

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

May 3, 2018

CALL TO ORDER

Mayor Henry called the May 3, 2018 Regular Meeting of the Mayor and Council to order at 8:08 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry 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 *Observer Tribune*, and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ROLL CALL

PRESENT:

Mayor Neil Henry
Councilman John Andrews
Councilman Brad Badal
Councilman David Sharkey
Councilman Stanley Witzcak, III
Council President John Andrus

ABSENT:

Councilwoman Christine Serrano-Glassner

Also present were:

Fred Semrau, Esquire, Borough Attorney and Robert Rossmeissl
Joyce Bushman, Borough Administrator
Mimi M. Marlor, RMC, 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 public, the Borough Council or the Mayor request that an item be removed and considered separately.

1. **MINUTES** – April 19, 2018 Regular Meeting and Executive Session
2. **BANNER REQUESTS** –
 1. Mendham Business Association
 - a. Sidewalk Sales – May 29- June 11, 2018
 - b. Holly Trail – November 20 – December 3, 2018
 2. Mendham Borough Recreation Department – May 21-May 29, 2018

Motion to approve consent agenda items 1 &2: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call:

In favor: Andrews, Badal, Sharkey, Witzcak, Andrus (abstained from minutes of 04192018)

Opposed: None

Abstain: None

Absent: Glassner

DISCUSSION

Emergency Sewer Contract – Doug Wright presented an update on the emergency sewer contract. He stated the contractor had been on site for 4 days. They had excavated at several locations.

Mendham staff has been working with the contractors and he wanted to state for the record that his staff had contributed time, ideas and effort above and beyond. He explained that the debris filling the pipes is lime and it is estimated that it's taken 10 years for the build up to present as a problem. He reported construction will resume on Monday May 7, 2018. At Councilman Andrus' request he reviewed the cooper update report. He noted that it has been submitted to DEP and they are now waiting to see if there will be a modification to the permit set to renew in January 2019. He stated everything is moving along and concluded his comments. Mayor Henry thanked him for the update.

ORDINANCE

04-2018 Capital Ordinance Providing for Various Improvements or Purposes to be Under-taken in and by the Borough of Mendham, in the County of Morris, New Jersey and Appropriating \$453,000.00 from the Capital Improvement Fund of the Borough

Introduction/No Public Input/Published in The Daily Record 5/8/2018

2nd Reading/Public Hearing/Final Adoption 5/17//2018

Mayor Henry stated there is no public input on Introduction for Ordinance 04-2018 and at the second reading on 05/17/2018 a public hearing will be held for those who wish to comment on Ordinance 04-2018.

Motion to introduce: Councilman Andrews

Second: Councilman Badal

Roll Call:

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

Opposed: None

Abstain: None

Absent: Glassner

ACTIONS TAKEN – OTHER RESOLUTIONS

88-2018 Resolution Authorizing Refund of Property Taxes

Motion to approve: Councilman Badal

Second: Councilman Witczak

Roll Call:

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

Opposed: None

Abstain: None

Absent: Glassner

89-2018 Resolution Authorizing the Appointment of an Interim Construction Official

Motion to approve: Councilman Badal

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: Glassner

90-2018 Resolution Authorizing the Appointment of an Interim Fire Sub-Code Official/Inspector

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Roll Call:

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

Opposed: None

Abstain: None

Absent: Glassner

ADMINISTRATOR'S REPORT

Mayor Henry asked if there were any questions or comments regarding the Administrator's report of May 3, 2018.

Councilman Andrus thanked the Administrator for the completeness of her reports but asked a few clarifying questions. He asked first if she had a financial analysis as to where the monies are coming from regarding the IT Services. He clarified that he thought they were spread among the department line items but he would like to see a report of the breakdowns. Joyce noted that she would provide a report to Councilman Andrus. He also asked for a report on the tax appeals and she concurred she would get that too. Lastly, he asked for an update on the sewer capital needs. Administrator Bushman stated she would set a meeting with Bud Jones to finalize that before the next Council meeting. Councilman Witczak asked for clarification regarding the Part-Time staffing at the Police Department. Mayor Henry interjected that he had met with Chief Camoia and they would prefer to have the inside staffing assistance and eliminate the outsource dollars that are presently used for special detail scheduling. Councilman Witczak asked why the new employee in DPW only lasted a few days and wondered if we had anyone in the wings to fill the position. Administrator Bushman shared that the employee called Mr. Cooper and his only explanation was that the job was not what he expected. Superintendent Cooper concurred from the audience that he had two additional candidates to fill the position and they would be looking at that in the next day or so. Mayor Henry asked how many resumes have been received regarding the open Construction Official position. Administrator Bushman stated, that to date, she had received 4 resumes. Mayor Henry took this opportunity to state for the record that a resident has been in contact with him about the condition of Townsend Road. He shared that the road is a private road and we are not obligated to maintain it. Periodically DPW has filled a few potholes but it is not the Borough's problem. He noted that he will get back to the resident directly. Administrator Bushman hearing no other questions concluded her report.

COUNCIL REPORTS, OLD & NEW BUSINESS

Public Works and Utilities Committee

Councilman Badal reported that Public Works continues to log 250 brush pick-ups a week since our last meeting. He noted that the Mountain Dam project is now 100 % complete. The DPW crew has also completed the clean-up at the Pietro Clemente monument. He reported that DPW is presently working on pothole repair and most recently working on Dean Road. Councilman Badal concluded his report.

Personnel Committee and Local Economic Development Committee

Councilwoman Glassner was absent this evening and made no report.

Public Safety Committee

Councilman Andrews reported that Public Safety Committee is working with Administrator Bushman on a vehicle policy that is Borough wide and takes in all the departments. He reported that he attended a critical incident meeting which unfortunately was interrupted by an accident. He shared that the PBA is sponsoring an event called Kids, Cops and Cones and there will be more to report as the details develop. He additionally reported the police issued 121 summons for the distracted driving month of April. He stated he had nothing else and concluded his report.

Land Use Committee and Environmental Commission

Councilman Sharkey stated that they are waiting for Dunkin Donuts to provide an affidavit of notice which is due by end of day tomorrow. He shared the tree seedlings are in and are available through Lisa Smith at DPW. He stated that they offered to provide a replacement tree to a resident on Linden Lane if he takes his tree down. Mayor Henry interjected that he thinks he may have a contact at JCP&L that may be able to help the resident. He will provide the name and contact information to Brad Badal for follow up. Councilman Sharkey stated that he had nothing else and concluded his report.

Finance Committee

Council President Andrus stated he had nothing to report in finance. He noted that open space was moving forward in the right direction and having nothing further he concluded his report.

Recreation Committee

Councilman Witczak reported that the Recreation camp counselor contracts are being processed. He reported the Food Truck Festival details such as the banner, promotional materials, bands, beer garden liquor license and police support etc. are all being handled by Allison Kohler. He shared that there is a food truck festival in Chester this weekend and as soon as that wraps up she will move to a full focus on the Mendham event. He reported that the summer band concert series is all set.

Councilman Andrus apologized for interrupting but interjected that promotion will be the key to a successful Food Truck Event and he encouraged everyone to get the word out.

Councilman Witczak noted he had nothing further and concluded his report.

ATTORNEY ITEMS

Borough Attorney Fred Semrau, Esq. stated there is no outstanding litigation at this time and he had nothing else to report.

MAYOR'S ITEMS

Mayor Henry stated he had nothing this evening.

PUBLIC COMMENT

Mayor Henry opened the meeting to the public for comments.

Ron Weissman 15 Tempewick Road, Mendham, asked the Council and Mayor to accept documentation regarding renewable opportunities. His documentation was accepted by the Mayor for distribution. Additionally, Mr. Weissman presented recent storm pictures of poor drainage running on Prentice Lane crossing Talmage Rd. Mayor Henry stated that he wasn't sure if Prentice Lane was a private or public road but the Borough Attorney would look into it. Councilman Badal suggested that he meet with the Engineer and the Administrator to review all the documentation and assess what could be done in light of this new information. Mr. Weissman also stated that he has contacted the Mendham Business Association in hopes of getting them to sponsor a discussion on smart growth and asked if it would be appropriate for the Borough Planner to participate. Mayor stated that he thought it was an interesting idea but he needed to separate Dunkin Donuts so that a possible format would need to be discussed first. Lastly Mr. Weissman informed Council that he and 5 other residents plan ask the Construction Code official to do an inspection of 25 East Main Street, as is their right under the code 81-4.5. Attorney Semerau said this was for information only as no action could be, or would be appropriate here at this meeting by this Board. Mr. Weissman concluded his comments.

Seeing no one else from the public wishing to be heard, Mayor Henry closed the public comment portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated May 3, 2018.

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Roll Call:

In favor: Andrews, Badal, Sharkey, Witczak (except abstains on #4733), Andrus

Abstain: None

Absent: Glassner

EXECUTIVE SESSION

Mayor Henry announced that the Council would be adjourning for an Executive Session. Clerk Marlcor asked the Mayor to call for a vote on Resolution 91-2018 at this time. Mayor Henry stated the public will be excluded from this portion of the meeting to permit the Council to consider matters appropriate for discussion in such a session. He deferred To Attorney Semrau for an explanation of

the subject matter to be discussed. Attorney Semrau commented that it was appropriate under the statute referring to matters of public protection the Council would meet to discuss Daytop.

91-2018 A Resolution Providing for an Executive Session not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12b

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: Glassner

At 8:55 the Council cleared the Garabrant Center for the Executive Session

At 9:25 the Council resumed the regular meeting

Mayor Henry noted that they were back on the record and no formal action will be taken.

ADJOURNMENT

There being no other business to be conducted, on a motion duly made by Councilman Sharkey, seconded by Councilman Andrews, and unanimously carried by a voice vote, except Glassner who was absent, the meeting was adjourned at 9:28 p.m.

The next Regular Meeting of the Mayor and Council will convene on Thursday, May 17, 2018 at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

Respectfully Submitted:

Mimi M. Marlor, RMC, CMR
Borough Clerk
BOROUGH OF MENDHAM