

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

July 22, 2019

CALL TO ORDER

Mayor Christine Serrano-Glassner called the July 22, 2019 Regular Meeting of the Mayor and Council to order at 8:00 p.m. in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Serrano-Glassner 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 the *Star Ledger*, and such notice was posted on the Phoenix House bulletin board 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 Member Brad Badal
Council Member James R. Kelly
Council President David Sharkey

Council Member Brennan Reilly was absent

Also present were:

Joyce Bushman, Borough Administrator
Fred Semrau, Esq., Borough Attorney
Robin R. Kline, Borough Clerk

Mayor Serrano-Glassner opened the meeting and proceeded with the presentation.

Presentations

Public Project Proposal, Gaga Pit at Borough Park – Matt Kornick, a West Morris Regional High School student, reported that he is enrolled in the high school's International Baccalaureate ("IB") program. The IB program requires students to complete a service learning project. To satisfy this requirement, he said that he and fellow students Dylan Byrne and Matt Cantale are proposing to build a gaga pit adjacent to the basketball courts in Borough Park. The gaga pit would be a 20 foot hexagonal plastic structure. Materials needed for the project would be purchased through fundraising efforts and donations. The proposed project would be supervised by West Morris Regional High School's IB Project Coordinator and an IB Program Educator. At the conclusion of his presentation, Matt Kornick sought approval from the Mayor and Council.

The governing body sought further details regarding design and installation plans, as well as the materials to be used and the timeline for the project's start and completion. Mayor Serrano-Glassner confirmed that Resolution #119-2019 on the agenda would provide formal approval for project.

Mayor Serrano-Glassner and the Borough Council thanked Matt Kornick for his presentation and expressed their gratitude for proposing the project that will benefit the Mendham Borough community.

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 Governing Body or public request that an item be removed and considered separately. Items listed on the Consent Agenda:

1. Approval of Minutes: June 24, 2019 Regular Meeting
June 24, 2019 Executive Session Meeting
2. Peddler/Solicitor Licenses: Anna P. McGuire, Aptive Environmental
Door-to-door sales [1 license application]
3. Peddler/Solicitor Licenses: Wyatt J. Finn, Cornerstone Management Concepts
Door-to-door sales [1 license application]
4. Raffle License: Minuteman Sports Club
Off-Premise Merchandise Raffle
September 20, 2019, 8:15 PM

5. Road Closure Request: Brennan Reilly, New Street - Annual Block Party
September 7, 2019 [Rain date September 8th]
12noon to 12:00am
6. Road Closure Request: Alice McManus, Garabrant Street - Annual Block Party
September 7, 2019 [Rain date September 8th]
4:00pm to 11:00pm
7. Social Affairs Permit: Mendham Borough Library
Annual Fundraising Event
September 7, 2019, 7:00pm to 10:00pm
8. Special Event Permit: Gran Fondo NJ LLC, Garden State Fondo Cycling Event
September 8, 2019, 7:15am to 10:30am
Main Street, Hilltop Road, Bernardsville Road, Mountain Avenue
and Mountainside Avenue. Rest stop at Borough Park
9. Special Event Permit: Jewish Federation of Greater Metro West
Tour de Summer Camp Cycling Event
September 22, 2019, 9:00am to 12noon

There was no Council discussion.

Motion to Approve: Council Member Andrew
 Second: Council Member Andrews
 Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
 Abstentions: Council President Sharkey abstained on the approval of the June 24, 2019
 Regular Meeting and Executive Session minutes.

ORDINANCE FOR FIRST READING

#09-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, PROVIDING FOR THE ACQUISITION OF A NEW VEHICLE FOR USE BY THE SEWER UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$47,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH.

This ordinance provides financing for the purchase of one truck for the sewer utility.

Mayor Serrano-Glassner announced that the public hearing on this Ordinance is scheduled for August 26, 2019.

There was no Council discussion.

Motion to Approve: Council Member Badal
 Second: Council Member Kelly
 Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
 Nays: None

Ordinance #09-2019 was introduced and passed by the Mendham Borough Council. The Council will further consider this Ordinance for a second reading, public hearing, and final passage at the Mayor and Council meeting to be held on August 26, 2019. A legal notice will be published in accordance with law and copies of the Ordinance will be made available to members of the general public upon request.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION

#06-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING CHAPTER 38, POLICE DEPARTMENT, OF THE BOROUGH CODE TO REVISE THE POLICE PROMOTIONAL PROCESS

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #06-2019 was introduced and passed on first reading at the June 24, 2019 meeting and further indicated that the second reading and public hearing would be held on August 26, 2019 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 for Ordinance #06-2019.

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

There was no Council discussion.

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

Ordinance #06-2019 was adopted.

Mr. Semrau thanked the Mayor and Council, Administrator and Police Chief for their efforts in promulgating a concise and comprehensive policy for police promotions. He advised that the Chief provided input and support of this ordinance and further advised that although there are no police promotions for consideration at this time, the ordinance will be in place for future police personnel matters.

#07-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 102, FEES, OF THE BOROUGH CODE, TO MODIFY SEWER FEES AND RATES

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #07-2019 was introduced and passed on first reading at the June 24, 2019 meeting and further indicated that the second reading and public hearing would be held on August 26, 2019 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 for Ordinance #07-2019.

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

There was no Council discussion.

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

Ordinance #07-2019 was adopted.

#08-2019 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 151, PEDDLING AND SOLICITING, OF THE BOROUGH CODE TO MODIFY REQUIREMENTS FOR THE NONSOLICITATION LIST

Mayor Serrano-Glassner announced that a legal notice was published indicating that Ordinance #08-2019 was introduced and passed on first reading at the June 24, 2019 meeting and further indicated that the second reading and public hearing would be held on August 26, 2019 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 for Ordinance #08-2019.

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

Council Member Andrews commented that it is important to publicize the No Knock Registry to residents. Mayor Serrano-Glassner noted that an article will appear in the next edition of the Mendham Messenger.

There was no Council discussion.

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

Ordinance #08-2019 was adopted.

RESOLUTIONS

#109-2019 RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT FOR THE HIRING OF A FULL-TIME SCHOOL RESOURCE OFFICER TO WORK AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2019-2020 SCHOOL YEAR

There was no Council discussion.

Motion to Approve: Council Member Andrews
Second: Council Member Kelly
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #109-2019 passed.

#110-2019 RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT TO PROVIDE THE SERVICES OF A SPECIAL LAW ENFORCEMENT OFFICER CLASS II/CLASS III FOR PURPOSES OF SCHOOL SECURITY AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2019-2020 SCHOOL YEAR

There was no Council discussion.

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

Resolution #1110-2019 passed.

#111-2019 RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE MENDHAM BOROUGH BOARD OF EDUCATION TO PROVIDE THE SERVICES OF A CLASS III SPECIAL LAW ENFORCEMENT OFFICER FOR PURPOSES OF SCHOOL SECURITY FOR THE MENDHAM BOROUGH SCHOOL DISTRICT FOR THE 2019-2020 SCHOOL YEAR

There was no Council discussion.

Motion to Approve: Council Member Andrew
Second: Council Member Badal
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #111-2019 passed.

#112-2019 RESOLUTION CERTIFYING RECEIPT AND REVIEW OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2018

There was no Council discussion.

Motion to Approve: Council Member Andrew
Second: Council Member Badal
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #112-2019 passed.

#113-2019 RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DEAN ROAD IMPROVEMENTS [SECTION 1] PROJECT [ELECTRONIC GRANT APPLICATION ID 00418]

There was no Council discussion.

Motion to Approve: Council Member Kelly
Second: Council Member Andrews
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #113-2019 passed.

#114-2019 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CONNOLLY & HICKEY HISTORICAL ARCHITECTS, LLC

There was no Council discussion.

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

Resolution #114-2019 passed.

#115-2019 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SUPERIOR OFFICE SYSTEMS FOR OFFICE COPIERS AND SUPPLIES THROUGH A NATIONAL COOPERATIVE PURCHASING AGREEMENT PURSUANT TO N.J.S.A. 52:34-6.2, ET AL

There was no Council discussion.

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

Resolution #115-2019 passed.

#116-2019 RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2020 FORD POLICE INTERCEPTOR SUVs FOR THE POLICE DEPARTMENT THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM

There was no Council discussion.

Motion to Approve: Council Member Badal
Second: Council Member Andrews
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #116-2019 passed.

#117-2019 RESOLUTION EXTENDING THE PAYMENT DUE DATE FOR THE THIRD QUARTER 2018 PROPERTY TAX BILLS

There was no Council discussion.

Motion to Approve: Council Member Andrew
Second: Council Member Badal
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #117-2019 passed.

#118-2019 RESOLUTION AUTHORIZING THE HIRING OF PART-TIME ADMINISTRATIVE INTERNS

There was no Council discussion.

Motion to Approve: Council Member Andrews
Second: Council Member Andrew
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #118-2019 passed.

#119-2019 RESOLUTION APPROVING AN APPLICATION FOR A PUBLIC PROJECT TO BUILD AND INSTALL A GAGA PIT AT BOROUGH PARK

Motion to Approve: Council Member Badal made the motion to approve Resolution #119-2019 with the condition that approval of the project would be contingent upon the review and approval of the design and installation plans by the Borough Administrator, the DPW Superintendent and the Recreation Director.

Second: Council Member Andrew
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Nays: None

Resolution #119-2019 passed.

The Borough Clerk was directed to provide the applicants with a copy of the resolution and to further notify them that design and installation plans must be submitted to the Borough Administrator, the DPW Superintendent and the Recreation Director for review and approval before commencing the project.

ADMINISTRATOR'S REPORT

Ms. Bushman provided a copy of her Administrator's Report dated July 22, 2019 to the Mayor and Council. She noted that information technology upgrades are nearing completion and that the new call routing phone matrix would be implemented soon. She further noted that the Borough would soon be launching an on-line payment option for the payment of tax and utility bills and further reported that a meeting had been held to discuss the New Jersey Infrastructure Bank program financing for upgrades to the water reclamation facility.

COUNCIL COMMITTEE REPORTS

Finance [Standing Committee of the Council]

Council Member Badal reported that the Finance Committee reviewed the audit report and sewer fee ordinance in detail. The Finance Committee will begin reviewing Fund Balance revenues.

Recreation and Parks [Standing Committee of the Council]

Council Member Andrew reported that the bricks for the Walk of Fame have been installed and further reported that the West Morris Soccer Club (WMSC) completed the installation of the new turf field on the former Firehouse tennis courts. The turf field will be closed until netting is installed to prevent soccer balls from landing on the roof of the Firehouse. The WMSC will be posting usage and safety signage. He further reported that Borough Engineer Paul Ferriero is finalizing Bid Specs for the Orchard Street tennis courts. Foundation work on the new tennis courts will commence in the fall. Lastly, Council Member Andrew provided an update on attendance at the summer concert and summer movie programs.

Board of Health

Council Member Andrew had nothing new to report.

Board of Education

Council Member Andrew reported that paving has been completed at the schools. The West Morris Regional Board of Education meeting is being held tonight.

Public Safety [Standing Committee of the Council]

Council Member Andrews reminded residents to lock all doors and cars to prevent thefts. He commended Officer Nolan Ryan on the recent arrest of one of three individuals he stopped during the early morning hours. Council Member Andrews reported that five AED (defibrillator) units will be purchased and one will be installed in each of the five Borough buildings (The Phoenix House, Bowers Building, Garabrant Center, DPW and the Water Reclamation Facility.) Most employees have been trained in using the AED; those not already certified can join the next class so that they are prepared to act if needed. He also announced that Nancy Fishback completed her EMT class training and reminded residents that the Mendham Borough First Aid Squad is recruiting for volunteers. Council Member Andrews further reported that the Public Safety Committee will be scheduling a special meeting with residents on Dean Road to update residents on the findings of the Police Department's speed study. Lastly, he announced that Morris County will be hosting the National Night Out event on August 6th at the Mennen Sports Area in Morris Township.

Personnel [Standing Committee of the Council]

Council President Sharkey had nothing new to report.

ECOSST Committee

Council President Sharkey reported that the Shade Tree Master Plan has been completed and will serve as guiding document for planting and maintenance of street trees in future years. The next ECOSST meeting will be held on August 5th.

Public Works and Utilities [Standing Committee of the Council]

Council Member Kelly reported that milling and paving of Hillcrest, Adams, Sterling, Emory and Quimby has been completed and pothole repairs on Borough roads has been completed as well. He also reported that the DPW loader will need to be replaced and the purchase of a new loader would be included in the DPW's 2020 capital budget request.

Land Use [Standing Committee of the Council]

Council Member Reilly was absent.

ATTORNEY'S ITEMS

Mr. Semrau advised that he is coordinating the Borough's change in Municipal Court services and reported that an update on the Borough's affordable housing matter will be provided in Executive Session.

MAYOR'S ITEMS

Mayor Serrano-Glassner reported that she is researching sustainable products that do not damage tree roots as alternative for needed sidewalk rehabilitation and repairs. She also reported that she is working with resident Chris Neff on exploring a partnership with the Audubon Society to promote environmental and conservation awareness programs.

Appointment of an Alternate No. 2 Member to the Zoning Board of Adjustment

Mayor Serrano-Glassner announced that Gail Roch has expressed interest in serving on the Zoning Board of Adjustment and stated that she would like to appoint Ms. Roch as the Alternate No. 2 member on the board. She asked the Borough Council for its affirmative consent. By motion made by Council Member Kelly, seconded by Council President Sharkey, the Borough Council provided its unanimous consent by voice vote. Ms. Roch will fill the vacant and unexpired two-year term for the Alternate No. 2 position, with such term expiring on December 31, 2019.

PUBLIC COMMENT – AUDIENCE PARTICIPATION:

Mayor Serrano-Glassner opened the meeting for public comment and asked all individuals keep their comments to three minutes to allow time for everyone in attendance to be heard.

Karen Ermel, 11 Towns End Road, inquired why the Borough will no longer snow plow or maintain private roads and asked the governing body to reconsider the policy.

Mr. Semrau responded that title work and recorded documents confirm that Towns End Road is a private road and under state law, as well as local ordinance there is no legal obligation for the Borough to maintain private roads. He further advised that Borough officials provided sufficient written notice to impacted property owners so that they can make appropriate plans for snow plowing before the winter season begins. He also noted that the Borough had recently re-graveled Towns End Road one last time but residents would be responsible for all future road maintenance. Mr. Semrau further advised that residents could offer to dedicate the private road to the Borough, which he mentioned must be done in writing and the road would have to be brought up to standard before the Borough would accept the road dedication.

Steve Morrell, 25 Drake Road, questioned the staffing of the Construction Department and voiced concern that at times there is no one in the Construction Department or the Bowers Building is closed to the public. He commented that more personnel is needed to meet the needs of the public.

Mellissa Young, 24 Gunther Street, inquired about the Mendham Borough's No Knock Registry and also inquired if public meetings could be videotaped and posted on the website for public viewing.

Seeing no one else wishing to speak, Mayor Serrano-Glassner closed public comment and proceeded with the next agenda item.

APPROVAL OF VOUCHERS

Bills List prepared by the Chief Financial Officer dated July 22, 2019.

Motion to Approve: Council Member Badal
Second: Council Member Andrew
Ayes: Andrew, Andrews, Badal, Kelly, Sharkey
Abstentions: Council Member Andrews abstained on vouchers #6305 and #6335.

Bills List dated July 22, 2019 was approved.

EXECUTIVE SESSION

#120-2019 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 without the presence of the public in accordance with the Open Public Meetings Act exemptions, N.J.S.A. 10:4-12b:

- 1. Attorney-Client Privilege Matter: Affordable Housing Update
- 2. Attorney-Client Privilege Matter: Private Roads

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

Resolution #120-2019 passed. Mayor Serrano-Glassner closed the Public Meeting at 9:30 p.m. to convene into Executive Session.

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Mayor Serrano-Glassner reconvened the Public Meeting at 11:20 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. Council Member Andrews seconded the motion. Upon a voice vote, the motion was passed unanimously.

Meeting adjourned at 11:20 p.m.

The next Regular Meeting of the Mayor and Council will convene on Monday, August 26, 2019 at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

Respectfully Submitted:

Robin R. Kline

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