

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

July 19, 2018

CALL TO ORDER

Mayor Henry called the July 19, 2018 Regular Meeting of the Mayor and Council to order at 8:03 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
Councilwoman Christine Serrano-Glassner
Councilman David Sharkey
Councilman Stanley Witczak, III
Council President John Andrus

ABSENT: None

Also present were:

Fred Semrau, Esquire
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** – June 21, 2018 Regular Meeting
2. **Harvest Hustle Road Race**- Banner Request - Friday September 14th-Friday September 28th, 2018
3. **Harvest Hustle Road Race** – Road Closure Request – Saturday, September 29, 2018; 7:30am to 10:30am
4. **Multiple Sclerosis Bike Ride** – September 15, 2018 and September 16, 2018

Motion to approve consent agenda items 1 -4: Councilwoman Glassner

Second: Councilman Sharkey

Discussion: None

Roll Call:

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

Opposed: None

Abstain: Witczak abstained on minutes only

Absent: None

DISCUSSION ITEMS

1. Tax Appeal Report
There were no additional comments or questions and the discussion was concluded.

2. PBA pavilion and picnic table donation – proposal

Councilman Sharkey asked where the new pavilion would be located. DPW Superintendent, Jeff Cooper, noted that it would be positioned on the left side. They would remove 1 bench to fit it in. Councilman Andrus stated that there should be no wooden pieces to the structure, especially the roof. Councilman Witczak stated he thought it was important to contact the neighbors prior to the purchase. Chief Camoia stated he would take care of that. There were no additional comments and Mayor Henry move to the next item for discussion.

3. Tennis Courts/ West Morris Soccer Club Proposal

Mayor Henry opened the discussion by stating he was looking for direction from the Governing Body and he asked Councilman Witczak to lead the discussion. Councilman Witczak stated that West Morris Soccer Club wants to donate funds with financing through the Borough for 3-4 years with no expectation of ownership at the end. They want to resurface the Borough Park tennis courts with multi-use synthetic all weather turf. The new turf field would not be intended for scheduled games but rather pick-up games and practices. Discussion amongst the Council and Recreation Director ensued. Councilman Badal raised the parking issue regarding appropriate space for 1st responders. Bruce noted they would have signage. Councilman Andrus shared he wasn't sure of the best location and had concerns about the rules for scheduling and the finances for the project. Councilwoman Glassner asked if there has been discussion regarding a maintenance plan and is this in our long range capital plan. Councilman Sharkey stated he still has concerns that there are not enough lighted courts for adult tennis. Mayor Henry suggested that he could include a survey question in his next Messenger newsletter and then opened the floor for comments from the public.

Eric Inglis – West Morris Soccer Club representative – stated that the laying of the turf carpet would be on top of the courts. He further noted they would look into the parking concerns but he felt that since it was not for games that there would not be an issue. Additionally he spoke to the issue of lights and it was important that the multi-use field be in a location accessible to lights so that the teams can get the practices in. They would be generally using it for practices in the early spring and late fall and this donation would stake the claim to using it from 5:30-8:30 during those times of the year.

Mayor Henry asked if there was a deadline to making this decision.

Eric Inglis stated there was not a specific deadline but the longer it was under consideration the higher the likelihood that the funds would be redirected to another project.

There was a general question raised concerning if the quotes received were acceptable and if Green Acres was taken into consideration. Attorney Semrau stated this project would have to go out to bid and the Green Acres would be reviewed and handled accordingly.

Herbert Korte, 7 Gunther Street, a resident of the Borough stated that he is a tennis player and the senior players have been unable to play on the Mendham courts for years due to the poor condition of the surfaces. He shared they are forced to play in Chester. He noted that he would prefer that they fix the Orchard Street first. He commented that he thought the "Messenger" newsletter survey was a good idea.

Bryan Dick, 13 Hillcrest Avenue, a resident, commented that he thinks the project is financially conservative and he is worried what he is hearing tonight. He noted he is in favor of keeping tennis in Mendham Borough and parking is a huge issue. He stated that there will be additional traffic problems. He further commented that he would like to see hard numbers before any decision is made.

Seeing no other residents wishing to speak the Mayor closed the discussion and did a recap:

1. Submit a survey question to the messenger newsletter in mid-August
2. Contact first aid squads about parking
3. Review Financing
4. Bidding Process – type of turf needs to be determined

Mayor Henry asked Clerk Marlor to place this item on the September Council meeting for further discussion.

ORDINANCES

07-2108 An Ordinance Concerning Salaries for Officers and Employees of the Borough of Mendham

*Introduction/No Public Input/Published in the Daily Record 6/26/2018
2nd Reading/Public Hearing/Final Adoption 7/19/2018*

Mayor Henry opened the Public Hearing for Ordinance 07-2018, An Ordinance Concerning Salaries for Officers and Employees of the Borough of Mendham.

Seeing no one wishing to speak Mayor Henry closed the Public Hearing and asked for a motion and a second to adopt.

Motion to adopt: Councilwoman Glassner

Second: Councilman Andrew

Discussion:

Councilman Witczak asked why the ranges had such significant changes. Councilwoman Glassner stated they were looking at comps and trying to make it consistent. Council President Andrus commented that he didn't see the need to raise the low range which provided more options. Councilman Sharkey noted he saw no downside to keeping the low numbers low. Discussion concluded and the Mayor asked for a roll call.

Roll Call:

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

Opposed: Witczak

Abstain: None

Absent: None

ACTIONS TAKEN – OTHER RESOLUTIONS

121-2018 Resolution to Hire a Seasonal Laborer/Driver/Operator Part Time Class 2- Public Works

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

122-2018 Resolution Inserting an Item of Revenue in the 2018 Budget

Motion to approve: Councilman Sharkey

Second: Councilman Badal

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

123-2018 Resolution of the Borough of Mendham, in the County of Morris, and the State of New Jersey , Urging the State Legislature to Make Permanent the 2% Cap on Police and Fire Arbitration Contract Awards

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: Councilman Witczak commented that he didn't think the Resolution went far enough and all government salaries should have been included.

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

124-2018 Resolution to Authorize Off Premise Merchandise Draw for the Mendham High School PTO

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

125-2018 Resolution of the Borough of Mendham, County of Morris and State of New Jersey Appointing Colin Baker as Part Time Fire Sub-code Official/Inspector

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

126-2018 Resolution of the Borough of Mendham, County of Morris and State of New Jersey Appointing Nancy Anne Probst as Part Time Interim Land Use Assistant

Motion to approve: Councilwoman Glassner

Second: Councilman Badal

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

127-2018 Resolution of the Borough of Mendham, County of Morris and State of New Jersey Appointing Craig Bellamy as Part Time Interim Technical Assistant Construction Officer

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

128-2018 Resolution of the Borough of Mendham, County of Morris and State of New Jersey Authorizing the Execution of an Interlocal Services Agreement Between Mendham Borough and the Mendham Borough Board of Education Regarding a Shared Services Agreement for a Class III Special Officer

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: Council President Andrus asked for clarification that there was a car allowance included in the West Morris but not the Mendham Borough agreement. Chief Camoia noted that was correct. Discussion ensued as to whether or not they would run out of cars. Options were discussed for covering car expenses and at the conclusion of the discussion the Mayor asked for a roll call.

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

129-2018 Resolution of the Borough of Mendham, County of Morris and State of New Jersey Authorizing the Execution of an Interlocal Services Agreement Between Mendham Borough and the West Morris Regional High School District Board of Education Regarding a Shared Services Agreement for a Class III Special Officer

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

130-2018 Resolution Authorizing the Tax Collector to Extend Grace Period of Taxes due on August 1, 2018

Motion to approve: Councilman Badal

Second: Councilman Andrus

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR'S REPORT

Mayor Henry asked if there were any questions or comments regarding the Administrator's report of July 19, 2018.

Administrator Bushman stated she had no comments. Attorney Semrau noted that he would like to see the records destruction lists before submission. The Clerk concurred she would provide the information to him. Mayor Henry hearing no other questions moved on.

COUNCIL REPORTS, OLD & NEW BUSINESS

Recreation Committee

Councilman Witczak reported that day camp was going well and the kids enjoyed the fire truck drill. He noted that the Labor Day Parade activities and planning are coming together. Mayor Henry interjected that this was the first year he received a formal invitation and the Mayor and Council all confirmed they would be attending. Councilman Witczak, having nothing further; he concluded his report.

Finance Committee

Council President Andrus stated that all the Council members received a copy of the expenditures to date from the CFO and she will continue to produce the report each month through the end of the year. He stated it's important to review and he hopes they will take time to look at it and ask questions. Council President Andrus, having nothing further; he concluded his report.

Land Use Committee and Environmental Commission

Councilman Sharkey stated that he attended the Environmental meeting earlier that evening. Chairman Peter Barry raised the issue of possibly incorporating Open Space into the combined Environmental and Shade Tree Commission. He offered to look into it and would suggest they might be able to do that for the beginning of next year if appropriate. Councilman Sharkey stated he had nothing else and concluded his report.

Public Safety Committee

Councilman Andrews stated that all the Borough employees completed the CPR and AED training. He shared that the pedestrian signs were damaged and they are awaiting the replacement signs from the vendor. He further report that Chief Camoia has received several resumes for the Class III officer positions. He shared that the critical incident meeting is scheduled for August. Councilman Andrews had nothing else and concluded his report.

Personnel Committee and Local Economic Development Committee

Councilwoman Glassner reported that they had completed interviews for the interim hiring positions and are looking into the concept of using interns. She further reported that the job descriptions would be presented at the end of the summer. Councilwoman Glassner concluded her report.

Public Works and Utilities Committee

Councilman Badal reported that Public Works has spread over 100 cubic yards of mulch at the playground and in other areas of the municipality. They also continue to patch pot holes around the Borough. He reported that the Welcome signs have been installed and the sky lights at the Police Department have been repaired. He noted that he has received a request from residents on Farmhouse Lane that they would like to deed the lane over to the Borough. The Engineer has prepared some information as to costs etc. and he would like to present it at the August meeting for discussion. Mayor Henry noted this could be placed on the August agenda. Councilman Badal concluded his report.

ATTORNEY ITEMS

Fred Semrau, Esquire, stated that his office is preparing a memorandum that he will be sending over with respect to social media and he is also working with Administration on JIF Best Practices checklist. Attorney Semrau concluded his comments.

MAYOR'S ITEMS

Mayor Henry stated that the Borough Attorney needs to get involved with a personnel matter for the first Aid Squad. I'd like to formally approve his involvement with a voice vote. May I have a motion and second to allow Attorney Semrau's involvement.

Councilwoman Glassner motioned and Councilman Badal seconded. All in favor except Councilman Andrews who recused himself.

The Mayor commented that Allison of JMK Events is ready to send the checks from the food truck festival receipts to the Fire and First Aid Squad. He asked Councilman Andrews to be in contact with her to give her the particulars. The Mayor asked Borough Attorney Semrau to make contact on behalf of the Borough regarding the Townsend Road issue. Superintendent Cooper was contacted by an attorney representing a resident and he would like Fred to take over the discussion and explanation to the resident's attorney regarding the private road status. The Mayor also stated he mailed a spreadsheet to all Council members for review regarding the salary resolution. He asked that they look at it and address their questions and concerns as soon as possible so it can get passed on the August agenda. The Mayor concluded his comments.

PUBLIC COMMENT

Mayor Henry opened the meeting to the public for comments.

Ron Weissman 15 Tempe Wick Road, Mendham, commented on the following:

1. He stated he would like to report his concern with how the Planning Board attorney schooled the audience with his comments that the volunteers and the public's comments are not as valuable as the expert testimony. I ask him to be more considerate of the lay-persons understanding and the value of their opinion.

2. My second comment is regarding correspondence sent to the local administration last month when I asked for inspections of 51 East Main Street under 2 different code sections. Each time I have received in writing a denial that no inspection was applicable but I am still awaiting clarification guidance on the language in Code 155 and 215. Attorney Semrau indicated he will follow up directly with Mr. Weissman and for the record the Attorney noted that the Borough did respond to his initial inquiries but will address his need for further clarification.

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 July 19, 2018.

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION

Mayor Henry announced that The Council will be entering an Executive Session. The public will be excluded from this portion of the meeting to permit them to consider matters appropriate for discussion in such a session.

Attorney Semrau commented that it was appropriate under the statute referring to matters of public protection the Council would meet to discuss the following and he noted that formal action may be taken.

1. *Matters relating to attorney-client privilege – Morris County Consortium – N.J.S.A 10:4-12b(7)*
2. *Matters relating to personnel - N.J.S.A 10:4-12b(8)*

131-2018 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(7)

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

At 10:05 pm the Council cleared the Garabrant Center for the Executive Session

At 11:58 pm the Council resumed the regular meeting

Mayor Henry stated that they were back on the record and formal action will be taken.

132-2018 A Resolution Of The Borough Of Mendham Approving A Cooperative Agreement With The County Of Morris For Participation In The Community Development And Home Grant Activities

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call:

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

Opposed: None

Abstain: None

Absent: None

ADJOURNMENT

The Mayor asked for a motion to adjourn. There being no other business to be conducted, on a motion duly made by Councilman Badal, seconded by Council President Andrus, and unanimously carried by a voice vote, the meeting was adjourned at 12:01 a.m.

The next Regular Meeting of the Mayor and Council will convene on August 16, 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