

**MINUTES OF A REGULAR  
MEETING OF THE  
MAYOR AND COUNCIL**

**CALL TO ORDER**

Mayor Henry called the January 18, 2016 meeting of the Mayor and Council to order at 8:04PM in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

**INVOCATION AND FLAG SALUTE**

Mayor Henry led a moment of silent meditation followed by the Pledge of Allegiance.

**OPENING STATEMENT**

Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the *Observer-Tribune* and the *Morristown Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

**ATTENDANCE**

Mayor Neil Henry

Councilman John Andrews  
Councilman Brad Badal  
Councilwoman Veronica Daly  
Councilman David Sharkey  
Councilman Stanley Witczak  
Councilman John Andrus

Also present: Fred Semrau, Borough Attorney  
Richard Merkt, Borough Administrator

**CONSENT AGENDA**

Minutes of the special meeting of 12/5/15  
Minutes of the regular meeting of 12/21/15  
Minutes of the executive session of 12/21/15  
Minutes of the reorganization meeting of 1/6/16  
Raffle Application – Home School Association: Off-premise 50/50 on 4/16/16  
Red Light/Siren Application – Greg Wiatroski, Assistant Fire Chief

Motion to approve Consent Agenda

First: Councilwoman Daly

Second: Councilman Witczak

Discussion: On page two (2) of the December 5, 2015 minutes, the word 'Officer' was inserted between 'Citing' and 'safety' in the first sentence of the fourth paragraph.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilmen Andrews and Sharkey abstained from the January 6, 2016 minutes due to absence.

Absent: None

**DISCUSSION:** None

**ORDINANCE INTRODUCTION:**

**ORDINANCE #01-16**

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 215, "ZONING" TO ESTABLISH A DEFINITION FOR OUTDOOR DINING IN ARTICLE I, "TERMINOLOGY", SECTION 215-1B AND TO ESTABLISH OUTDOOR DINING AS A CONDITIONAL USE AND TO PROVIDE STANDARDS FOR SAME IN ARTICLE VI "HISTORIC BUSINESS ZONE" AND ARTICLE VIII, "EAST BUSINESS ZONE"**

Councilman Andrews presented aspects of the draft ordinance which led to a discussion regarding specific details such as heaters, umbrellas, smoking, dogs, tableware and alcohol consumption, as well as the development of guidelines for same. There was consensus that the subcommittee meet at least once more to deliberate any proposed guidelines. Ordinance #01-16 was tabled for introduction at a later date.

**ORDINANCE #02-16**

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 215  
"ZONING", SECTION 215-29, "SUPPLEMENTARY HEIGHT AND BULK  
LIMITATIONS"**

**BE IT RESOLVED**, by the Borough Council of the Borough of Mendham that:

**ORDINANCE #02-16**

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 215  
"ZONING", SECTION 215-29, "SUPPLEMENTARY HEIGHT AND BULK  
LIMITATIONS"**

Be passed on first reading by title; and

**BE IT FURTHER RESOLVED**, that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on February 16, 2016 at 8:00PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

**BE IT FURTHER RESOLVED**, that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to introduce Ordinance #02-16 was made by Councilman Andrews  
Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: None

**ORDINANCE ADOPTION:** None

**ACTIONS TAKEN**

Res. #24-16 Morris County Adaptive Recreation Program (McARP) 2016

Motion to approve: Councilman Andrus

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: None

Res. #25-16 Sanitary Sewer – Jockey Hollow Professional Park, Block 2701, Lot 5C023G

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: None

Res. #26-16 Sanitary Sewer – Jockey Hollow Professional Park, Block 2701, Lot 5C028J

Motion to approve: Councilman Sharkey

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus  
Opposed: None  
Abstain: None  
Absent: None

Res. #27-16 Police Secretary Appointment (PT) – Jennifer Crespo

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: Mayor Henry acknowledged that the hourly rate is on the high side of the salary range. He indicated that the rate was determined based on Ms. Crespo's qualifications and potential for growth.

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus

Opposed: None

Abstain: None

Absent: None

Res. #28-16 Crossing Guard Alternate Appointment – Frank Guenzel

Motion to approve: Councilman Sharkey

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus

Opposed: None

Abstain: None

Absent: None

Res. #29-16 Transfer of Appropriation Reserves

Motion to approve: Councilman Andrus

Second: Councilman Witzcak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus

Opposed: None

Abstain: None

Absent: None

Res. #30-16 Execution of Bergen County Co-op Purchasing Agreement

Motion to approve: Councilman Witzcak

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus

Opposed: None

Abstain: None

Absent: None

Res. #31-16 Executive Session

Motion to approve: Councilman Sharkey

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus

Opposed: None

Abstain: None

Absent: None

### **ADMINISTRATOR REPORT**

The Administrator's report was distributed to the Mayor and Council previously.

Mayor Henry inquired about the hiring process going forward and questioned whether it should be a function of Administration or the Personnel Committee. There was consensus that hiring be conducted on a case-by-case basis depending on the level of the position. The Mayor and Council may elect to participate in the process if they deem it appropriate.

The Mayor further requested clarification regarding MASH's request to sell their current transportation vehicle and hold the proceeds for a future purchase. Mr. Merkt agreed to follow up with MASH.

### **COUNCIL REPORTS, OLD & NEW BUSINESS**

Councilman Andrews – A meeting with Mr. Merkt was held to discuss personnel and hiring. The position of part-time Zoning Officer is currently being advertised.

Councilman Badal – no report.

Councilwoman Daly – A presentation of resuscitation equipment technology is being held on January 20, 2016 at 7PM in the First Aid Squad building.

Councilman Sharkey – Mr. DiBisceglie is working with the Township Recreation Director and beginning the hiring process for summer. There is one (1) vacancy on the Recreation Committee. An increase in the budget may be required in order to remove certain ash trees that are susceptible to insects. Mr. Andrus clarified that line items within the budget should be adjusted in order to accommodate any additional expenditure.

Councilman Witczak – During a visit to the Rowe Sheep Farm, Mr. Connolly, Mr. Jephson, Mr. Merkt, Councilman Witczak and Mr. Rowe agreed that preservation of the farm is a priority. They further agreed to apply for county preservation as a working farm, a benefit that would spare the use of Open Space funding. The Borough has joined the Bergen County Co-op and procured snow removal equipment for sidewalks located on main arteries. A significant increase in water usage at the Garabrant Center is being investigated.

Councilman Andrus – The Finance Committee met to prioritize capital expenditures and will finalize it once the funding is in place. The Firehouse tennis court repairs will be funded by Recreation and there is money available in the snow account to pay for the sidewalk equipment. The Police Department video equipment will be purchased rather than leased and funding for the PD carpeting is in the operating budget. Other priorities include a new accounting system, paving on Talmage and Orchard and additional equipment for the DPW. The Open Space Committee met to discuss the Sisters of Christian Charity's Planning Board application and how the OSAC may be involved in the process. It was agreed that Mr. Ferriero and Mr. McGroarty be invited to the next meeting to brief the Council on the status of the application.

#### **ATTORNEY ITEMS**

Mr. Semrau stated that the COAH obligation presented by the expert is reasonable and that the Borough should be able to address it without concern. It was agreed that Chuck McGroarty be invited to the next Council meeting to discuss in greater detail.

#### **MAYOR'S ITEMS**

No report.

#### **PUBLIC COMMENT**

Mayor Henry opened the floor to comments/questions from the public.

Ms. Leslie Moran, Randolph Township, wanted to make the Council aware of recent developments regarding the retail sale of cats and dogs throughout New Jersey. Mr. Semrau reiterated that it is not in the best interest of the Borough to ban such establishments when the state already has legislation in place to regulate the industry. He further confirmed his recommendation to the Council to not take any action at this time.

Ms. Kristin Dubnoff, Mountain Avenue, expressed her disappointment that the Council will not take action to ban the retail sale of cats and dogs in the Borough. Mr. Semrau again stated that the Pet Protection Act is already in place and steps are being taken to prosecute violators of the Act.

Mr. Charles Topping, Aberdeen Drive, complimented Councilmen Andrus and Andrews for their attendance at the Lakeland Bank grand re-opening. He stated that the 110<sup>th</sup> anniversary of the Borough is in May and requested that the Mayor and Council endorse a Borough-wide event to commemorate the date. Mr. Topping further inquired about alcohol consumption as it relates to outdoor dining. He asked that the Mayor and Council consider all the ramifications of passing an ordinance regarding same.

Hearing no further comments, the Mayor closed the public portion of the meeting.

#### **APPROVAL OF VOUCHERS**

Minute Book Attachment Bill Lists dated January 18, 2016

Motion to approve: Councilman Badal

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

#### **EXECUTIVE SESSION**

Mr. Semrau announced that no action would be taken upon return to open session.

The meeting was adjourned to closed session at 9:16PM.

The Council returned to open session at 10:42PM.

**ADJOURNMENT**

There being no further business scheduled for the consideration of the Mayor and Council at this time, on a motion duly made, seconded and unanimously carried by a voice vote, the meeting was adjourned at approximately 10:43PM next to convene at a regular meeting on February 1, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

*Margot G. Kaye*

Margot G. Kaye, RMC  
Borough Clerk