



**BOROUGH OF MENDHAM
MEETING OF THE MAYOR AND COUNCIL
September 9, 2026 7:00 PM
MINUTES**

1. CALL TO ORDER

Mayor Kelly called the September 9th, 2026, Regular Meeting of the Mayor and Council to Order at 7:00 pm in the Garabrant Center, Wilson Street, Mendham, New Jersey.

2. MOMENT OF SILENCE AND FLAG SALUTE

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

3. 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 Star Ledger and was posted in the Phoenix House. In addition, a copy of this notice is and has been available to the public, is on file in the office of the Municipal Clerk, and is available under Public Notices at www.mendhamnj.org. Official action will be taken at this meeting.

4. ROLL CALL

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:
Fred Semrau, Dorsey & Semrau, LLC
Lauren McBride, Borough Clerk

Not Present:
Joyce Bushman, Administrator

5. CONSENT AGENDA ITEMS *(Items considered routine, Council will act on by a single motion and vote unless a member requests 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. August 12, 2026

B. Road Closure Application

1. Florie, Phoenix, Knollwood- 9/26/26

C. Solicitor Application

1. Gabriel Morgan, Trinity Solar

D. Special Event Application

1. Shofar in the Park, Chabad of Mendham and Chester

E. Raffle License

1. **Mendham Football Booster Club**

Motion: Council Member Althoff

Second: Council Member Bruin

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

6. PRESENTATION

Mayor Kelly read a proclamation recognizing September as Ovarian Cancer Awareness Month in the Borough of Mendham. The proclamation highlighted the importance of raising awareness about ovarian cancer, supporting those affected by the disease, promoting education about early detection and treatment, and encouraging residents to participate in awareness and advocacy efforts throughout the month.

7. ORDINANCE FOR INTRODUCTION

#13-2026 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 215, "ZONING," OF THE CODE OF THE BOROUGH OF MENDHAM TO ADD A NEW ARTICLE XXII ENTITLED "HIGHLANDS PLANNING AREA CONFORMANCE"; AMENDING CHAPTER 124, "LAND USE PROCEDURES," TO ADD HIGHLANDS REVIEW PROCEDURES; AND ADOPTING

Motion: Council Member Russo

Second: Council Member Neff

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

Ordinance #13-2026 is scheduled for public hearing and final adoption on September 23, 2026

8. ORDINANCE FOR ADOPTION AND PUBLIC HEARING

#11-2026 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REAFFIRM THE PROHIBITION OF THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE BOROUGH'S GEOGRAPHICAL BOUNDARIES AS DESCRIBED IN SECTION 215-12.8 OF THE BOROUGH ZONING CODE

The Mayor opened the public hearing. No one from the public wished to speak.

Motion: Council Member Henry Traut

Second: Council Member Bruin

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

#12-2026 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REAFFIRM THE PROHIBITION OF LICENSING OF RECREATIONAL CANNABIS BUSINESSES OF ALL CLASSES WITHIN THE BOROUGH AS DESCRIBED IN CHAPTER 70 OF THE BOROUGH CODE

The Mayor opened the public hearing. No one from the public wished to speak.

Motion: Council Member Bruin

Second: Council Member Henry Traut

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

9. RESOLUTIONS

#150-2026 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING PATRICK MCNICHOL TO THE POSITION OF CHIEF OF POLICE IN THE BOROUGH IN ACCORDANCE WITH SECTION 4-2 OF THE BOROUGH CODE

Motion: Council Member Althoff

Second: Council Member Henry Traut

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

#151-2026 RESOLUTION TO HIRE ROBERT WYSOKOWSKI AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER (SLEO) IN THE MENDHAM BOROUGH POLICE DEPARTMENT PER RESOLUTION 140-2026 AND AGREEMENT WITH THE MENDHAM BOROUGH SCHOOL DISTRICT

Motion: Council Member Bruin

Second: Council Member Henry Traut

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

#152-2026 RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO POST THE SERGEANT POSITION AND SCHEDULE THE WRITTEN AND ORAL EXAMINATIONS FOR THE POSITION OF SERGEANT

Motion: Council Member Russo

Second: Council Member Neff

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

#153-2026 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH YAACOV BRISMAN, ESQ. AS SPECIAL LABOR COUNSEL

Motion: Council Member Althoff

Second: Council Member Neff

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

#154-2026 RESOLUTION INSERTING THE STATE OF NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL PLAN CONFORMANCE GRANT AS AN ITEM OF REVENUE IN THE 2026 BUDGET AS REQUIRED BY N.J.S.A 40A:4-87 CHAPTER 159

Motion: Council Member Neff

Second: Council Member Sullivan

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

#155-2026 RESOLUTION INSERTING THE STATE OF NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL PLAN CONFORMANCE INITIAL ASSESSMENT GRANT AS AN ITEM OF REVENUE IN THE 2026 BUDGET AS REQUIRED BY N.J.S.A 40A:4-87 CHAPTER 159

Motion: Council Member Bruin

Second: Council Member Henry Traut

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

#156-2026 RESOLUTION INSERTING THE NEW JERSEY RECYCLING TONNAGE GRANT AS AN ITEM OF REVENUE IN THE 2026 BUDGET AS REQUIRED BY N.J.S.A 40A:4-87 CHAPTER 159

Motion: Council Member Bruin

Second: Council Member Henry Traut

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

#157-2026 RESOLUTION AUTHORIZING SUBMISSION OF A MORRIS COUNTY TRAIL CONSTRUCTION GRANT APPLICATION FOR THE BOROUGH PARK AND ARBORETUM TRAIL

PHASE II TO THE MORRIS COUNTY OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND

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

#158-2026 RESOLUTION AUTHORIZING THE APPOINTMENT OF TYLER D’AVI TO THE MENDHAM FIRE DEPARTMENT

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

#159-2026 RESOLUTION DEFENDING PROPERTY TAXPAYERS, LOCAL CONTROL, AND COMMUNITY CHARACTER AGAINST STATE PREEMPTION OF MUNICIPAL AUTHORITY OVER DATA CENTER DEVELOPMENT

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

#160-2026 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JOHN A. NAPOLITANO, ESQ. WITH CLEARY, GIACOBBE, ALFIERI, JACOBS & LAGANA LLC AS SPECIAL COUNSEL FOR ENVIRONMENTAL WASTEWATER ISSUES

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

10. Discussion Items

1. Variance for fence at 54 East Main Street: Anthony Sposaro, attorney for property owner Priscilla Densel of 54 East Main Street, explained that a dilapidated six-foot fence was removed and replaced in the exact same location and at the same height. During the property's sale process, it was discovered that the fence is located within the Borough's right-of-way. Following discussion and after the Attorney answered Council's questions, Council considered the request to allow the fence to remain within the right-of-way.

Council Member Russo made a motion to approve the fence within the right-of-way, conditioned upon the property owner's acknowledgment that, if the Borough ever

requires the right-of-way for a public purpose, the fence must be removed or relocated at the owner's expense. The motion was seconded by Council Member Henry Traut.

Ayes: Bruin, Henry, Neff, Russo, and Sullivan

Abstain: Althoff

Nays: None

The motion carried. A resolution memorializing the approval will be considered at the September 23, 2026 meeting.

2. OSHRP Committee Formation

Council Member Henry Traut discussed the Borough's upcoming update of the Open Space, Recreation, and Historic Preservation Plan, noting that the current plan was last updated in 2002 and that the project is being funded through a Highlands grant. She expressed support for creating an ad hoc working group to actively participate in developing the plan and to ensure meaningful involvement from the Borough's boards and committees. Council Member Traut proposed that the working group consist of one or two representatives from ECOST, the Joint Land Use Board, and the Historic Preservation Commission, along with two members of the Borough Council. She explained that the working group would operate within the existing project timeline and would provide valuable local knowledge, encourage transparency, and promote community engagement throughout the planning process.

Following discussion, Council expressed support for the proposal. A motion was made by Council Member Russo to establish the ad hoc OSHRP Working Group as outlined by Council Member Traut. The motion was seconded by Council Member Neff and approved by Council.

11. COUNCIL REPORTS

Council Member Neff, Chair of the Public Works Committee, reported that work on Ironia Road is commencing and that residents should expect construction activity and paving operations in the area. He advised motorists to consider alternate routes during the project. He also noted that fencing has been installed around the barn at Scott Farm in preparation for its restoration. Prior to beginning work, the barn was inspected for sensitive wildlife, and no issues were identified, allowing the restoration project to proceed. Lastly, Council Member Neff provided an update on the Highlands Council grant-funded trail project, stating that the project remains on schedule and is expected to be completed before Thanksgiving.

Council Member Althoff, Chair of the Public Safety Committee, reported that the electronic message board will be relocated to Ironia Road to provide motorists with additional information. The portable speed sign will be moved to Dean Road in response to resident concerns regarding speeding. The temporary deployment will allow the Borough to gather

traffic data and evaluate potential measures to address speeding issues. The ADA-accessible door opener and railings have been installed. While the door opener is operational, the DPW Superintendent has prepared a punch list of items that still need to be corrected. Residents are reminded that the Borough maintains a solicitor's list. If an individual is soliciting in your neighborhood, you may verify whether they are properly registered. If you have concerns or believe the activity is inappropriate, please contact the Police Department. Police patrols have continued to monitor student arrival and recess periods at Hilltop School until a Class III Special Law Enforcement Officer (SLEO III) is hired. Congratulations were extended to Chief Patrick McNichol on his promotion to Chief of Police.

Council Member Russo, Chair of the Personnel Committee, congratulated Council Member Althoff as well for her work on the Chief of Police hiring process.

Council Member Sullivan, Chair of the Finance Committee, had nothing to report.

Council Member Henry Traut, Chair of the Land Use Committee, reported that the Joint Land Use Board will meet on Tuesday, September 15, at 7:30 p.m. at Grace Lutheran Church. The Board will continue its hearing on the application for 80-88 West Main Street.

Council Member Bruin, Chair of the Recreation Committee, reported that the Labor Day Parade and festivities were a tremendous success, highlighted by an impressive fireworks display commemorating the nation's 250th anniversary. He noted the strong community turnout and thanked the Department of Public Works, Police Department, Fire Department, Recreation Department, volunteers, and all those involved in organizing the weekend's events. Bruin also met with the Borough Administrator to discuss recreation initiatives, long-term planning, future capital projects, grant opportunities, and budget priorities. He emphasized the importance of developing a comprehensive Parks and Recreation plan that addresses both short-term improvements and long-term community needs through 2031. Looking ahead, he stated that Parks and Recreation will focus on completing smaller, achievable improvement projects while gathering community feedback on this year's successful programs, including summer camp, the concert series, and Labor Day festivities. Residents were encouraged to attend upcoming Recreation Committee meetings and share ideas for future improvements. Bruin promoted several upcoming community events, including Mendham Fest on October 3 and the Holly Trail, encouraging residents to participate. In his School Board liaison report, Bruin shared that he met with the presidents of both local school boards to discuss the new school year and ongoing referendum-funded projects. Updates include security enhancements, classroom renovations, science lab improvements, upgrades to culinary arts facilities, and continued HVAC improvements at Mendham High School. He also noted that construction of the new Mountain View Middle School auditorium is progressing, with completion anticipated in spring 2027. Bruin concluded by expressing enthusiasm for the new school year and the continued investment in community and educational facilities.

12. ATTORNEY'S REPORT

Borough Attorney congratulated Chief McNichol on his promotion to Chief of Police.

13. MAYOR'S ITEMS

Mayor Kelly thanked Recreation Director Aubrey, the Historic Preservation Committee, and the Department of Public Works for their efforts in restoring and displaying the Phoenix House replica during the Labor Day festivities. He noted that the exhibit generated significant interest and was well received by residents, who enjoyed seeing a representation of an important part of Mendham's history.

The Mayor reflected on Mendham's long-standing Labor Day traditions and how the celebration has evolved over the years from simple community activities into the large-scale event it is today. He described the festivities as a showcase of community spirit and a reminder of the Borough's unique character and traditions.

Mayor Kelly expressed his appreciation to the Pastime Club, Recreation Department, DPW, Police Department, Fire Department, and all volunteers whose collective efforts made the Labor Day weekend a success.

Looking ahead, Mayor Kelly announced that planning is underway for historic walking tours in October as part of the Borough's ongoing efforts to celebrate and preserve Mendham's history.

14. PUBLIC COMMENTS

Gail Wragg, 425 Bernardsville Road, thanked the Borough for its efforts to achieve Highlands Conformance and expressed concerns shared by several community groups regarding the potential financial impacts of the proposed development projects. She asked whether the Borough has conducted analyses comparing anticipated tax revenue increases with potential additional costs related to schools, public safety services, infrastructure improvements, road maintenance, sidewalks, and sewer capacity. Ms. Wragg also questioned whether the developments could affect property values and requested that any financial analyses and supporting information be made available to residents for review.

Frank Zamtero, representing the Mendham Alliance for Preservation and Conservation (MAPC) and a resident of Mendham Township, thanked the Borough, staff, and volunteers for organizing a successful Labor Day Parade. He noted that MAPC participated for the first time and offered to donate the native plants and trees used on its parade float for placement at the Borough Arboretum or another suitable public location. Mr. Zamatero also commended the Mayor, Council, Joint Land Use Board, and Borough

professionals for their work on Highlands Conformance. He expressed support for Ordinance No. 13-2026 and stated that protecting environmental resources should guide development decisions. He requested that the Council consider adding clarifying language to Section 215-120, "Waivers, Variances, Conflicts, and Enforcement," to provide that reasonable alternatives, such as reducing density, limiting disturbance, relocating buildings, or modifying site plans, be considered before determining that impacts to Highlands resources are unavoidable. He stated that the proposed amendment would strengthen environmental protections while remaining consistent with responsible development and local planning objectives. He submitted the proposed language for the Council's consideration.

Gerald Gorman, 415 Bernardsville Road, expressed concern about the Borough's 5.6% property tax increase, noting it exceeds inflation and citing a significant increase in school taxes. While commending the Borough for keeping its tax rate increase below that of neighboring municipalities, he voiced concerns about the long-term impact of rising property taxes on affordability and home values. Mr. Gorman also questioned the financial impact of the proposed affordable housing developments, asking whether developers would pay their full share of property taxes and whether the Borough had analyzed whether future tax revenues would offset increased demands on schools and municipal services. Borough officials responded that no tax abatements, discounts, or PILOT agreements have been negotiated or proposed for any of the developments and reaffirmed that the projects will be subject to full taxation. Mr. Gorman encouraged the Borough to ensure developers pay their fair share and inquired whether any fiscal impact analysis had been completed regarding the developments.

Loren Laguerre, 14 Balbrook Drive, asked whether the Borough planned to hold a commemoration for the upcoming 25th anniversary of the September 11 terrorist attacks and inquired about the possibility of creating a memorial area through the donation of native trees and perennials to honor the victims and first responders. Mayor Kelly explained that the Fire Department would hold a morning 9/11 remembrance ceremony featuring the display of a large American flag and observance of key moments from the attacks, and encouraged residents to attend. Discussion also focused on potential opportunities to incorporate a memorial space within Borough parks, particularly as park improvements are being considered, with officials expressing interest in further discussions. Ms. Laguerre emphasized the importance of educating younger generations about the significance of 9/11 and suggested involving local schools, scouts, and community groups. She also shared her experience raising monarch butterflies and proposed the idea of creating a butterfly garden as an educational and commemorative feature within the Borough's park system.

Ron Weissman, 15 Tempe Wick Road, commented on the importance of community traditions and public rituals, particularly in connection with the upcoming 25th anniversary of September 11, and expressed concern that society is losing its sense of historical remembrance and civic engagement. He encouraged the Borough to consider opportunities such as a USDA Rural Housing Preservation Grant to help preserve housing affordability and prevent properties from remaining vacant. Mr. Weissman urged Borough officials to maintain an active dialogue with residents regarding issues such as

development, infrastructure, taxation, affordable housing, and Highlands conformance, emphasizing the importance of transparent public leadership and community participation in decision-making. While acknowledging the challenges facing local government, he noted that Mendham has evolved over time and argued that progress and preservation must be balanced thoughtfully as the community addresses future growth and change.

15. APPROVAL OF VOUCHERS

Bills List dated September 23, 2026.

Motion: Council Member Russo

Second: Council Member Neff

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

The Mayor requested a motion to enter Executive Session to discuss a personnel matter and contract negotiations. Council Member Henry Traut made the motion, which was seconded by Council Member Neff. The motion carried unanimously.

The Mayor requested a motion to enter Regular Session. Council Member Russo made the motion, which was seconded by Council Member Neff. The motion carried unanimously.

Council Member Russo made a motion to authorize the Borough to open the search process for the position of Administrator, as the current employment contract expires at the end of the year. The motion was seconded by Council Member Bruin.

Roll Call Vote:

Ayes: Bruin, Henry Traut, and Russo

Nays: Althoff and Sullivan

Abstain: Neff

The motion carried.

16. ADJOURNMENT

The Mayor asked for a motion to adjourn the meeting at 9:45 pm. Council Member Althoff made the motion to adjourn, which was seconded by Council Member Henry Traut.

The next meeting of the Mendham Borough Mayor and Council will take place on, September 23, 2026, 7:00 PM, at the Mendham Firehouse, Mendham, NJ 07945

