

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

**November 13, 2019**

**CALL TO ORDER**

Mayor Christine Serrano-Glassner called the November 13, 2019 Regular Meeting of the Mayor and Council to order at 8:00 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

**INVOCATION AND FLAG SALUTE**

Mayor Serrano-Glassner 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 the *Star Ledger*, and such notice was posted on the Phoenix House bulletin board 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 Member James R. Kelly  
Council President David Sharkey

Council Member Brad Badal and Council Member Brennan Reilly were absent

Also present were:

Fred Semrau, Esq., Borough Attorney  
Joyce Bushman, Borough Administrator  
Robin R. Kline, 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 Governing Body requests that an item be removed and considered separately.

1. Approval of Minutes: November 13, 2019 Regular Meeting

Motion to Approve: Council Member Andrew  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Nays: None

**DISCUSSION ITEM**

**2019 Best Practices Inventory for Mendham Borough**

There was no discussion.

**ORDINANCES FOR FIRST READING**

None

**ORDINANCES FOR PUBLIC HEARING/ADOPTION**

**#12-2019 ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE TENNIS COURTS IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$290,000 THEREFOR FROM PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED AND FROM THE RECREATION OPERATING ACCOUNT OF THE BOROUGH**

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #12-2019 was introduced and passed on first reading at the November 13, 2019 meeting and further indicated that the second reading and public hearing would be held on November 25, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #12-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve: Council President Sharkey  
Second: Council Member Andrews  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Nays: None

Ordinance #12-2019 was adopted. The Borough Clerk will prepare and publish the adoption notice and take all other action required by law.

**#13-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 4, ADMINISTRATIVE ORGANIZATION, OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS**

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #13-2019 was introduced and passed on first reading at the November 13, 2019 meeting and further indicated that the second reading and public hearing would be held on November 25, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #13-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve: Council Member Andrew  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Nays: None

Ordinance #13-2019 was adopted. The Borough Clerk will prepare and publish the adoption notice and take all other action required by law.

**#14-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND SECTION 4-48H OF THE BOROUGH CODE TO UPDATE THE NAME OF THE SEWER DEPARTMENT TO THE WATER RECLAMATION DEPARTMENT**

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #14-2019 was introduced and passed on first reading at the November 13, 2019 meeting and further indicated that the second reading and public hearing would be held on November 25, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #14-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve: Council Member Andrew  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Nays: None

Ordinance #14-2019 was adopted. The Borough Clerk will prepare and publish the adoption notice and take all other action required by law.

**#15-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 42, "PUBLIC WORKS, DEPARTMENT OF," OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS**

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #15-2019 was introduced and passed on first reading at the November 13, 2019 meeting and further indicated that the second reading and public hearing would be held on November 25, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #15-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

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

Ordinance #15-2019 was adopted. The Borough Clerk will prepare and publish the adoption notice and take all other action required by law.

**#16-2019      ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 50, SEWER DEPARTMENT, OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS**

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #16-2019 was introduced and passed on first reading at the November 13, 2019 meeting and further indicated that the second reading and public hearing would be held on November 25, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #16-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve:      Council Member Kelly  
Second:                      Council Member Andrew  
Ayes:                          Andrew, Andrews, Kelly, Sharkey  
Nays:                          None

Ordinance #16-2019 was adopted. The Borough Clerk will prepare and publish the adoption notice and take all other action required by law.

**#17-2019      ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 168, SEWERS, OF THE BOROUGH CODE TO UPDATE AND CLARIFY CERTAIN PROVISIONS**

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #17-2019 was introduced and passed on first reading at the November 13, 2019 meeting and further indicated that the second reading and public hearing would be held on November 25, 2019 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing for Ordinance #17-2019.

Seeing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

There was no Council discussion.

Motion to Approve:      Council Member Kelly  
Second:                      Council President Sharkey  
Ayes:                          Andrew, Andrews, Kelly, Sharkey  
Nays:                          None

Ordinance #17-2019 was adopted. The Borough Clerk will prepare and publish the adoption notice and take all other action required by law.

**RESOLUTIONS**

**#158-2019      RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS IN THE 2019 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58**  
[Requires not less than a two-thirds (2/3) vote of the full membership of the governing body]

There was no Council discussion.

Motion to Approve:      Council Member Andrew  
Second:                      Council President Sharkey  
Ayes:                          Andrew, Andrews, Kelly, Sharkey  
Nays:                          None

**#159-2019      RESOLUTION AUTHORIZING RELEASE OF A DEVELOPER BOND, CASH DEPOSIT AND ESCROW POSTED IN CONNECTION WITH THE PROPERTY LOCATED AT 15 WEST MAIN STREET (BLOCK 301, LOT 39)**

There was no Council discussion.

Motion to Approve:      Council President Sharkey  
Second:                      Council Member Kelly  
Ayes:                          Andrew, Andrews, Kelly, Sharkey  
Nays:                          None

**#160-2019      RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR CERTIFICATION FOR TREE CITY USA® DESIGNATION**

There was no Council discussion.

Motion to Approve: Council President Sharkey  
Second: Council Member Andrew  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Nays: None

**#161-2019 RESOLUTION AWARDING A CONTRACT TO YOUR WAY CONSTRUCTION, INC. FOR THE ORCHARD STREET PARK TENNIS COURTS IMPROVEMENT PROJECT**

There was no Council discussion.

Motion to Approve: Council Member Andrew  
Second: Council Member Kelly  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Nays: None

**ADMINISTRATOR'S REPORT**

Ms. Bushman provided a copy of her Administrator's Report dated November 13, 2019 to the Mayor and Council. She reported that the Recreation Department will be hosting Mendham's 2nd Annual Holiday Home Decorating Contest. Prizes will be awarded to the top three chosen homes. Forms and information is posted on the website's Form Center under Recreation. She also reported that the Mendham Business Association will be holding its annual Holly Trail Events next month. A new event this year will include cookies and photos with Santa at the Phoenix House. Information is posted on the website.

Council President Sharkey inquired about the implementation of the on-line tax and sewer utility payment module and also questioned the status of appointing a Tax Collector. Ms. Bushman responded that the delay in the implementation of on-line payments was due to needed technology updates. She also reported that the Tax Collector position will be advertised in January 2020.

There was no further Council discussion concerning the Administrator's Report.

**COUNCIL COMMITTEE REPORTS**

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

Council Member Badal was absent/

**Board of Health**

Council Member Andrew reported that the next meeting of the Board of Health will be held on December 5<sup>th</sup>. He further reported on upcoming public programs sponsored by the Bernardsville Department of Health. Upcoming programs are posted on the Board of Health webpage.

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

Council Member Andrew reported that the Recreation Committee will be meeting on November 21<sup>st</sup>. Topics to be discussed include the tennis court rehabilitation project and a proposal for an outdoor winter ice rink.

**Board of Education**

Council Member Andrew reported on the West Morris Regional School District's unification program. He also congratulated the West Morris Girls Soccer team for winning the state tournament.

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

Council Member Andrews reported that the Veterans Celebration held on November 8<sup>th</sup> at the Pastime Club was attended by 35 veterans and thanked those that assisted in the event. He further reported that the Public Safety Committee and the Police Chief will be available to meet with residents at 7:00 p.m. the second Wednesday of the month before the commencement of the Mayor & Council meeting. Council Member Andrews confirmed that the Department of Public Works had posted deer management signs outside the park entrances to notify the public that deer hunting activities are allowed. He also confirmed that the Talmage Road water main replacement project has been completed and that the Police Chief has issued letters to the Orchard Street residents concerning the on-street parking ordinance. Lastly, Council Member Andrews reported that the next OEM meeting is scheduled for November 18<sup>th</sup> and reminded everyone that the Police Department will be a collection point for the annual Toys 4 Tots<sup>®</sup> toy drive.

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

Council President Sharkey reported that the Personnel Committee has been meeting with the Administrator on several personnel issues. He thanked the Department of Public Works for the fall planting of shade trees and also for their on-going efforts in maintaining Mendham Borough's Tree City, U.S.A.<sup>®</sup> designation.

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

Council Member Kelly reported that the DPW Superintendent requested quotes for the replacement of the Firehouse garage doors and also reported that repairs have been made to the Knollwood trail bridge. Council Member Kelly further reported that the Public Works Department has taken delivery of road salt in preparation for the winter season.

**Land Use [Standing Committee of the Council]**

Council Member Reilly was absent.

**ECOSST Committee**

Council President Sharkey reported that the committee is looking into the National Wildlife Foundation’s Community Wildlife Habitat designation program, which promotes wildlife-friendly practices in communities through the use of native trees and plants.

**ATTORNEY’S ITEMS**

Mr. Semrau advised that \$5.9 million in added assessments have been processed by the Assessor as a result of construction permits that have been closed by the Building Department. He further confirmed that he will schedule a 1-hour Municipal Excess Liability Joint Insurance Fund (MEL) seminar on the recent legislative changes affecting molestation claims to allow an opportunity for elected officials to attend. Elected officials attending the seminar earn a \$250 credit towards the town’s MEL premium.

**MAYOR’S ITEMS**

Mayor Serrano-Glassner reported that a resident had inquired if the Borough would be securing the tennis courts once construction is completed and they are open for public use. The Administrator was asked to look into options to secure access to the tennis courts.

**Selection of Labor Day Parade Grand Marshall [§4-12.2 of the Borough Code]**

Mayor Serrano-Glassner began the process of soliciting nominations from the Borough Council for the selection of the 2020 Labor Day Parade Grand Marshall. She asked that nominations be submitted to the Borough Clerk with a brief summary highlighting the person’s contribution to the Borough. The Borough Clerk will compile a listing of nominations for future Council consideration in accordance with §4-12.2 of the Borough Code.

**PUBLIC COMMENT – AUDIENCE PARTICIPATION:**

Mayor Serrano-Glassner opened the meeting for public comment and invited any member of the public to be heard.

Laura Montenegro, 8 Linden Lane, requested that the governing body consider video-taping Mayor and Council meetings for public viewership.

Mary Sue Martin, 35 Mountain Avenue, inquired about the Municipal Excess Liability Joint Insurance Fund (MEL) seminar for elected officials and further inquired where more information on the Mendham Holiday Home Decorating Contest may be found. Mayor Serrano-Glassner responded that information on the Mendham Holiday Home Decorating Contest has been posted on the Forms Center webpage under the Recreation Department.

Seeing no one wishing to speak, Mayor Serrano-Glassner closed public comment and proceeded with the next agenda item.

**APPROVAL OF VOUCHERS**

Bills List prepared by the Chief Financial Officer dated November 13, 2019.

Motion to Approve: Council Member Andrew  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Abstention: Council Member Andrews abstained on vouchers concerning “Aid to Volunteer Ambulance Squad”

Bills List dated November 13, 2019 was approved.

**EXECUTIVE SESSION**

**#162-2019 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 without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A. 10:4-12b:

- 1. Attorney-Client Privilege: Botti Pavilion
- 2. Attorney-Client Privilege: Affordable Housing Update

Motion to Approve: Council Member Andrews  
Second: Council President Sharkey  
Ayes: Andrew, Andrews, Kelly, Sharkey  
Nays: None

Resolution #162-2019 passed.

The Mayor and Council convened into closed session at 8:40 p.m.

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The Mayor and Council reconvened into public session at 9:15 p.m.

Mayor Serrano-Glassner confirmed that the Mayor and Council meeting scheduled for December 11<sup>th</sup> will begin at 7:00 p.m. with an executive session. In accordance with the Open Public Meetings Act, the Borough Clerk will publish the necessary meeting notice.

Ms. Bushman reported that Mendham Borough Police PBA Local 384 has approved the 7-year collective bargaining contract. It is anticipated that an authorizing resolution will be on the November 25<sup>th</sup> agenda for Council action.

**ADJOURNMENT**

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

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

Meeting adjourned at 9:18 p.m.

The next Regular Meeting of the Mayor and Council will convene on November 25, 2019 at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

Respectfully Submitted:

*Robin R. Kline*

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