



**BOROUGH OF MENDHAM
MEETING OF THE MAYOR AND COUNCIL
March 4, 2026, 7:00 PM AGENDA**

- 1. CALL TO ORDER**
- 2. MOMENT OF SILENCE AND FLAG SALUTE**
- 3. MAYOR'S OPENING 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.

4. ROLL CALL

Present:

Mayor, James Kelly
Council President Marilyn Althoff
Council Member Matthew Bruin
Council Member Alexandra Henry Traut
Council Member Chris Neff
Council Member Will Russo
Council Member Neil Sullivan

Also, present were:

Jonathan Testa, Dorsey & Semrau, LLC
Lauren McBride, Borough Clerk

Mayor Kelly stated "There are two affordable housing ordinances on the agenda for second reading and a hearing. The residents of the borough have rightfully expressed a great deal of interest on this important issue. In the interest of transparency and the orderly running of tonight's meeting, I ask for a motion to change the order of business on the agenda so that the borough's attorney report occur out of order before we proceed to Item eight on the agenda, ordinance for adoption and public hearing."

Motion: Council Member Russo
Second: Council Member Henry Traut
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

5. **CONSENT AGENDA ITEMS** *(Items considered routine, Council will act on by a single motion and vote unless a member request that an item be removed and considered separately)*

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.

A. Minutes

1. February 4, 2026

B. Banner Application

1. Mendham Rotary, March 16, 2026- March 30, 2026

Motion to Approve: Council Member Bruin

Second: Council Member Russo

Ayes: Althoff, Bruin, Henry Traut(Recuse from Banner Application), Neff, Russo, Sullivan

Mayor Kelly asked for a motion to add resolution #064-2026 to the agenda

Motion to Approve: Council President Althoff

Second: Council Member Neff

Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

6. **PRESENTATION**

1. MASH Presentation, Joe D'Urso

Joe D'Urso from the Mendham Area Senior Housing Corporation (MASH) addressed the Council. MASH is a 501(c)(3) nonprofit that operates 40 affordable apartments for seniors and adults with disabilities on Borough-owned land. The speaker noted that the buildings are over 45 years old and require ongoing upgrades.

He reviewed past county grant applications supported by the Council, including a \$50,000 grant for lighting and sidewalk repairs and a \$125,000 grant for deck replacements and kitchen/bathroom upgrades. MASH is now applying for a 2026 county grant of \$150,000 to install emergency generators, with MASH contributing an additional \$40,000. The request to the Council is for a resolution of support for the grant application. He also noted that 22 additional units still need renovations and invited community support.

7.

7. ATTORNEY'S REPORT

The Borough's affordable housing attorney, Jonathan Testa, provided an update on the state-mandated affordable housing process. He explained recent changes to the Fair Housing Act adopted in 2024, the creation of the new Affordable Housing Dispute Resolution Program, and the strict deadlines municipalities must meet to maintain immunity from builder's remedy lawsuits. He reviewed Mendham Borough's compliance steps, including acceptance of its obligation, submission of its housing plan, and responses to challenges filed by Fair Share Housing Center and a developer, Accordia Ventures.

Tessa reported that the Borough was required by the judge to remove a proposed conservation easement and age-restriction requirement from its plan in order to retain immunity. He noted that the Borough's immunity was briefly lost but restored on December 31. He also stated that the court granted an extension of the next deadline to April 30 to resolve remaining disputes. Based on this extension, he recommended tabling Ordinance 01-2026, which establishes an overlay zone, while proceeding with Ordinance 02-2026, an administrative update to the Borough's affordable housing regulations.

8. ORDINANCES FOR INTRODUCTION

#04-2026 ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 190, STREETS AND SIDEWALKS, OF THE BOROUGH CODE, TO ADD ARTICLE V, SNOW AND ICE REMOVAL- **TABLED**

Motion to Table: Council Member Neff

Second: Council President Althoff

Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

9. ORDINANCE FOR ADOPTION AND PUBLIC HEARING

#01-2026 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 215 "ZONING" OF THE CODE OF THE BOROUGH OF MENDHAM TO ADD A NEW ARTICLE XXI entitled "Bernardsville Road Affordable Housing Overlay Zone" TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND TO COMPLY WITH THE BOROUGH'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS-TABLED****

Motion to Table: Council Member Bruin

Second: Council Member Russo

Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

#02-2026 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 60 “AFFORDABLE HOUSING” AND REPEALING CHAPTER 61 “DEVELOPMENT FEES” OF THE CODE OF THE BOROUGH OF MENDHAM TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND TO COMPLY WITH THE BOROUGH’S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS

Public Hearing: Mayor Kelly opened the public hearing; and stated that THE SPEAKER DOES NOT NEED TO PROVIDE THEIR ADDRESS IF THEY HAVE BEEN VERIFIED BY THE OFFICE OF INFORMATION PRIVACY AS A COVERED PERSON IN THE BOROUGH UNDER DANIEL’S LAW.

Denise Mortensen, a 35-year Borough resident, expressed concern that the public had not been adequately informed or included in earlier stages of the affordable housing process. She urged the Council not to move too quickly on rezoning and asked that required environmental, traffic, and infrastructure studies be completed and made available for public review before any vote. She emphasized the long-term impacts of large developments on traffic, schools, taxes, and municipal services, and requested a more transparent, deliberate process to ensure decisions are grounded in data and community confidence.

William Ju of 435 Bernardsville Road expressed support for meeting the Borough’s affordable housing obligations but requested a complete and transparent planning record before any final vote on Ordinance 01-2026. He asked for documentation regarding water and sewer capacity, stormwater impacts, and traffic conditions, including whether any studies exist and whether they evaluate the full 150-unit buildout. He also requested confirmation of the ordinance’s consistency with the Master Plan, the status of the Joint Land Use Board’s required consistency report, and proof of notice to the County Planning Board. He submitted his comments for inclusion in the official ordinance record and asked that they carry forward to any continued hearings.

Gerald Foreman of 415 Bernardsville Road stated that while he supports affordable housing, he is concerned that the current approach will increase taxes and change the character of the Borough. He noted that other municipalities have funded smaller-scale affordable housing themselves and urged the Borough to explore similar options to avoid large inclusionary developments. He suggested that the community might support increased taxes to finance only the required affordable units rather than the larger number produced through builder-driven projects.

Motion to Approve: Council Member Bruin
Second: Council Member Henry Traut
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

#03-2026 ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS FOR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, AND APPROPRIATING \$85,000.

Public Hearing: Mayor Kelly opened the public hearing; and stated that THE SPEAKER DOES NOT NEED TO PROVIDE THEIR ADDRESS IF THEY HAVE BEEN VERIFIED BY THE OFFICE OF INFORMATION PRIVACY AS A COVERED PERSON IN THE BOROUGH UNDER DANIEL'S LAW.

Motion to Approve: Council Member Russo
Second: Council Member Henry Traut
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

10. RESOLUTIONS

#058-2026 RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 (FINAL) TO THE CONTRACT WITH DLS CONTRACTING, INC. FOR THE PHOENIX & KNOLLWOOD DRIVES ROAD IMPROVEMENTS PROJECT CLOSE OUT

Motion to Approve: Council Member Henry Traut
Second: Council President Althoff
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

#059-2026 RESOLUTION AUTHORIZING AN EXTENSION OF CONTRACT WITH BLUE DIAMOND DISPOSAL, INC. FOR COLLECTION OF RECYCLABLE MATERIALS AND BULK SOLID WASTE (TYPE 13) FROM APRIL 1, 2026 THROUGH MAY 31, 2026

Motion to Approve: Council President Althoff
Second: Council Member Russo
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

#060-2026 RESOLUTION AUTHORIZING THE BOROUGH OF MEMDHAM TO APPLY FOR GREEN COMMUNITIES GRANT INVENTORY AND CFMP DEVELOPMENT GRANT

Motion to Approve: Council Member Bruin
Second: Council Member Henry Traut
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

#061-2026 RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE TOWNSHIP OF MENDHAM FOR STREET SWEEPING AND ROADSIDE MOWING

Motion to Approve: Council President Althoff
Second: Council Member Neff
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

#062-2026 RESOLUTION PROVIDING SUPPORT FOR A GRANT APPLICATION BY MENDHAM AREA SENIOR HOUSING ("MASH") TO THE MORRIS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG")

Motion to Approve: Council President Althoff
Second: Council Member Neff
Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

11. COUNCIL REPORTS

Council Member Neff, Chair of the Public Works and Utilities Committee, Council Member Neff reported on recent DPW activity, noting that late-season winter weather required the application of approximately 79.5 tons of salt on February 22–23, followed by an additional 30 tons during a later icing event. DPW crews have also been conducting road repairs due to damage from winter plowing. Neff also toured the Borough’s water reclamation (sewage treatment) plant and commended staff for maintaining a clean facility and keeping all treated water well within compliance standards before discharge into the local Class I stream.

Council President Althoff, Chair of the Public Safety Committee, reported that a patrolman recently completed instructor training for the department’s new expandable protective baton, which will allow future training to be conducted in-house. The department’s message board is being deployed on Mountainside Road for the upcoming water main replacement project. Officers also visited the Co-Op to demonstrate equipment to children, including fingerprinting, handcuffing, and holding cells. Updates were provided on pedestrian safety initiatives, including a forthcoming Morris County study and improvement plan for the town center, as well as early planning for new traffic lights at the Hilltop/Mountainside/Route 24 intersection, a multi-year project. Appreciation was expressed for the DPW crew’s work during the recent snowstorm, noting their continuous efforts to keep roads clear and safe.

Council Member Russo, Chair of the Personnel Committee, had nothing to report.

Council Member Sullivan, Chair of the Finance Committee, reported that the Finance Committee met on March 2 with CFO Eric Macias to review the budget. Committee members raised several questions, and the CFO will provide follow-up information next week. The committee expects to meet again before the budget is adopted later in the month.

Council Member Henry Traut, Chair of the Land Use Committee, The Historic Preservation Commission is scheduled to meet on March 16. The Joint Land Use Board held a special meeting to adopt the fourth-round Housing Element and Fair Share Plan amendment, along with the 2026 Master Plan Re-examination Report, and will meet again on March 17 for its regular session. The Environmental Commission met on March 2 and received an update on “Recycle Coach,” a digital platform and app that provides residents with

information on recycling, bulk waste, and related programs. Approximately 139 residents are already using the app. A follow-up meeting will be scheduled with the DPW Superintendent to discuss broader implementation and ways to encourage additional sign-ups.

Council Member Bruin, Chair of the Recreation and Parks Committee, reported that the Recreation Advisory Committee met on February 19 and discussed planning for the upcoming day camp season, development of the recreation program booklet, and next steps for ongoing Local Recreation Improvement Grant projects. The committee also reviewed 2026 field-use scheduling and continued discussions on future recreation initiatives. Conversations are ongoing regarding proposed updates to Borough Park baseball fields in coordination with the Mendham Chester Baseball Club. Appreciation was expressed to Councilman Sullivan for assisting with discussions with the Pastime Club regarding potential improvements to its fields.

Both local school boards are in the early stages of their annual budget development processes and will continue discussions at their regularly scheduled meetings later this month.

12. MAYOR'S ITEMS

The Mayor reported that work on the municipal budget has been underway for several weeks and is now nearing completion, following recent meetings with Councilman Sullivan and the CFO. He also noted that the Historic Committee is planning celebrations for the nation's 250th anniversary, to be coordinated with the 120th anniversary of the Borough's incorporation.

The Mayor then moved to discussion items, including the need for a motion to approve the Joint Land Use Board's 2025 Annual Report as a routine housekeeping matter.

13. DISCUSSION ITEMS

JOINT LAND USE BOARD ANNUAL REPORT: 2025

Motion to Approve: Council Member Bruin

Second: Council Member Russo

Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

14. PUBLIC COMMENTS

Mayor Kelly stated "This is an opportunity for the public to comment on any matter or concern. To ensure that every citizen has an opportunity to speak, the Mayor will recognize the individual and ask them to state their name and address for the record. **THE SPEAKER**

DOES NOT NEED

TO PROVIDE THEIR ADDRESS IF THEY HAVE BEEN VERIFIED BY THE OFFICE OF INFORMATION PRIVACY AS A COVERED PERSON IN THE BOROUGH UNDER DANIEL'S LAW. Speakers are asked to limit their comments to four minutes. Please note that Public Comments do not follow a question-and-answer format; however, a member of the Governing Body may offer a brief response when it is helpful to do so."

John Lundberg of 180 Thomas Road raised concerns about proper sequencing under the Municipal Land Use Law, noting that zoning must follow the Master Plan. He questioned whether the Board had completed and transmitted its required consistency report before the Council introduced Ordinance 01-2026 and asked that the Master Plan amendment be finalized and supported before zoning actions proceed.

Resident Paul Martis of 11 Bockoven Road spoke in opposition to the proposed snow and ice removal ordinance, arguing that it places an unfair financial and physical burden on homeowners with sidewalks, particularly seniors, people with disabilities, and those on fixed incomes. He raised concerns about the cost and effort of shoveling and salting, environmental and pet impacts of salt use, challenges for residents who travel in winter, and potential liability issues. Martis suggested alternatives such as tax credits, volunteer "shovel programs," and student service credits. He also read a letter from neighbors Jerry and Bob Kerouac, who similarly opposed the ordinance as unnecessary on quiet residential streets, burdensome to homeowners with long sidewalks, and unreasonable given the proposed timeframes for clearing.

Gerald Foreman of 415 Bernardsville Road questioned the cost assumptions for constructing affordable housing units and suggested that the Borough could finance the project itself at favorable municipal borrowing rates. He argued that the annual debt service would be minimal relative to the overall tax base and could help the Borough maintain greater control over development, avoid high-density proposals from private developers, and preserve the community's character. He expressed support for locally funded affordable housing as a way to protect the town's long-term interests.

Resident Gary Gaglione of 20 Gallway Drive asked for clarification on the Borough's exact affordable housing obligation through 2035. The affordable housing attorney explained that the Borough's gross obligation is 124 units, reduced by 10 units through litigation, and further adjusted due to limited sewer capacity. He noted that additional 100% affordable development would require land with available sewer capacity, which is limited in the Borough, and that the MASH site is being expanded for this reason.

The attorney explained that the Borough's affordable housing obligation is 124 units, reduced by 10 through litigation and further reduced by 40 units due to limited sewer capacity. He noted that additional 100% affordable housing would require land with available sewer service, which is scarce in the Borough. Because of this constraint, the MASH site is one of the few viable locations and is being expanded for 20 additional units. He also clarified that 100% affordable projects require a developer, PILOT financing, and suitable sewer capacity, which limits alternatives to large inclusionary developments.

Resident Susan McLeod of 20 Gallway Drive expressed concern about meeting accessibility and transparency, noting that larger venues such as school facilities would allow more residents to attend and stay informed. She questioned why the Borough was not using school spaces for major meetings and asked whether the Borough pays to use Grace Lutheran Church. She emphasized that limited space at past meetings discouraged attendance, particularly among seniors, and urged the Borough to improve communication and venue planning so the community can be better informed and more united.

Resident Ivan Boss of 99 Dean Road commented on the proposed snow and ice removal ordinance, noting that similar proposals were rejected by residents in a 2015 survey showing strong opposition. He expressed concern that the ordinance would be burdensome for residents who travel for work or are away during storms, and highlighted the difficulty of clearing large snow piles at corners. He suggested the Borough consider clearing major corners itself and noted that many pedestrians walk in the street even in summer despite clear sidewalks.

Elise Robertson of 38 Dean Road added that many residents who oppose the ordinance may not be present at the meeting. She stated that many parents with young children could not attend the meeting but remain concerned about pedestrian safety after snowstorms, particularly near the schools and along busy roads such as Dean Road. She urged the Borough to consider a reasonable solution focused on high-traffic school routes. Robertson also asked whether the required traffic study for proposed projects would be conducted now or revisited if additional developments move forward. The response clarified that the traffic study is not yet underway and will be required as part of the traffic-signal approval process.

Gerald Foreman of 415 Bernardsville Road expressed concern about the scale of proposed development on the Sisters of Christian Charity property, noting that the current 150-unit plan uses only a small portion of their acreage and questioning the potential for additional future development. He also commented on the availability of preserved land in the Borough and Township and suggested that both municipalities could explore alternative sites for affordable housing. He raised questions about sewer capacity, noting that private developers can construct treatment facilities, and urged the Borough to consider broader options for meeting its obligations.

15. APPROVAL OF VOUCHERS

Bills List dated March 4, 2026

Motion to Approve: Council Member Bruin

Second: Council Member Russo

Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

16. ADJOURNMENT

Having no further business, Mayor Kelly asked for a motion to adjourn the meeting at 9:30 pm.

Motion to Approve: Council Member Bruin

Second: Council Member Neff

Ayes: Althoff, Bruin, Henry Traut, Neff, Russo, Sullivan

The next meeting of the Mendham Borough Mayor and Council will take place on, March 18, 2026, 7:00 PM, at the Garabrant Center.

Respectfully Submitted:

Lauren McBride, RMC

Borough Clerk

The Borough of Mendham

