

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

**July 15, 2020  
MINUTES**

**CALL TO ORDER**

Mayor Christine Serrano-Glassner called the July 15, 2020 Regular Meeting of the Mayor and Council to order at 8:00 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

**MOMENT OF SILENCE AND FLAG SALUTE**

Mayor Serrano-Glassner led a moment of silence and then proceeded with the Pledge of Allegiance.

**MAYOR'S OPENING STATEMENT**

Mayor Serrano-Glassner read the following 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.

**ROLL CALL**

The following officials were present:

Mayor Christine Serrano-Glassner  
Council Member Steven Andrew  
Council Member John Andrews  
Council President Brad Badal  
Council Member James Kelly  
Council Member Mary Sue Martin  
Council Member Brennan Reilly

Also present were:

Joyce Bushman, Borough Administrator  
Fred Semrau, Esq., Borough Attorney [via video conferencing]  
Robin R. Kline, Borough Clerk [via video conferencing]

**CONSENT AGENDA ITEMS**

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.

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| <b>1. Approval of Minutes:</b>                   | June 22, 2020 Regular Meeting  |
| <b>2. ABC Social Affairs Permit Application:</b> | Pastime Club, Inc.<br>Labor Day Event - Borough Park<br>September 7, 2020, 12noon to 9:00pm  |
| <b>3. Special Event Permit Application:</b>      | Pastime Club, Inc.<br>Labor Day Community Gathering & Fireworks Show<br>September 7, 2020, 5:00pm to 9:30pm<br>[Rain date September 12 <sup>th</sup> ] |

Items 2. and 3., ABC Social Affairs Permit Application and the Special Event Application, were removed from the Consent Agenda for separate discussion and Council action.

Motion to Approve Item 1., Approval of Minutes, on the Consent Agenda.

Motion to Approve: Council Member Andrews  
Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin  
Nays: None

**Discussion of Items 2. and 3., ABC Social Affairs Permit Application and the Special Event Application.**

Council Member Andrew reported that the Pastime Club will not be able to hold the annual community carnival during Labor Day weekend due to the COVID-19 pandemic and social distancing restrictions. Instead, club members will host a community gathering at Borough Park starting at 5:00 p.m., which will include live music, a beer garden and a 50/50 cash raffle. The Labor Day event will end with a firework show at nightfall.

Motion to Approve: Council Member Kelly  
Second: Council President Badal  
Ayes: Badal, Kelly, Martin, Reilly  
Nays: None  
Recusals: Andrew, Andrews

**PROCLAMATION**

**Proclamation Designating August 31<sup>st</sup> as “Overdose Awareness Day” in Mendham Borough**

Mayor Serrano-Glassner read the full text of the proclamation designating August 31<sup>st</sup> as “Overdose Awareness Day” in Mendham Borough.

Council Member Andrews announced that Mendham Borough will be hosting a free Narcan community training program with the Morris County Sheriff’s office on August 10<sup>th</sup> at the Mendham Firehouse. Narcan is an antidote that reverses an opioid overdose. More information about this program will be posted on the Borough’s website.

**ORDINANCE(S) FOR INTRODUCTION**

**#09-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 215, ZONING, OF THE BOROUGH CODE TO CREATE AN EAST BUSINESS AFFORDABLE HOUSING ZONE PURSUANT TO THE CONDITIONS OF APPROVAL OF THE BOROUGH’S SETTLEMENT OF ITS AFFORDABLE HOUSING LITIGATION**

Mr. Semrau advised that the Ordinance title was revised prior to tonight’s meeting to provide further clarification and requested that the Borough Clerk read the revised Ordinance title into the record.

Ms. Kline read the revised Ordinance title as follows:

**#09-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 215, ZONING, OF THE BOROUGH CODE TO ESTABLISH AN EAST BUSINESS AFFORDABLE HOUSING ZONE TO INCLUDE IN ADDITION TO THE EXISTING RETAIL USES A LIMITED PORTION OF THE ZONE TO PERMIT RESIDENTIAL USE**

Mayor Serrano-Glassner announced that the public hearing for Ordinance #09-2020 is scheduled for August 11, 2020.

There was no Council discussion.

Motion to Approve: Council Member Andrews  
Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin  
Abstain: None

**ORDINANCE(S) FOR PUBLIC HEARING/ADOPTION**

**#06-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING VARIOUS CHAPTERS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MENDHAM PURSUANT TO THE CONDITIONS OF APPROVAL OF THE BOROUGH’S SETTLEMENT OF ITS AFFORDABLE HOUSING LITIGATION**

Mayor Serrano-Glassner announced that a legal notice was published in the official newspapers indicating that Ordinance #06-2020 was introduced and passed on first reading at the June 10, 2020 meeting and further indicated that the second reading and public hearing would be held on July 15, 2020 at 8:00 p.m. for consideration of final adoption. Copies of this Ordinance were made available to the general public and posted in accordance with the law.

Mayor Serrano-Glassner opened the public hearing and invited any interested person the opportunity to be heard on this Ordinance.

Melissa Young, 24 Gunther Street, commented that she was not able to sign-in to Zoom and sought confirmation on the Meeting ID posted on the website.

Upon discussion it was discovered that a technical error occurred in the text field appearing on the Borough’s website which truncated the last two digits of the Meeting ID number, although the full and accurate sign-in information appeared in the pop-up window on the Meeting Schedule webpage where the agenda and agenda document links were posted.

Seeing and hearing no one wishing to be heard, Mayor Serrano-Glassner closed the public hearing.

Mayor Serrano-Glassner announced that because of the technical error in posting the Meeting ID number for remote access that Ordinances #06-2020, #07-2020 and #08-2020 should be tabled to the July 27, 2020 meeting to allow for full public participation during the public hearings for each of the pending ordinances. She asked for a motion to table the second reading and public hearing for Ordinances #06-2020, #07-2020 and #08-2020 to the July 29, 2020 meeting.

A motion to table the second reading and public hearing for Ordinances #06-2020, #07-2020 and #08-2020 to the July 29, 2020 meeting was made by Council Member Andrews.

Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin  
Nays: None

The second reading and public hearing for Ordinances #06-2020, #07-2020 and #08-2020 were tabled to the July 27, 2020 meeting.

**#06-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING VARIOUS CHAPTERS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MENDHAM PURSUANT TO THE CONDITIONS OF APPROVAL OF THE BOROUGH'S SETTLEMENT OF ITS AFFORDABLE HOUSING LITIGATION**

**#07-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT**

**#08-2020 AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 215, ZONING, OF THE BOROUGH CODE PURSUANT TO THE CONDITIONS OF APPROVAL OF THE BOROUGH'S SETTLEMENT OF ITS AFFORDABLE HOUSING LITIGATION**

**PUBLIC HEARING**

**Morris County Open Space Trust Fund Grant Application**

To purchase a portion of property located at 10 E. Main Street, Mendham (Block 601, Lot 5).

In accordance with the Rules and Regulations of the Morris County Preservation Trust Fund, notice of the public hearing was advertised in the Daily Record and the Star Ledger, posted in the Phoenix House, and was filed in the Office of the Borough Clerk.

Mayor Serrano-Glassner announced that the notice for public hearing concerning the Morris County Open Space Trust Fund Grant application to purchase a portion of property located at 10 E. Main Street (Block 601, Lot5) was advertised in the official newspapers on June 27, 2020.

Mayor Serrano-Glassner opened the public hearing and invited any interested person the opportunity to be heard on this grant application.

Seeing and hearing no one wishing to speak or comment on the grant application, Mayor Serrano-Glassner closed the public hearing.

**RESOLUTIONS**

**#102-2020 RESOLUTION OF THE BOROUGH OF MENDHAM ENDORSING THE AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE BOROUGH PLANNING BOARD ON MAY 11, 2020.**

There was no Council discussion.

Motion to Approve: Council Member Andrews  
Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin  
Nays: None

**#103-2020 RESOLUTION OF INTENT TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A FUNDING SHORTFALL**

Motion to Approve: Council Member Andrews  
Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin  
Nays: None

**#104-2020 RESOLUTION APPROVING AND AUTHORIZING A DEVELOPER'S AGREEMENT WITH ARYAN AT MENDHAM FOR THE PROPERTY LOCATED AT 25 EAST MAIN STREET (BLOCK 1501, LOT 11)**

There was no Council discussion.

Motion to Approve: Council Member Andrews  
Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin  
Nays: None

**#105-2020 RESOLUTION INCREASING THE BID THRESHOLD TO \$44,000 AND QUOTE THRESHOLD TO \$6,600 FOR CONTRACTS SUBJECT TO PUBLIC BIDDING UNDER THE LOCAL PUBLIC CONTRACTS LAW**

There was no Council discussion.

Motion to Approve: Council Member Andrews  
Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Reilly, Martin  
Nays: None

## **ADMINISTRATOR’S REPORT**

Ms. Bushman provided her written Administrator’s Report dated July 15, 2020. She further reported that estimated property tax bills for the 3<sup>rd</sup> Quarter billing were recently mailed and an “Advice Only” copy of the estimated tax bill was mailed to all property owners and mortgage holders if applicable. She also reported that Borough officials met remotely with the Morris County Historic Preservation Trust Fund Review Board to discuss the Scott Barn and Phoenix House grant applications.

## **COUNCIL COMMITTEE REPORTS**

### **Finance [Standing Committee of the Council]**

Council President Badal reported that municipal spending and tax collection revenues are being closely watched. The 3<sup>rd</sup> quarter property tax bills will be due on or before August 10<sup>th</sup>.

### **Board of Health**

Council Member Andrew reported that the Board of Health met on June 3<sup>rd</sup> and that the Bernards Township Health Department continues to monitor and report on COVID-19 cases in Mendham Borough.

### **Recreation and Parks [Standing Committee of the Council]**

Council Member Andrew reported that the 2020 Summer Movie series and the Concert in the Park series began. The next movie is scheduled for July 22<sup>nd</sup> and the next concert is scheduled for August 2<sup>nd</sup>. He also reported that the Labor Day parade is actively being planned.

### **Board of Education**

Council Member Andrew reported that the West Morris Regional School District Board of Education is holding its regular business meeting tonight and had nothing new to report.

### **Public Safety [Standing Committee of the Council]**

Council Member Andrews reported that the police department will be contacting two vendors to demonstrate body camera equipment for police personnel and further reported that a new patrol vehicle and police chief’s vehicle has been ordered. He also reported that the police department has moved the “Your Speed Is” sign to Prospect Street to monitor traffic counts and speed and that two additional speed monitoring signs will be purchased.

Council Member Andrews further reported that Mendham Borough will be hosting a free Narcan community training program with the Morris County Sheriff’s office on August 10<sup>th</sup> at the Mendham Firehouse. More information about this program will be posted on the Borough’s website. Lastly, he reported that the First Aid Squad was present at the high school graduation and at the Project Graduation held at the Black Horse later that day.

### **Personnel [Standing Committee of the Council]**

Council Member Martin reported that interviews for the tax collector position were held and background checks will be performed as required by state law.

### **Public Works and Utilities [Standing Committee of the Council]**

Council Member Kelly reported that the CCTV project continues to monitor and clean approximately 5,800 feet of sewer lines and further reported that the I-bank financing is back on track and a closing date will be scheduled soon.

### **Land Use [Standing Committee of the Council] and ECOSST Committee**

Council Member Reilly reported that the ECOSST Committee and the Mendham Township Environmental Commission will host a webinar tomorrow evening at 7:30 p.m.

## **ATTORNEY’S ITEMS**

Mr. Semrau advised that his office is currently conducting the property assessment appeals at the Morris County Tax Board together with the Borough’s Assessor.

## **MAYOR’S ITEMS**

Mayor Serrano-Glassner confirmed that due to technical difficulties experienced at tonight’s meeting, the public hearings for Ordinances #06-2020, #07-2020 and #08-2020 have been tabled and rescheduled to July 27<sup>th</sup>.

## **PUBLIC COMMENT – AUDIENCE PARTICIPATION**

Mayor Serrano-Glassner opened the public comment portion of the meeting.

Rebecca Michaels, 79 Lowry Lane, commented that her two sons are working on their “Citizenship in the Community” scout merit badges and would like to work with borough officials to complete the requirements to earn the merit badge.

Melissa Young, 24 Gunther Street, suggested that the Borough use Zoom webinar to allow remote participation by video.

Seeing and hearing no one wishing to speak, Mayor Serrano-Glassner closed the public comment portion of the meeting.

**APPROVAL OF VOUCHERS**

Bills List prepared by the Chief Financial Officer dated July 22, 2020.

Resolution #059-2020 passed at the March 18, 2020 Special Meeting provided the Borough Administrator authorization to approve vouchers, subject to the availability of funds.

**CLOSED SESSION**

**#106-2020 A RESOLUTION PROVIDING FOR A CLOSED SESSION NOT OPEN TO THE PUBLIC PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b**

The Mayor and Council of the Borough of Mendham will adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A. 10:4-12b.

Matter to be discussed: Attorney-Client privilege – Update on Affordable Housing

Following the closed session, no other matters will be discussed or acted upon in public session. The Borough Council will reconvene into public session only for purpose of adjourning the public meeting.

Motion to Approve: Council Member Andrew  
Second: Council President Badal  
Ayes: Andrew, Andrews, Badal, Kelly, Martin, Reilly  
Nays: None

The Mayor and Council convened into Executive Session at 9:02 p.m.

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The Mayor and Council reconvened into public session at 9:21 p.m.

**ADJOURNMENT**

Having no further business to conduct, Mayor Serrano-Glassner asked for a motion to adjourn. Council Member Andrew made a motion to adjourn, seconded by Council President Badal. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 9:21 p.m.

The next meeting of the Mendham Borough Mayor and Council will be held on July 27, 2020, 8:00PM, the Garabrant Center, 4 Wilson Street, Mendham.

Respectfully Submitted:

*Robin R. Kline*  
Robin R. Kline, MAS, RMC, CMR  
Borough Clerk  
BOROUGH OF MENDHAM