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

#### **CALL TO ORDER**

Mayor Henry called the August 15, 2016 meeting of the Mayor and Council to order at 8:00PM in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

## **INVOCATION AND FLAG SALUTE**

Mayor Henry led a moment of silent meditation followed by the Pledge of Allegiance.

#### **OPENING STATEMENT**

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

## **ATTENDANCE**

Present: Mayor Neil Henry

Councilman John Andrews Councilman Brad Badal Councilwoman Veronica Daly Councilman Stanley Witczak Council President John Andrus

Excused: Councilman David Sharkey

Also present: Dawn Sullivan for Fred Semrau, Borough Attorney

Richard Merkt, Borough Administrator

Margot Kaye, Borough Clerk

## **CONSENT AGENDA**

Minutes of the regular meeting of 7/18/16

Minutes of the executive session of 7/18/16

Request for Road Closure – Garabrant Street Block Party 9/10/16 (rain date 9/11/16)
Request for Road Closure – Hoffman Road Block Party 8/28/16 (rescheduled from 6/25/16)

Request for Road Closure – Florie Farm Road Block Party 9/10/16

Request for Road Closure – Phoenix Drive Block Party 9/24/16 (rain date 10/8/16)

`Turn the Towns Teal' Ribbons (No Signage Permitted) 9/1/16 - 9/30/16

MFAS Blue Light Permit Application: Paula Oswald MFAS Blue Light Permit Application: Clifford Straub

Raffle Approval (9/12/16): PG Chambers School On-Premise 50/50 Cash

On-Premise Merchandise Draw On-Premise Merchandise Draw

Motion to approve Consent Agenda: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None

Abstain: Andrews (Blue Light approvals only - FAS Officer); Witczak (regular and executive

session minutes only - absence)

Absent: Sharkey

# MBPD ACCREDITATION RECOGNITION

Harry Delgado, Accreditation Program Manager for the New Jersey State Association of Chiefs of Police, commended the Police Department for all their work during the accreditation process. He added that only 34% of all departments have achieved this milestone. Mr. Delgado outlined some of the tangible benefits of an accredited department and stated that they found nothing lacking when measured again state and federal 'best practices'.

Denville Police Chief Christopher Wagner congratulated the MBPD for accomplishing a momentous task and stressed the importance of re-accreditation going forward. He presented a framed certificate to Chief Libertino while Sergeant Hostler, Officer Gobbi and Detective Irons looked on.

Chief Libertino thanked the Mayor and Council, the Rogers Group and the New Jersey State Association of Chiefs of Police. He further commended Sergeant Hostler, Officer Gobbi and Detective Irons for their contributions to the process.

**DISCUSSION**: None

#### **ORDINANCE INTRODUCTION**

## **ORDINANCE #13-16**

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 20, SECTIONS 20-2, 20-3, 20-5, AND 20-8, CHAPTER 4, SECTION 4-48, AND ORDINANCE NO. 23-89, TO ALIGN THE FIRE DEPARTMENT CODE WITH CURRENT STATE OPERATIONAL REQUIREMENTS AND LOCAL MUTUAL AID REQUIREMENTS

**BE IT RESOLVED**, by the Borough Council and Borough of Mendham, that:

#### **ORDINANCE #13-16**

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 20, SECTIONS 20-2, 20-3, 20-5, AND 20-8, CHAPTER 4, SECTION 4-48, AND ORDINANCE NO. 23-89, TO ALIGN THE FIRE DEPARTMENT CODE WITH CURRENT STATE OPERATIONAL REQUIREMENTS AND LOCAL MUTUAL AID REQUIREMENTS

Be passed on first reading by title; and

**BE IT FURTHER RESOLVED** that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on September 6, 2016 at 8:00PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to introduce Ordinance #13-16: Councilman Badal

Second: Councilman Witczak

Discussion: Mr. Merkt noted the addition of Randolph Township to Section 5.1 and the

authorization of the Mayor and Clerk in Section 5.4. Clarification was requested regarding Administration/Public Safety Director authorization and responses to alarms outside the mutual aid municipalities. Ms. Sullivan agreed to add language

to the ordinance.

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

# ORDINANCE #14-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE, CHAPTER 102. FEES, TO AMEND THE FIRE SUBCODE FEES

**BE IT RESOLVED**, by the Borough Council and Borough of Mendham, that:

## **ORDINANCE #14-16**

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Be passed on first reading by title; and

**BE IT FURTHER RESOLVED** that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on September 6, 2016 at 8:00PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to introduce Ordinance #14-16: Councilman Andrews

Second: Councilman Witczak

Discussion: Mr. Merkt explained that Ordinance #14-16 amends the fee schedule for alarm

systems in order to accommodate large projects.

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

#### **ORDINANCE ADOPTION: None**

#### **ACTIONS TAKEN**

Res. #117-16 Sanitary Sewer Approval – 84-88 East Main Street, Block 801, Lot 20

Motion to approve: Councilman Witczak

Second: Councilwoman Daly

Discussion: None

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #118-16 Sanitary Sewer Approval – 86 Mountain Avenue, Block 101, Lot 8

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Discussion: None

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #119-16 Environmental Commission Appointment: Catherine Maresca, Regular Member

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #120-16 GovDeals Auction Authorization - MASH Bus

Motion to approve: Councilman Badal

Second: Councilman Witczak

Discussion: Mr. Merkt confirmed that the Borough and the Township own the vehicle jointly

but the Borough holds the title. Proceeds from the sale with be split accordingly.

Roll Call - the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #121-16 Equipment Purchase – Bobcat Track Loader & Attachments (BCCPC)

Motion to approve: Councilman Witczak

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #122-16 Tax Lien Redemption – 15 Orchard St, Block 602, Lot 25

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #123-16 Sanitary Sewer Approval - 84-88 East Main Street, Block 801, Lot 20

Motion to approve: Councilman Witczak

Second: Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #124-16 Sanitary Sewer Approval – 98 East Main Street, Block 801, Lot 17

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Discussion: None

Roll Call - the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #125-16 Building Inspector Temporary Appointment: Robert Rosendale (SCC Project)

Motion to approve: Councilman Andrews

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #126-16 WMMHS Homecoming Bonfire Approval - 10/28/16

Motion to approve: Councilman Badal

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #127-16 Equipment Purchase – Stahl Service Body & Liftmoore Crane (MCCPC)

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #128-16 Equipment Purchase – MBPD Mobile Recording Units (NJ State Contract)

Motion to approve: Councilman Andrus

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

Res. #129-16 Plumbing Inspector Temporary Appointment: Richard Sodano (SCC Project)

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Andrus

Opposed: None Abstain: Witczak Absent: Sharkey

Res. #130-16 Fire Inspector Temporary Appointment: Bill Donnerstag (SCC Project)

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call - the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey Res. #131-16 Temporary Sign Exemption: Gran Fondo NJ Charity Event

Motion to approve: Councilwoman Daly

Second: Councilman Badal

Discussion: Councilmen Andrus and Witczak expressed concern for the excessive number of directional signs and for porta-john locations during the event. After discussion, the sign exemption was approved with the following conditions:

- 1. No signage will be placed on telephone poles
- 2. A police officer will be posted at the Main Street intersections of Cold Hill Road and Hilltop Road/Mountain Avenue
- 3. Roadways will NOT be spray painted
- 4. Applicant will provide a sketch/map showing the locations of the signs and the number and location of the porta-johns
- 5. Porta-johns will be placed at the rear of the Borough Park parking lot only
- 6. Requests for approvals for future events must be received no later than two (2) months prior to the event date

Roll Call - the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

## **ADMINISTRATOR REPORT**

The Administrator's report was distributed to the Mayor and Council previously.

Mr. Merkt reiterated Ms. Price's request for extended sick leave. After discussion, Councilman Andrus made a motion to approve Ms. Price's request for extended sick leave which was seconded by Councilman Witczak.

Roll Call was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None Abstain: None Absent: Sharkey

## **COUNCIL REPORTS, OLD & NEW BUSINESS**

<u>Councilman Andrews</u> – All temporary Inspector positions have been filled for the Sisters of Christian Charity project.

<u>Councilman Badal</u> – Reexamination of the Master Plan is under way. The Planning Board has appointed an ad hoc committee to review Planner recommendations.

Councilwoman Daly - no report.

Councilman Sharkey - excused.

<u>Councilman Witczak</u> – The DPW is making repairs to the Orchard Street/Firehouse tennis courts and roadside and park mowing continues. The Pastime Club is prepared for the Labor Day carnival and the transplanted trees at India Brook are doing well. Mr. O'Brien continues to search for an electronics recycling vendor.

Mayor Henry stated that he received correspondence from a Talmage Road resident that praises Mr. O'Brien for his efforts during the repaving. He added that Mr. O'Brien went above and beyond to get the project completed before the work stoppage went into effect. Councilman Witczak indicated that Orchard Street paving remains on hold.

<u>Councilman Andrus</u> – Capital projects have come in on or under budget. The cost to rebuild the tennis courts exceeds initial estimates and the project may be put on hold.

## **ATTORNEY ITEMS**

Attorney Semrau will attend the September 6<sup>th</sup> Council meeting prepared to discuss personnel matters and pending litigation.

# **MAYOR'S ITEMS**

The Police Chief succession plan will be discussed at the October 3, 2016 Council meeting and input from members of the public is encouraged. Mayor Henry met with Detective Irons and Officer Gobbi and anticipates ongoing communication with the PBA. The ordinances for promotion of Police Chief and Sergeant should be updated; Councilmen Andrus and Badal agreed to begin the process. Councilwoman Daly and Councilman Andrews agreed to a meeting with the Mayor, Monmouth Junction Police Chief Raymond Hayducka and Denville Police Chief Christopher Wagner.

## **PUBLIC COMMENT**

Mayor Henry opened the floor to comments/questions from the public. Hearing none, Mayor Henry closed the public portion of the meeting.

## **APPROVAL OF VOUCHERS**

Bill Lists dated August 15, 2016

Motion to approve: Councilwoman Daly

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Witczak, Andrus

Opposed: None

Abstain: Witczak (check #002391 only)

Absent: Sharkey

#### **EXECUTIVE SESSION**

Councilman Witczak opted to recuse from executive session and left the premises.

Res. #132-16 Executive Session: Personnel Motion to approve: Councilwoman Daly

Second: Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

In favor: Andrews, Badal, Daly, Andrus

Opposed: None Abstain: None

Absent: Sharkey, Witczak

The Mayor and Council entered into executive session at 9:03PM.

The Mayor and Council returned to open session at 9:21PM.

# **ADJOURNMENT**

There being no further business scheduled for the consideration of the Mayor and Council at this time, on a motion duly made, seconded and unanimously carried by a voice vote, the meeting was adjourned at approximately 9:22PM next to convene at a regular meeting on September 6, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margof G. Kaye Margot G. Kaye, RMC Borough Clerk