MINUTES OF THE REGULAR MEETING OF THE BOROUGH OF MENDHAM MAYOR AND COUNCIL

September 6, 2018

CALL TO ORDER

Mayor Henry called the September 6, 2018 Regular Meeting of the Mayor and Council to order at 8:02 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry led a moment of silence and then proceeded with the Pledge of Allegiance.

MAYOR'S OPENING STATEMENT

Adequate notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the *Daily Record* and *Observer Tribune*, and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ROLL CALL

PRESENT:

Mayor Neil Henry

Councilman John Andrews

Councilman Brad Badal

Councilwoman Christine Serrano-Glassner

Councilman David Sharkey
Council President John Andrus

ABSENT:

Councilman Stanley Witczak

Also present were:

Fred Semrau, Esquire Joyce Bushman, Borough Administrator Mimi M. Marlor, RMC, Borough Clerk

CONSENT AGENDA

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 public, the Borough Council or the Mayor request that an item be removed and considered separately.

- 1. MINUTES July 19, 2018 Regular Meeting and Executive Session
- 2. MINUTES August 20, 2018 Special Meeting
- **3.** Road Closure Michele McCarthy- from 20-30 Phoenix Drive; 9/15/2018 (rain date: 10/6/18)
- **4.** Road Closure Danielle Doyle-19 Florie Farm Road from Mountain Ave to Phoenix Drive; 9/15/2018 (rain date:10/6/18)
- 5. Road Closure Cheryl Brown- Forest Drive 9/22/2018 (rain date (9/23/2018)
- 6. Blue Light Permit Request Mendham First Aid Squad Jonathan Hoch

Motion to approve consent agenda items 1 -6: Councilman Sharkey

Second: Councilman Andrus

Discussion: Councilwoman Glassner asked for a correction to the minutes. The rest of Council agreed with the clarification and the Clerk noted the change on page 2 paragraph 2.

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None

Recusal: Andrews on item #6 – Blue Light permit request

Absent: Witczak

DISCUSSION ITEMS

Mayor Henry identified the need to add a discussion item to the agenda to allow a presentation by Mike Zedalis regarding the Black Horse Pub renovations being reviewed by the Historic Preservation Commission.

1. Mike Zedalis presented from a written document which was provided to the Clerk for the minutes. His presentation included the following comments and topics:

Good evening everyone, I wanted to start off by saying, "thank you to the council for giving me this opportunity to speak with you and to update you on some recent progress & events as they pertains to the Historic Preservation Commission.

- The HPC is fully staffed and today is operating well. Except for myself, the members of the HPC are virtually 100% new vs. what you would have found on the committee 12-18 months ago. The members are committed, smart and understand our charter as it pertains to maintaining Mendham's historic character under our current charter.
- Over the past year, we have reviewed & accepted, or reviewed, modified and accepted
 more applications than in any one-year period. Applications covered new signs,
 renovations to existing homes / businesses; emergency repairs; as well as new
 construction.
- In all cases we have put Mendham's character and historic fabric first, but also considered the socio / economic nature of each application, as well as the negative impact that time & disrepair plays on our homes and buildings in our community.
- Some things that have worked well: i) Applicants coming in front of the HPC early, with concepts and being open to comment / guidance. ii) Completed applications; iii) preapproved materials / designs / construction; iv) non-emergency.
- Some things that haven't worked well: i) Project is already done difficult to go backwards; ii) Emergencies; iii) Overly complex plans / details; iv) Changing Designs / Scope creep; v) Cases where the materials / products (e.g., signs) have already been purchased; vi) Legal issues; vii) Out of town or state applications; or viii) cases where the applicant has approached us asking for forgiveness vs. permission or where there applicant has lied to us.
- Some recommendations going forward:
 - All home owners / Businesses need to be continually reminded of the role of the HPC, and that they must work with / thru the HPC when it comes to construction, renovations, sign changes, etc. Obviously with a recommendation to come to us early and often
 - 2. Person in the Borough office that helps shepherd the application thru right now there is no or limited guidance with Carolyn having left
 - 3. Clarity to the steps taken...who needs to receive what first, second, etc....what is the process to get an application approved.
 - 4. Benefit by pre approving standard materials / designs / looks e.g., fences, materials, signs, roofs.... And oh, by the way, this probably needs to be done for both residential vs. commercial properties.
 - 5. Upgrade / re-review the HPC charter ... e.g., who is covered, what is covered, what is not covered, etc.
 - 6. Include the possibility for the HPC or Borough Council to be proactive with homes / building that are in serious disrepair and need action. In other words, don't let an edifice get to a point where it can only be torn down... and,
 - 7. The possibility of an outreach or demonstration program to our community where real value is created by working with the HPC and Borough Council on residential & commercial projects benefit us all...

WRT a recent application for constructions improvements to the Black Horse, I would like to provide you with a short, but important update:

In Early August (either a late Thursday or Friday evening) I received an email from a group
of people (Black Horse / Boro Construction supervisor / someone) essentially indicating
that there was an Emergency roofing project needed to be performed on the Black Horse

Pub. We have had these types of applications before, but they generally are due to storm or snow or water damage that require emergency services.

- This application was different because it stated:
 - Needed to replace the existing cedar roof on the Black Horse Pub with a new Cedur(TM) roof
 - Work crew was scheduled for Saturday
 - And the replacement roof had already been purchased
- Normally I would have approved this job since on the surface it appeared 'like for like', and upgrade to the building / Historic district....pretty straight forward; However, Cedur was spelled with a "ur" not an "ar" and I thought that was kinda strange. When I looked deeper into the application I saw that the applicants were planning to replace a natural wood cedar roof with a synthetic version. I immediately thought about plastic playschool buildings that you see in one's back yard, so I set a pretty stern letter to them telling the applicant not to go forward and that this application needed to go before the HPC, with a meeting schedule in 10 days.
- Well, when they came in front of the HPC, the application now included: i) replacement of the cedar roof with a synthetic Cedur™ roof; ii) replacement of the gravel roof above the side-room dining at the pub with a metal corrugated barn roof; iii) replacement of the asphalt / tin roof (?) above the Tavern with new asphalt shingles; (iv) replacement of the front roof above the glass porch on the tavern; (v) replacement of existing gutters with half-round / full round gutters; and (vi) replacement of the painted wood siding with a 'painted' synthetic Hardee™ plank. Obviously, the scope of this application grew a little bit.
- WRT the synthetic Cedur™ roof above the pub, the applicants told us that the cost of real Cedar roofing was equivalent; however, they liked the color of the synthetic roof more; the synthetic roof was lighter (especially if it rained) and posed less of a risk to the structural integrity of the building; the synthetic roof was alleged to be more fire resistant; and the synthetic roof would last upwards of 50 years vs. 25-30 years for a natural wood cedar roof.
- We essentially could approve many of these, held off approving two proposed elements: (i) the synthetic Cedur™ roof we have never approved a synthetic cedar roof in Mendham so here we wanted to see, if possible, a full building in the tri-state region that had such a roof. If this were not possible (and this has now proven to be true, the manufacturer could not give us a local reference), we wanted to see a demonstration swatch on the back of the Black Horse pub...which is now available for everyone here to see when you walk thru the rear parking lot. And, (ii) we did not approve of the Hardee plank siding because the applicants told us that they wanted to change the color of the Black Horse to more of an earth tone brown / taupe color...this also helped explain their preference for the Brown synthetic Cedur™ roof, and the gun-metal gutters, etc. The applicants then went on to share with us their artistic design of the New Black Horse that would be more inviting to the Younger Demographic; be a stronger lure for people from Morristown, or not convey the brand of the Old Black Horse inn of I'll Mendham.
- The HPC has reviewed the synthetic Cedur ™ roof and are leaning towards 'unfavorable', though this need to be discussed in a future HPC meeting. And, we stand against a new paint color of the Inn solely on Historical Grounds. The oldest pictures that I could find of the Black Horse inn have the Inn and barn both being white in color. From a Historic Preservation perspective, we are adamantly opposed to a color change on such a central, iconic structure.
- We further suggest that the applicants present their full design to the Boro Counsel and the people of town. They will need to drive in from Massachusetts, Rhode Island, New York and Bergen County – since none of them live in town – however, they appeared willing to do so.
- As of yesterday, the HPC is willing to approve the metal seamed roof above the side room and front room on the Tavern. Further, we are willing to approve the asphalt roof above the Tavern. Further Changes to gutters, posts, soffits, siding, non-roof items, must come in front of the HPC.
- If you take a closer look at the Black Horse Tavern and Pub you will notice the buildings to be in desperate need of repair....!!!
- Lastly, I believe the Black Horse Renovation project is a great opportunity for the Boro Council, Historic Preservation Commission, Community and Black Horse applicants can

work together to develop a win-win outcome – where Mendham's historic fabric is preserved, and the Black Horse's business can flourish in town.

Discussion ensued and Council questions were addressed. Mayor Henry spoke to the changing demographics and would like to see more outreach. Councilwoman Glassner started the need for a comprehensive package to understand these complicated applications. Council President Andrus stated he would like to have every homeowner receive a handout as to the expectations of the HPC. Mayor Henry added that new property owners should receive such information in a "Welcome Kit". Mr. Zedalis invited Council to attend the next meeting. Mayor asked when and where? To accommodate a large crowd the venue would need to change from the Phoenix House to Garabrant Center. The Secretary would advertise the change of location and identify that the Council would be joining that meeting in a combined effort to understand the application requests first hand. Mr. Zedalis thanked the Council for the time and concluded his remarks.

2. Farmhouse Lane – Residents would like to deed this over to the Borough Mayor Henry asked Councilman Badal to update the rest of Council. He stated that in order to deed the road there are requirements and the Borough Engineer has provided that list of requirements to the residents. The residents in turn have asked for some assurance that if they spend funds and provide the information that the Borough would take over the street. Councilman Badal made the recommendation that the Borough should take on the street with the conditions that the residents meet all the requirements including engineering studies and the condition of the road remains in good shape. There was an all in favor voice vote supporting Councilman Badal's recommendation. Administrator Bushman was asked to convey to the residents that they would take on the road meeting all the conditions.

3. Cold Hill Road and Hardscrabble Road – Speed Limit Changes Chief Camoia explained that at the conclusion of a traffic study it was determined that they would like to propose permanent speed limit reduction changes on Cold Hill Road and Hard Scrabble Road. Cold Hill Road would be 35 MPH from Route 24 to the center of Mountainside Road making it a consistent speed limit for the entire road. Hardscrabble Road would be 35 MPH for the entire length of the road. There were no objections from any Council members and the Mayor asked the Borough Attorney to prepare an Ordinance for Introduction at the next meeting.

4. Parade Grand Marshall - Ordinance proposal

Mayor Henry stated they all had a draft of a proposed ordinance for discussion of the Grand Marshall selection. Discussion ensued and Council President Andrus commented that under qualifications part "D" might be removed and clarified that residents and former residents be included. Additionally he would like the entire Council to make the decision rather than the Committee of Mayors exclusively. Councilwoman Glassner would like the time clarified and to make sure Council is aware of the April 30th deadlines for selection. Mayor Henry hearing no other comments asked Borough Attorney Semrau to draft an updated version that might be ready for further discussion and/or consideration at the next meeting.

5. Tennis Courts/West Morris Soccer Club Proposal

Mayor Henry introduced the continuation of the discussion regarding the tennis courts and the WMSC proposal. He noted that he proposed a survey in the Messenger asking what people wanted relative to tennis in Mendham and provided the 15-20 responses to the Administrator. People commented that there are a lot of people who play tennis and they would prefer to use the Orchard Street courts to the Mendham Firehouse courts. The sentiment on the turf was split. Some were opposed to it and some for it. This issue has been going on for a while and I am going to open this for discussion and comment from a few people who are in attendance. He asked for comments from Council first. Councilman Sharkey stated that he would like to see them move forward on the resurfacing of the courts and it appears that the preference is Orchard Street. Regarding the Soccer proposal he stated that he thought there were still some traffic and parking issues and would like to see a follow up on that. Councilman Andrews concurred with Councilman Sharkey to takes the set aside funds and repair Orchard Street tennis courts and continue discussions with West Morris Soccer Club. Councilwoman Glassner, Badal and Andrus all agreed.

<u>ACTIONS TAKEN – OTHER RESOLUTIONS</u>

136-2018 A Resolution of the Mayor and Council of the Borough of Mendham, in the

County Of Morris and State Of New Jersey, Authorizing the Acceptance of a

Pavilion and Picnic Table Donation for Mountain Valley Park

Motion to approve: Councilman Andrews

Second: Councilwoman Glassner

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

137-2018 A Resolution Authorizing a Refund of Day Camp Registration Fees

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

138-2018 Resolution Authorizing the Award of a Three-Year Contract to Accurate Waste

Removal Services, Inc. of Flanders, New Jersey for the Pumping, Hauling, and Disposal of Sludge for the Period of October 1, 2018 Through September 30,

2021

Motion to approve: Councilwoman Glassner

Second: Councilman Andrus

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

139-2018 Resolution Authorizing Refund of Overpayment of Property Tax to Marilyse

Sclafani at 9 Whispering Ivy Path

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

140-2018 Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilman Andrus

Second: Councilwoman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

141-2018 Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

142-2018 Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

143-2018 Resolution Authorizing the Return of a Cash Bond

Motion to approve: Councilman Andrews

Second: Councilwoman Glassner

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

144-2018 Resolution of the Borough Of Mendham, County Of Morris and State of New

Jersey Authorizing the Purchase of a Power-Pro XT Stretcher And MTS Power Load Stretcher Lift Through the Bergen County Cooperative Purchasing System

Bid No. 18-34

Motion to approve: Councilwoman Glassner

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: Andrews Absent: Witczak

145-2018 Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

146-2018 Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak **147-2018** Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

148-2018 Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

149-2018 Resolution Authorizing Extension of the Interlocal Agreement with the

Township of Mendham and the Township of Randolph for Construction

Inspection Services

Motion to approve: Councilwoman Glassner

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

150-2018 Resolution to Authorize on Premise Merchandise Draw Raffle for the

Mendham Borough Library

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

151-2018 Resolution of the Borough of Mendham Authorizing the Settlement of Certain

Tax Appeals

Motion to approve: Councilman Sharkey

Second: Councilwoman Glassner

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

152-2018 A Resolution providing for Salaries to be Paid to Borough Appointed Officials

and Employees in 2018

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey

Opposed: Andrus Recusal: None Absent: Witczak

153-2018 A Resolution providing for Salaries to be Paid to Borough Appointed Officials

and Employees in 2018

Motion to approve: Councilwoman Glassner

Second: Councilman Badal

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey

Opposed: None Recusal: Andrus Absent: Witczak

154-2018 Resolution Authorizing Refund of Overpayment of Property Tax

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

ADMINISTRATOR'S REPORT

Mayor Henry asked if there were any questions or comments regarding the Administrator's report of September 6, 2018.

Council President Andrus commented that he just received it and hadn't had time to read it. Mayor Henry asked Administrator Bushman to please get the report to Council earlier. Mayor Henry hearing no other questions moved on.

COUNCIL REPORTS, OLD & NEW BUSINESS

Recreation Committee

Councilman Witczak was absent and made no report.

Finance Committee

Council President Andrus stated that he is still waiting on sewer numbers and would like to have them included at the next sub-committee meeting. He shared he attended the MCO Trust meeting and the focus was the discussion of trails and opportunities for property acquisition for non-passive or passive recreation. He shared there are 3.2 million in applications. Council President Andrus, having nothing further; he concluded his report.

Land Use Committee and Environmental Commission

Councilman Sharkey stated that he attended the parade and carnival and it all went very well. He commended Bruce and his staff and volunteers for all their hard work. He reported the Planning Board meeting scheduled for next week has been cancelled. Councilman Sharkey stated he had nothing else and concluded his report.

Public Safety Committee

Councilman Andrews stated that the new pedestrian signs are operational and he thanked everyone who worked on the installation. He reported the new Class III officer is doing well. He noted the First Responders Golf Outing at the Mendham Golf Course will be held on September 24th. Councilman Andrews had nothing else and concluded his report.

Personnel Committee and Local Economic Development Committee

Councilwoman Glassner reported that she too, was at the parade and enjoyed the annual festivities. She shared that she and Administrator Bushman are working on the salary resolution and on a goal setting process for next year. She noted that Chief Camoia is proceeding with interviews for the part-time secretary in the Police Department. She also stated that they are doing an evaluation of the cleaning services and options for cost effective changes. Councilwoman Glassner concluded her report.

Public Works and Utilities Committee

Councilman Badal reported that Public Works continues to patch pot holes around the Borough. He reported that Council needs to make a decision on road grants. He shared that Bliss Road is the only one that fits the criteria. Jeff Cooper interjected that Adams, Sterling, Hillcrest and Emory are scheduled for paving through capital planning next year and his suggestion was to forego Bliss until next year as well. Councilman Badal thanked Superintendent Cooper for the information and concluded his report.

ATTORNEY ITEMS

Fred Semrau, Esquire, stated that he had nothing to report until Executive Session. Attorney Semrau concluded his comments.

MAYOR'S ITEMS

Mayor Henry stated that that he would like to recognize Rodney Frelinghuysen who is retiring at the end of his term and he noted that he missed seeing him at the parade. As a follow up to public safety he reported that a car was stolen from a resident's front yard. He reminded the public that they should not lock their key fobs in their car. He reminded the Council members that the email conversion was complete and they should keep checking the new system. He asked the Administrator to contact Neil Schetelick, Zoning officer about checking the high grass areas on East Main Street. The Mayor concluded his comments.

PUBLIC COMMENT

Mayor Henry opened the meeting to the public for comments.

Ron Weissman 15 Tempe Wick Road, Mendham, commented that he is wondering when he will receive a policy decision on his recent request to the Administrator. Attorney Semerau interjected that he has responded and shared again the comments regarding the section of the code that states no inspection is necessary. Attorney Semrau indicated he will follow up directly with Mr. Weissman and for the record the Attorney noted that the Borough did respond to his initial inquiries but will address his need for further clarification.

Laura Montenegro, 8 Linden Lane, shared that as a runner she uses the Patriots Path and the stepping stones over the river are treacherous. She'd like the Borough to consider adding bridges over the water areas for the walkers and runners. She also asked if the bathrooms are always closed because they are in disrepair or for some other reason.

Council President Andrus stated the County has a special trail grant program and it makes sense to look into the options for assistance.

Seeing no one else from the public wishing to be heard, Mayor Henry closed the public comment portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated September 6, 2018.

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Abstain: None Absent: Witczak

EXECUTIVE SESSION

155-2018 A Resolution Providing for an Executive Session not Open to the Public in

Accordance with the Provisions of the New Jersey Open Public Meetings Act N.J.S.A.

10:4-12b(7)

Motion to approve: Councilman Andrews

Second: Councilwoman Glassner

Discussion: None

Roll Call:

In favor: Andrews, Badal, Glassner, Sharkey, Andrus

Opposed: None Recusal: None Absent: Witczak

Mayor Henry announced that The Council will be entering an Executive Session. The public will be excluded from this portion of the meeting to permit them to consider matters appropriate for discussion in such a session.

Attorney Semrau commented that it was appropriate under the statute referring to matters of public protection the Council would meet to discuss the following and he noted that formal action may be taken.

1. Matters relating to attorney-client privilege — N.J.S.A 10:4-12b(7)

At 9:56 pm the Council cleared the Garabrant Center for the Executive Session

At 10:47 pm the Council resumed the regular meeting

Mayor Henry stated that they were back on the record and no formal action will be taken.

ADJOURNMENT

The Mayor asked for a motion to adjourn. There being no other business to be conducted, on a motion duly made by Councilman Sharkey, seconded by Councilman Andrews, and unanimously carried by a voice vote, the meeting was adjourned at 10:49 PM.

The next Regular Meeting of the Mayor and Council will convene on September 20, 2018 at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

Respectfully Submitted:

Mimi M. Marlor, RMC, CMR Borough Clerk BOROUGH OF MENDHAM