

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

CALL TO ORDER

Mayor Henry called the October 19, 2017 regular 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 *Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE

Present: Mayor Neil Henry
Councilman John Andrews
Councilman John Andrus
Councilman Brad Badal
Councilwoman Christine Serrano Glassner
Councilman David Sharkey
Council President Stanley Witzcak

Also present: Fred Semrau, Borough Attorney
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 10/5/17
Banner Approval: St. Joseph Church (11/6/17 – 11/20/17)

Motion to approve Consent Agenda: Councilman Badal

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Witzcak (banner approval only)

Absent: None

DISCUSSION

Doubleday Family Celebration: Charles Topping

Mr. Topping discussed the accomplishments of Abner Doubleday and stated that he was perhaps Mendham's most well-known resident. He indicated that Mr. Doubleday was born on June 19, 1819 and suggested a bicentennial celebration to honor him. Mr. Topping requested that a committee be appointed to research such areas as:

- Education/scholarship opportunities
- Mendham Township partnership
- Newspaper publicity
- Obituaries for Mr. Doubleday and his wife
- Presbyterian Church records

Mayor Henry agreed to appoint a committee as long as Mr. Topping agreed to attend the celebration. He then read a proclamation recognizing Mr. Topping's contributions to the community. Councilman Andrus further thanked Mr. Topping for all his efforts in the Borough and presented him with a gift. Mr. Topping thanked the Mayor and Council.

Curbside Collection of Recycling Bid

Mayor Henry announced that Blue Diamond submitted the only response to the recent request for recycling bids which included an 82% price increase. He listed Blue Diamond's reasons for the increase (calculation error on prior bid, required manpower, market conditions) and instructed that Council may either accept the bid or consider an interlocal agreement with East Hanover or Mt. Olive Townships. Mr. Semrau added that the Council may also reject bid as over-budget and re-bid in the future.

There was consensus that a possible interlocal agreement be explored.

Vehicular and Pedestrian Traffic

Councilman Andrews stated that the Public Safety Committee is recommending the installation of button-activated LED signage at the intersections of Main and Halstead and Main and Tempe Wick that will alert drivers to pedestrians in the roadway. Mayor Henry agreed to request the necessary funding from the county. Councilman Andrus stated that any remaining amounts will have to be budgeted for 2018.

ORDINANCE ADOPTION:

ORDINANCE #10-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 151, PEDDLING AND SOLICITING, TO ESTABLISH NEW ARTICLE III, PROVIDING FOR THE COLLECTION, PREPARATION AND MAINTENANCE OF A NONSOLITATION LIST

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

ORDINANCE #10-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 151, PEDDLING AND SOLICITING, TO ESTABLISH NEW ARTICLE III, PROVIDING FOR THE COLLECTION, PREPARATION AND MAINTENANCE OF A NONSOLITATION LIST

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing. Mrs. Alice Bouchie, 20 West Main Street, asked how the ordinance will affect Girl Scouts, trick-or-treaters and religious organizations. Mr. Semrau confirmed that the ordinance does not regulate charitable organizations or non-profit solicitations.

Hearing no additional comments, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #10-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 151, PEDDLING AND SOLICITING, TO ESTABLISH NEW ARTICLE III, PROVIDING FOR THE COLLECTION, PREPARATION AND MAINTENANCE OF A NONSOLITATION LIST

Be passed and adopted on this final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune according to law.

Motion to adopt Ordinance #10-17 was made by Councilman Andrews

Second: Councilman Andrus

Discussion: Mr. Semrau confirmed that the ordinance will allow residents to register their properties to disallow door-to-door soliciting. He added that registration will occur in the Clerk's office and be enforced by the MBPD and Zoning Officer. The registration will be valid for three (3) years at which time the Clerk will distribute renewal notices.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Ordinance #10-17 was adopted.

ACTIONS TAKEN

Res. #173-17 Tax Overpayment Refund – 165 Bliss Road, Block 2601, Lot 2017

Motion to approve: Councilwoman Glassner

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Res. #174-17 Tax Overpayment Refund – 81 Lowery Lane, Block 1601, Lot 27

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Res. #175-17 PSA: Ferriero Engineering, Inc. – Mountain Valley Park Dam Project

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Res. #176-17 Sanitary Sewer Approval: Frank's Pizza - 84 East Main Street, Block 801, Lot 20

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Mr. Semrau clarified that the Borough may approve the allocation of additional gallonage as recommended by the Borough Engineer and consider any request for fee adjustment and/or deferred payment in the future.

Roll Call – the vote was as follows:

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

Res. #177-17 PSA: Melick-Tully and Associates – Mountain Valley Park Dam Project

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Discussion: Councilman Sharkey reiterated the mounting costs of the dredging and dam rehabilitation. Mayor Henry agreed to invite the Borough Engineer to the November 2nd Council meeting to discuss the budget and status of the project. Mr. Semrau opined that some costs may be reimbursable through the EJIF claim and confirmed that he would ask Mr. Ferriero to submit these costs to same.

Roll Call – the vote was as follows:

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

Res. #178-17 Recreation Committee Appointment: Melissa Wojcik, Alternate II

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Res. #179-17 Interlocal Agreement – MASH Transportation

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: Councilman Andrus stated that the MASH bus is used primarily by Borough residents, therefore, the Borough has agreed to pay the costs associated with fuel, maintenance, insurance, etc. Discussion followed regarding the recordkeeping requirement set forth in paragraph 2(d) which the Borough sought to delete. Mr. Semrau agreed to follow up with the Township Attorney to discuss same.

Roll Call – the vote was as follows:

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

Res. #180-17 Chief of Police Promotion Examination
Motion to approve: Councilman Sharkey
Second: Councilwoman Glassner
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: None

ADMINISTRATOR REPORT

None

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – DPW employees are receiving CPR and CEVO training in order to back up MFAS and drive ambulances, if necessary; recruiting efforts continue. Beginning 2018, all reporting to the New Jersey Department of Health must be done electronically which will result in additional expenditures for equipment, software and training. MFD participated in a compressed natural gas training session. The Garabrant Center backup generator went out to bid and is due November 8, 2017. Joint PD initiatives continue with a Toys for Tots drive for the Marine Corps Reserve.

Councilman Andrus – Budget packets are due by October 31, 2017. Meetings will be held with each department head in advance of the December budget meeting with the full Council.

Councilman Badal – DPW continues to mow and pickup brush and snow plows and salt spreaders have been readied for winter. Five (5) DPW employees attended a protection safety class. Rotted posts at Tranquility Garden were replaced.

Councilwoman Glassner – Interviews have been scheduled for the new Administrator. A part-time staff member has requested full-time employment. Mayor Henry opined that outsourcing the management of police details would significantly reduce the staff workload; the Personnel Committee will research the options. A meeting to discuss the West Field pavilion will be scheduled. The Washington Post has ranked WMMHS the no. 4 high school in New Jersey.

Councilman Sharkey – The Shade Tree Commission is working with the DPW to plant various trees around the Borough. The Environmental Commission is recommending parking and other improvements to Tranquility Garden; however, it was agreed that Tranquility Garden is a “pocket park” and not intended for improvements. It is recommended that the Mayor and Council consider aerating the Mountain Valley Park dam as it is an inexpensive way to maintain water quality; Councilman Badal suggested a quote from Princeton Hydro. Council Witczak proposed illuminating the island to deter Canada geese.

Councilman Witczak – The ITZ is suspended from field use due to an improper application; they may reapply in 2018. The Recreation Committee has discussed a year-long Doubleday celebration with a Father’s Day weekend kick-off followed by various themed events and culminating in a celebration in June 2019. Suggested events include movie night, concert series, food truck event and monetary rewards to students who unearth significant facts and information. The Recreation Committee will continue to work on the proposal.

ATTORNEY ITEMS

None

MAYOR’S ITEMS

Mayor Henry stated that there has been a tremendous response to the Local Economic Development initiative however there are concerns regarding change in ownership of local businesses. Mr. Semrau proposed an ordinance that would simplify the change in ownership process in instances where the use remains essentially the same. He confirmed that the ordinance may be introduced by title tonight and then referred to the Planning Board for consideration. Public hearing will be during the November 16, 2017 Council meeting.

ORDINANCE INTRODUCTION

ORDINANCE #11-17

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING SECTION 195-34 OF THE
BOROUGH CODE ENTITLED EXEMPTIONS FROM SITE PLAN
APPROVAL**

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

ORDINANCE #11-17

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING SECTION 195-34 OF THE
BOROUGH CODE ENTITLED EXEMPTIONS FROM SITE PLAN
APPROVAL**

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 November 16, 2017 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 #11-17: Councilwoman Glassner

Second: Councilman Sharkey

Discussion: Mr. Semrau opined that amending the site plan process where there is no change in use will be more attractive and cost-effective for potential business owners. He confirmed that the Engineer and Zoning Officer still have the ability to refer to the Planning Board should the application not adhere to certain requirements. He further added that the streamlined process will apply to signage as well.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public and advised that comments must be kept to five (5) minutes.

Mrs. Patricia Serrano, 34 Maple Avenue, stated that there exists an article from a 1950 publication that contains a photo of the Doubleday's Hilltop Road property where a commemorative plaque was installed. Mrs. Serrano agreed to try to locate the article.

Mrs. Alice Bouchie, 20 West Main Street, proposed that the Doubleday kick-off event correspond with Little League opening day. She further expressed her opposition to the Dunkin Donuts signage on Main Street as her property value has decreased and she is being harmed as a result. Mayor Henry agreed that a number of complaints have been received and Mr. Semrau issued the following opinion:

1. Expression of free speech is permitted within the boundaries of private property as long as there are no safety concerns
2. The Borough cannot compel residents to remove the signage and can only ask if they are necessary as it is an aesthetic issue at this time and no application has been filed
3. The Borough may have more leeway on signs displayed on public property

Mrs. Bouchie reiterated that the signage is detracting from the Borough and lowering property values.

Mr. Brennan Reilly, 14 New Street, expressed his support for ordinance no. 11-17. He stated that he is a member of the Board of Adjustment and asked that the LED Committee review the parameters surrounding the transfer of a variance to a new property owner when the variance does not adhere to the Master Plan.

Mr. Peter Pfaffenroth, Attorney for Frank's Pizza, stated that the pizzeria would be a good addition to the Village Shopping Center and opined that the process to allow new businesses should be simplified. He requested that his client's sanitary sewer allocation be recalculated and the payment procedure reviewed.

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

APPROVAL OF VOUCHERS

Bill Lists dated October 19, 2017

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION: None

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 9:49PM next to convene at a regular meeting on November 2, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Borough Clerk