

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

September 9, 2020

MINUTES

CALL TO ORDER

Mayor Christine Serrano-Glassner called the September 9, 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

Council Member John Andrews announced that September 18th is National POW/MIA Recognition Day, a day for Americans across the United States to remember the sacrifices and service of those who were prisoners of war (POW), as well as those who are missing in action (MIA).

Council Member Andrews also announced that September 27th is Gold Star Mother's and Family Day (traditionally observed on the last Sunday in September). This day honors the families of those who have received The Gold Star – the military award no one wants – and commemorates the death of a military member who died while in the line of duty.

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

MAYOR'S OPENING STATEMENT

Mayor Serrano-Glassner read the following statement:

Notice of this rescheduled meeting of the Mayor and Council of the Borough of Mendham was published in the Daily Record and the 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 [via Zoom conferencing]
- Council Member Brennan Reilly

Also present were:

- Joyce Bushman, Borough Administrator
- Fred Semrau, Esq., Borough Attorney [via Zoom conferencing]
- Susan Sharpe, Esq., Borough Attorney [via Zoom conferencing]
- Robin R. Kline, Borough Clerk

PROCLAMATIONS

DESIGNATING THE MONTH OF SEPTEMBER 2020 AS "CHILDHOOD CANCER AWARENESS MONTH" IN MENDHAM BOROUGH

Mayor Serrano-Glassner read the proclamation designating the month of September 2020 as "Childhood Cancer Awareness Month" in the Borough of Mendham and called upon all citizens to help raise awareness of the need for on-going pediatric cancer research funding.

RECOGNIZING SEPTEMBER AS SUICIDE PREVENTION AWARENESS MONTH IN THE BOROUGH OF MENDHAM

Mayor Serrano-Glassner read the proclamation designating the month of September 2020 as "Suicide Prevention Awareness Month" in the Borough of Mendham and reminded residents that there are simple things everyone can do to safeguard their own and others' mental health and that a simple gesture of caring can go a long way toward helping someone realize that they are not alone and that suicide is not the answer.

Mayor Serrano-Glassner presented the proclamation to Mary Kornick, Mendham Borough's Stigma Free representative. Ms. Kornick thanked Mayor Serrano-Glassner and the Borough Council for supporting the Stigma Free initiative and helping raise awareness that suicide can be prevented.

PROCLAMATION THANKING JOHN "JACK" AND JACELYN BOTTI FOR THEIR GIFT OF THE BOTTI FIELDS PAVILION TO THE MENDHAM BOROUGH COMMUNITY

Mayor Serrano-Glassner tabled the presentation of the proclamation to a future date.

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.

- 1. Approval of Minutes:** August 11, 2020 Regular Meeting
- 2. Road Closure Applications:**
 - K. Stanley - Hoffman Road Neighborhood Block Party
Saturday, September 5, 2020, 3PM to 8PM
 - D'Agvanni - Garabrant Street Neighborhood Block Party
Saturday, September 12, 2020, 3PM to 10PM
 - B. Reilly - New Street/Prospect Street Neighborhood Block Party
Saturday, September 19, 2020, 12noon to 10PM
- 3. Banner Display Request:**
 - Mendham Patriots Basketball
 - Mendham Recreation Basketball Registration, Tier II Event
October 5 through October 11, 2020

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

Council Member Reilly recused himself on the approval of the Road Closure Application for the New Street/Prospect Street Neighborhood Block Party.

ORDINANCE FOR INTRODUCTION

#10-2020 ORDINANCE OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, REPEALING SECTION 35-9 OF THE BOROUGH CODE

Public Hearing scheduled for September 28, 2020

The purpose of the ordinance is to repeal Section 35-9 of the Borough Code, which required the Borough Council to perform a five-year review of the Open Space Trust Fund once it was established to determine whether the fund should be continued or terminated.

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

ORDINANCE(S) FOR PUBLIC HEARING/ADOPTION

None

RESOLUTIONS

Mr. Semrau advised that Resolutions #122-2020, #123-2020, #124-2020 and #125-2020 can be acted on by the Council with one motion.

#122-2020 RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 4 COLEVILLE DRIVE [BLOCK 1401, LOT 59]

#123-2020 RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 24 FLORIE FARM ROAD [BLOCK 901, LOT 13]

#124-2020 RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 15 COVENTRY ROAD [BLOCK 1401, LOT 40]

#125-2020 RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 50 LOWERY LANE [BLOCK 1602, LOT 3]

There was no Council discussion.

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

#126-2020 RESOLUTION AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #2018-3

There was no Council discussion.

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

#127-2020 RESOLUTION APPROVING THE SANITARY SEWER CONNECTION APPLICATION OF SIX MAIN STREET MENDHAM LLC, REGARDING THE PROPERTY LOCATED AT 6 EAST MAIN STREET, BLOCK 601, LOT 3 WITH CONDITIONS

There was no Council discussion.

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

#128-2020 RESOLUTION APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE 2020-2021 LICENSING TERM

There was no Council discussion.

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

Council Member Andrew and Andrews recused themselves on the approval of the renewal of the Pastime Club's club license.

#129-2020 RESOLUTION INSERTING AN ITEM OF REVENUE IN THE 2020 BUDGET [STATE OF NEW JERSEY CLEAN COMMUNITIES GRANT]

There was no Council discussion.

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

#130-2020 RESOLUTION AUTHORIZING THE RELEASE OF ENGINEERING INSPECTION ESCROW FEES AND CASH BONDS

There was no Council discussion.

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

#131-2020 RESOLUTION APPROVING THE APPOINTMENT OF BRIAN J. MOSCIONI AS A REGULAR MEMBER TO THE MENDHAM BOROUGH FIRE DEPARTMENT

There was no Council discussion.

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

#132-2020 RESOLUTION AUTHORIZING AND ACCEPTING THE GIFT OF THE BOTTI FIELDS PAVILION TO THE BOROUGH OF MENDHAM

There was no Council discussion.

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

Add-on Resolution:

Mr. Semrau presented the following resolution and read it into the record in full for Council action:

#134-2020 RESOLUTION AUTHORIZING THE EMERGENCY PROCUREMENT OF A SOLAR MESSAGE BOARD TO BE USED DURING THE COVID-19 STATE OF EMERGENCY AND OTHER SIMILAR EMERGENCIES

There was no Council discussion.

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

ADMINISTRATOR'S REPORT

Ms. Bushman distributed a copy of her Administrator's Report dated September 9, 2020. She further reported that the new version of Borough website will go live next week and reported that Morris County has approved the Borough's grant application for the Phoenix House and Scott Barn.

COUNCIL COMMITTEE REPORTS

Finance [Standing Committee of the Council]

Council President Badal reported that the Finance Committee will be meeting soon to begin discussion of the 2021 budget year capital and operating requests.

Board of Health

Council Member Andrew had nothing new to report. 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 Recreation Committee will be meeting on September 17th. He further reported that the Pastime Club's Labor Day event was well-attended and ended with a great fireworks display. Lastly, he reported that the Food Truck Festival is scheduled for October 3rd from 11:00am until 7:00pm. Attendees and participants will be required to wear face masks. Hand-sanitizing stations will be prominently available.

Board of Education

Council Member Andrew reported that the Mendham Borough schools are open and will begin Phase 3 instruction later in the month with in-person classroom instruction from 11:30am to 1:00pm and remote learning 2:00pm to 3:00pm.

Public Safety [Standing Committee of the Council]

Council Member Andrews reported that "Your Speed is" signage for Dean Road has been ordered and that a solar messaging trailer will be purchased for COVID-19 public messages. Mendham Borough will be reimbursed for the cost of the solar messaging trailer under FEMA grant funding. He also reported that Chief Camoia obtained quotes for in-car cameras and body cameras, which will be reviewed in further detail by the Public Safety Committee.

Lastly, Council Member Andrews reported that Mendham Borough's "Hometown Heroes" Banner program will honor six Mendham Borough veterans. A dedication ceremony is tentatively being planned for Sunday, November 1st.

Personnel [Standing Committee of the Council]

Council Member Martin reported that the Personnel Committee will likely schedule another meeting before the end of the year and had nothing new to report.

Public Works and Utilities [Standing Committee of the Council]

Council Member Kelly reported that due to reduced costs in road paving, the Borough was able to repave one additional street with the budgeted monies. He further reported that DPW crews have made repairs and landscaping improvements to the playground behind the firehouse and also mentioned that the new loader has been received and is in use.

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

Council Member Reilly reported that the Land Use Committee met earlier this evening and mentioned that the Historic Preservation Commission will be reviewing an application regarding maintenance and upkeep of a property along West Main Street.

ATTORNEY'S ITEMS

Mr. Semrau advised the governing body that Mendham Borough's affordable housing application is deemed complete and further advised that the Special Master would be submitting a report in support of the Borough's compliance with its affordable housing obligation. The Final Compliance Hearing is scheduled before Judge Gaus on September 18th.

Council Member Reilly inquired about the status of the pedestrian easement at 18 Prospect Street. Mr. Semrau advised that he is in discussions with the other party's legal counsel and Borough administration and further advised that, because the pedestrian easement is a pending legal matter, he was not able to disclose any information at this time.

MAYOR'S ITEMS

Mayor Serrano-Glassner informed everyone that a special meeting will be held on September 24th for a public presentation on the proposed consolidation of solid waste, bulk waste and recyclable material collection for Mendham Borough households. Information will be posted on the Borough website for public review in advance of the meeting.

PUBLIC COMMENT – AUDIENCE PARTICIPATION

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

Daryl Hersch, 18 Prospect Street, inquired when the Prospect Street pedestrian easement would be discussed with the public. He mentioned that the pedestrian easement impacts his property.

Mr. Semrau responded that a resident is contesting the validity of the easement and that the matter is currently being discussed with the resident's attorney and further mentioned that any action to be taken concerning the easement would require Council approval at a public meeting.

David Sprandel, 18 N. Linden Lane, voiced his support for the proposed consolidation of solid waste, bulk waste and recycling collection in the Borough.

Mary Kay O'Neill, 20 Prospect Street, inquired about the pedestrian easement in her neighborhood and questioned if a meeting could be coordinated with borough officials and neighborhood residents to discuss concerns.

Mr. Semrau responded that once more information is known, an informal meeting could be scheduled with neighborhood residents to share information and concerns.

Laura Graham, 17 Prospect Street, supported a meeting with neighborhood residents concerning the pedestrian easement.

Mayor Serrano-Glassner noted that the pedestrian easement has been in place for approximately 20 years and has only recently become subject of inquiry by an adjacent property owner.

Daryl Hersch, 18 Prospect Street, further commented that the pedestrian easement is not being used as intended and voiced his concern that there has been no local policing of the easement.

Seeing and hearing no one else 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 September 9, 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

#133-2020 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: Contract - Solid Waste Collection Bid Proposals

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

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

The Mayor and Council convened into Executive Session at 9:07 p.m.

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The Mayor and Council reconvened into public session at 10:35 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 10:35 p.m.

A Special Meeting of the Mendham Borough Mayor and Council will be held on September 24, 2020, 8:00PM, the Garabrant Center, 4 Wilson Street, Mendham for the purpose of discussing the proposed consolidation of the solid waste, bulk waste and recyclable material collection.

Respectfully Submitted:

Robin R. Kline

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