrano-Glassner opened the public hearing and invited any interested person the opportunity to be heard on this ordinance.

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

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#08-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 215, ZONING, OF THE BOROUGH CODE PURSUANT TO THE CONDITIONS OF APPROVAL OF THE BOROUGH'S SETTLEMENT OF ITS AFFORDABLE HOUSING LITIGATION

A legal notice was published indicating that Ordinance #08-2020 was introduced and passed on first reading at the June 10, 2020 meeting and further indicated that the second reading and public hearing would be held on July 15, 2020 at 8:00 p.m. for consideration of final adoption. The ordinance was tabled at the July 15, 2020 meeting, and at that time, rescheduled to July 27, 2020. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mr. Semrau advised that Mendham Borough is required to create a realistic opportunity for the construction of low- and moderate-income housing on land that is available for development to meet its obligation to provide affordable housing. He further advised that the Borough may satisfy this requirement, in part, using overlay zones that allow for additional development options in the future. Mr. Semrau reported that the owners of the Daytop property have confirmed with Borough officials that they have no desire or interest in developing the property and further reported that the Daytop property is not within the sewer service area, which would limit any expansion of the current and existing use of the property. Lastly, Mr. Semrau confirmed that the Fair Share Housing Center accepted the Daytop property overlay as part of the Borough's settlement in the litigation.

Public Hearing

Mayor Serrano-Glassner opened the public hearing and invited any interested person the opportunity to be heard on this ordinance.

Fiona Macaskill, 20 Cold Hill Road, inquired whether the overlay for the Daytop property provides immunity from a builder's remedy lawsuit.

Mr. Semrau confirmed that the Borough's settlement with the Fair Share Housing Center would protect the municipality from builder's remedy lawsuits through 2025.

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

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

RESOLUTIONS

#107-2020 RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT FOR THE HIRING OF A SCHOOL RESOURCE OFFICER TO WORK AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2020-2021 SCHOOL YEAR

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#108-2020 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT TO PROVIDE THE SERVICES OF A SPECIAL LAW ENFORCEMENT OFFICER CLASS II/CLASS III FOR PURPOSES OF SCHOOL SECURITY AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2020-2021 SCHOOL YEAR

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#109-2020 RESOLUTION AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #19-001

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#110-2020 RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 23 BALBROOK DRIVE [BLOCK 2601, LOT 2.06]

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#111-2020 RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 27 BALBROOK DRIVE [BLOCK 2601, LOT 2.07]

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#112-2020 RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 270 MOUNTAINSIDE ROAD [BLOCK 101, LOT 20]

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#113-2020 RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 18 KERBY LANE [BLOCK 2201, LOT 10.08]

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#114-2020 RESOLUTION AMENDING THE ANNUAL MEETING SCHEDULE FOR MAYOR AND COUNCIL MEETINGS FOR CALENDAR YEAR 2020

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin
Nays: None

#115-2020 RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$370,500 BOND ANTICIPATION NOTES OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

There was no Council discussion.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrews, Badal, Kelly, Reilly, Martin
Nays: None
Recusal: Andrews

ADMINISTRATOR'S REPORT

Ms. Bushman provided her Administrator's Report dated July 27, 2020. She further reported that the Morris County Historic Preservation Trust Fund Review Board accepted the Borough's grant applications for the Scott Barn and the Phoenix House and confirmed that the closing for the I-Bank loan is set for August 12th.

COUNCIL COMMITTEE REPORTS

Finance [Standing Committee of the Council]

Council President Badal reported that municipal spending and tax collection revenues are being closely watched and further reported that the interest rate on the bond anticipation note came in at a 0.7% interest rate.

Board of Health

Council Member Andrew reported that the Bernards Township Health Department continues to monitor and report on COVID-19 cases in Mendham Borough. A total of 77 COVID-ID cases have been reported to date in Mendham Borough.

Recreation and Parks [Standing Committee of the Council]

Council Member Andrew reported that the Labor Day parade is actively being planned and further reported that the next summer concert is scheduled for August 2nd and the next summer movie is scheduled for August 5th.

Board of Education

Council Member Andrew reported that the West Morris Regional School District Board of Education will be implementing AM/PM in-school sessions as well as remote learning.

Public Safety [Standing Committee of the Council]

Council Member Andrews reported that he met with the volunteers from St. Joe's Youth Ministry and toured their work projects at the Scott Farm property. He thanked Mark Tosso, St. Joseph Youth Ministry Leader, and the team of volunteers and chaperones, for their public service.

Council Member Andrews also reported on complaints of large groups of people visiting India Brook Park and Buttermilk Falls who are making campsites, littering the area and constructing make-shift dams in the river. Signage will be posted regarding use of the park and trails and the Borough's ordinances concerning Parks will be reviewed.

Lastly, Council Member Andrews reminded everyone that Mendham Borough will be hosting a free Narcan community training program with the Morris County Sheriff's office on August 10th at the Mendham Firehouse. Information about this program has been posted on the Borough's website.

Personnel [Standing Committee of the Council]

Council Member Martin reported that a second interview has been scheduled this week with a candidate for the tax collector position.

Public Works and Utilities [Standing Committee of the Council]

Council Member Kelly reported that the CCTV project continues to monitor and clean sewer lines and further reported that the DPW is overseeing the on-going milling and paving road projects. 19 stormwater drains have been cleaned and repaired by public work crews.

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

Council Member Reilly reported that the ECOSST Committee and the Mendham Township Environmental Commission will host a webinar tomorrow evening at 7:30 p.m.

ATTORNEY'S ITEMS

Mr. Semrau had nothing new to report.

MAYOR'S ITEMS

Mayor Serrano-Glassner reported that she and Council Member Martin visited the St. Joe’s Youth Ministry volunteers who are working on several improvements to the Scott Farm property. She thanked the volunteers for their valuable contributions in making needed repairs to the Scott Farm property.

PUBLIC COMMENT – AUDIENCE PARTICIPATION

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

Nancy Hellriegel, 12 Knollwood Drive, inquired about the planning of the Borough’s Labor Day parade. Council Member Andrew responded that the Labor Day parade will take place and will have the same route. Steps will be taken to ensure compliance with the Governor’s executive orders that may be in effect at that time. Mayor Serrano-Glassner further remarked that other safe-distancing community activities are also being planned in lieu of the annual community carnival hosted by the Pastime Club.

Brian Braun, 70 Lowry Lane, inquired about making biking capabilities available to high school students going to and from the high school. Mayor Serrano-Glassner recommended that Mr. Braun contact the West Morris Regional High School District who has the jurisdiction to address his concern and make policy-decisions for the high school.

Mark and Ginny Beutnagle, 18 Mountain Avenue, commented that they would like the Borough to consider having an open mic on Sunday evenings at the Gazebo when there is no summer concert scheduled to allow local talent an opportunity to perform in a public setting.

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

APPROVAL OF VOUCHERS

Bills List prepared by the Chief Financial Officer dated July 27, 2020.

Resolution #059-2020 passed at the March 18, 2020 Special Meeting provided the Borough Administrator authorization to approve vouchers, subject to the availability of funds.

CLOSED SESSION

#116-2020 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(s) without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A. 10:4-12b.

Matter to be discussed: Attorney-Client privilege – Update on Affordable Housing

Following the closed session, no other matters will be discussed or acted upon in public session. The Borough Council will reconvene into public session only for purpose of adjourning the public meeting.

Motion to Approve: Council Member Martin
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Martin, Reilly
Nays: None

The Mayor and Council convened into Executive Session at 9:00 p.m.

#

The Mayor and Council reconvened into public session at 9:08 p.m.

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 Badal. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 9:08 p.m.

The next meeting of the Mendham Borough Mayor and Council will be held on August 11, 2020, 8:00PM, the Garabrant Center, 4 Wilson Street, Mendham.

Respectfully Submitted:

Robin R. Kline

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