

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

**September 9, 2021  
MINUTES**

**CALL TO ORDER**

Mayor Christine Serrano Glassner called the September 9, 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 President John Andrews
- Council Member Brad Badal
- Council Member James Kelly
- Council Member Mary Sue Martin
  
- Council Members Steven Andrew and Brennan Reilly were absent

Also, present were:

- Dawn Sullivan, Esq., Borough Attorney
- Joyce Bushman, Borough Administrator
- Robin R. Kline, Borough Clerk

**CONSENT AGENDA ITEMS**

- 1. Approval of Minutes:** August 23, 2021 Regular Meeting
- 2. Road Closure Request:** Mendham Borough Home School Association  
Harvest Hustle Fun Run & 5K Run  
Saturday, October 2, 2021, 8:00AM to 11:00AM  
[No Rain Date]
- 3. Special Event Application:** Mendham Borough Home School Association  
Harvest Hustle Fun Run & 5K Run  
Saturday, October 2, 2021, Race Starts at 8:30AM to 11:00AM  
[No Rain Date]  
  
JMK Events  
Food Truck Festival, Borough Park  
Saturday, October 2, 2021, 11:00AM to 7:00PM  
[No Rain Date]

Council President Andrews requested that JMK Events Special Event Application be removed from the Consent Agenda for separate discussion and action. Mayor Serrano Glassner reported that the Executive Session concerns a contract matter related to the JMK Events application and suggested discussion of this matter be tabled after the Council re-convenes from the Executive Session.

**Motion to remove and table the Special Event Application for JMK Events until after the Executive Session**

Council President Andrew made a motion to remove discussion and action on the Special Event Application for JMK Events until the Council re-convenes from the Executive Session. Motion seconded by Council Member Mary Sue Martin. A voice vote was taken with all in favor, none opposed.

**Motion to approve Consent Agenda items (except the Special Event Application for JMK Events)**

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

**ORDINANCE FOR INTRODUCTION**

**#13-2021 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO PERMIT OUTDOOR DINING AND OUTDOOR SEATING TO FACILITATE SMALL BUSINESS RECOVERY NEEDED IN LIGHT OF THE COVID-19 PUBLIC HEALTH EMERGENCY**

Purpose: Recent changes in the economy, including a public health emergency and resulting social distancing requirements, have led the Borough’s Finance Committee to review outdoor dining requirements. The Governing Body desires to enable local restaurants and food and beverage service establishments, with appropriate guidelines, to serve customers and encourage social distancing requirements. Outdoor dining and outdoor seating can accommodate the Borough’s long-term Master Plan vision of protecting the small-town character of the community, while also helping to maintain a healthy business district.

Public Hearing scheduled for September 27, 2021

Ms. Sullivan noted a formatting error in §215-70, which she indicated will be corrected.

There was no Council discussion.

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

Mayor Serrano Glassner announced the Public Hearing is scheduled for September 27, 2021.

**ORDINANCE FOR PUBLIC HEARING/ADOPTION**

**#12-2021 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO ESTABLISH NEW CHAPTER 175, “SMOKING, PROHIBITED ON PUBLIC PROPERTY”**

Purpose: To the extent permitted by law, this ordinance prohibits smoking of tobacco, cannabis, and related products in public areas, including parks, athletic fields, in and around municipal building facilities and adjacent parking lots, Borough-owned Open Space, and Borough-owned motor vehicles and ride-on equipment in the Borough of Mendham.

Legal Notice Statement: A legal notice was published indicating that Ordinance #12-2021 was introduced and passed on first reading at the August 23, 2021 meeting and further indicated that the second reading and public hearing would be held on September 9, 2021 at 7:00 p.m. Copies of this Ordinance were made available to the public and posted in accordance with the law.

Mayor Serrano Glassner reported that this Ordinance will update Mendham Borough’s no smoking policy so that it is consistent with the New Jersey Smoke Free Air Act (2006) and with Morris County’s Smoke Free Policy.

**Public Hearing**

Mayor Serrano Glassner opened the public hearing at which time any interested person was given an opportunity to be heard on this Ordinance. Seeing and hearing no one wishing to comment, Mayor Serrano Glassner closed the public hearing.

Mayor Serrano Glassner opened the floor to the Council for further discussion.

Council Member Badal and Council Member Kelly acknowledged that the intention of the ordinance is to protect children and others from second-hand smoke, but both voiced concern that the proposed Ordinance is too restrictive and over-regulates outdoor smoking. The suggestion was to add language in the Ordinance to prohibit smoking during park operational hours.

§175-2 a. in the Ordinance was amended as follows (underlined language):

**§ 175-2 Prohibition of smoking on public property; signs.**

- a. Smoking shall be prohibited in all Municipal Buildings, Exterior Areas surrounding Municipal Buildings, in accordance with the New Jersey Smoke-Free Air Act (N.J.A.C. 8:6-1.1 et seq.), Municipal Vehicles, and Parks and Recreational Facilities, during hours of operation, except areas excluded by the Borough Council.

Ms. Sullivan further advised that signage must be posted for enforcement measures.

There was no further Council discussion.

Motion to Approve, as amended: Council President Andrews  
Second: Council Member Kelly  
Ayes: Andrews, Badal, Kelly, Martin

**RESOLUTION**

**#127-2021 APPROVING THE CORRECTIVE ACTION PLAN FOR THE ANNUAL AUDIT REPORT FOR CALENDAR YEAR 2020**

There was no Council discussion.

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

### **ADMINISTRATOR'S REPORT**

A copy of the Administrator's Report dated September 8, 2021 was distributed to the Governing Body.

### **COUNCIL COMMITTEE REPORTS**

#### **Finance [Standing Committee of the Council]**

Council Member Badal reported Mendham Borough paid off the final bond payment last month.

#### **Board of Health**

Council President Andrews had nothing new to report.

#### **Recreation and Parks [Standing Committee of the Council]**

Council Member Andrew was absent.

#### **Board of Education**

Council Member Andrew was absent.

#### **Public Safety [Standing Committee of the Council]**

Council President Andrews reported that the Mendham Borough First Responders will be recognizing the 20th anniversary of 9/11 by honoring all 1st responders, military and others who made the ultimate sacrifice as they gather at 8:15 a.m. in front of the Fire House on Main Street and stand in solidarity as the siren sounds for those four critical moments at 8:46 a.m., 9:03 a.m., 9:37 a.m. and 10:03 a.m. Members of the Mendham First Aid Squad will also attend Morris County's 20<sup>th</sup> commemorative anniversary of September 11, 2001.

Council President Andrews further reported that Police Sgt. Chris Irons is organizing the First Responders Golf Outing fundraiser for October 4<sup>th</sup>.

#### **Personnel [Standing Committee of the Council]**

Council Member Martin had nothing new to report.

#### **Public Works and Utilities [Standing Committee of the Council]**

Council Member Kelly reported there was no flooding in the Borough following Hurricane Ida last week. DPW crews have been cleaning up storm damage.

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

Council Member Reilly was absent.

### **ATTORNEY'S ITEMS**

Ms. Sullivan had nothing new to report.

### **MAYOR'S ITEMS**

Mayor Serrano Glassner reported on the Labor Day parade. This year, owners of vintage and classic cars joined in. She also reported that she joined Tunnel to Towers Foundation CEO Frank Siller and other local officials and first responders on the "Never Forget Walk," which came through Mendham on its way to Morristown.

Lastly, Mayor Serrano Glassner reported that she had attended the recent ECOSST meeting and spoke to the members about the upcoming budget process and the importance of planning projects that may require funding.

### **PUBLIC COMMENT – AUDIENCE PARTICIPATION**

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

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 September 9, 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**

#### **#128-2021 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 for discussion of the following stated matter(s):

Matter to be discussed: Attorney-Client Privilege Exemption – Contract-related Items

Following the closed session, the Mayor and Council will reconvene into public session only for purpose of discussing and taking action on the Special Event Application for JMK events tabled earlier in the meeting.

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

The Mayor and Council convened into Executive Session at 7:43 p.m.

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The Mayor and Council reconvened into public session at 9:20 p.m.

### **CONSENT AGENDA ITEM**

**Special Event Application:** JMK Events  
Food Truck Festival, Borough Park  
Saturday, October 2, 2021, 11:00AM to 7:00PM  
[No Rain Date]

The governing body discussed the Special Event Application for JMK Events. A Social Affairs Permit will not be approved for the event since. Among other things, the organizer of the event had not resolved why the Chester First Aid Squad and not a local Mendham Borough non-profit organization had been the sponsoring organization on the Social Affairs Permit application. The Council further concurred that a B.Y.O.B. (bring your own beer) policy will not be allowed at Borough Park during the Food Truck Festival.

Council President Andrews made a motion to approve the JMK Events Special Event Application without a Social Affairs Permit. Motion seconded by Council Member Kelly. A voice vote was taken with all in favor, none opposed.

The governing body directed Bruce DiBisceglie, Mendham's Recreation Director, to contact JMK Events to inform them of the Council's decision.

### **ADJOURNMENT**

Having no further business to conduct, Mayor Serrano Glassner asked for a motion to adjourn.

Council President Andrews made a motion to adjourn, seconded by Council Member Kelly. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 9:23 p.m.

The next scheduled meeting of the Mendham Borough Mayor and Council will be held September 27, 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