

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

RESOLUTION #162-2026

**RESOLUTION AUTHORIZING USE OF THE BOROUGH RIGHT OF WAY
FOR A FENCE LOCATED AT 54 EAST MAIN STREET (BLOCK 604 LOT 1)**

WHEREAS, Priscilla Densel, owner of the property located at 54 East Main Street, and her attorney, Anthony Sposaro, appeared before the Borough Council on September 9, 2026 to request permission to use the Borough right-of-way (ROW) for a newly constructed replacement wooden fence located on the property; and

WHEREAS, the request was detailed in correspondence from Ms. Sposaro dated August 27, 2026, which correspondence is attached hereto and incorporated herein; and

WHEREAS, the fence is constructed of non-rigid wood, is located on a curbed street and is separated from the travelled way by a curb and a sidewalk, is on a straight section of a low-volume, low-speed road, and would not create a line-of-sight issue; and

WHEREAS, based on the totality of the circumstances, the Borough Engineer recommended approval, conditioned upon the fence remaining the current height and execution of a hold harmless agreement by the owners whereby that the Borough reserves the right to utilize the right-of-way if needed for a public purpose and that the owners are responsible for any costs associated with removing or replacing the fence; and

WHEREAS, the Mayor and Borough Council adopted a motion to approve the use of the Borough ROW and now desire to formally memorialize that action.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, Morris County, New Jersey, that authorization is hereby granted for use of the Borough ROW for a newly constructed wooden fence located on 54 East Main Street (Block 604 Lot 2), conditioned upon the fence remaining the current height and execution of a hold harmless agreement by the owners whereby that the Borough reserves the right to utilize the right-of-way if needed for a public purpose and that the owners are solely responsible for any and all costs associated with removing or replacing the fence.

This Resolution shall take effect immediately.

Dated: September 23, 2026

ATTEST

BOROUGH OF MENDHAM

Lauren McBride, Borough Clerk

James Kelly, Mayor