

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

CALL TO ORDER

Mayor Henry called the October 5, 2017 regular meeting of the Mayor and Council to order at 8:01PM 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 Witczak

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

CONSENT AGENDA

Minutes of the regular meeting of 9/21/17
Blue Light Permit: John Herrlin
Raffle Approval: HSA – Off-Premise Merchandise Draw (11/17/17)

Motion to approve Consent Agenda: Councilman Witczak
Second: Councilwoman Glassner
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: Andrews (blue light permit only – MFAS Officer)
Absent: None

DISCUSSION

None

ORDINANCE INTRODUCTION

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 of the 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 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 October 19, 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 #10-17: Councilman Andrews

Second: Councilman Witczak

Discussion: Mr. Semrau indicated that residents have inquired about barring door-to-door solicitors and confirmed that the Borough does have the ability to maintain a list of properties where such solicitations are not permitted. He added that violations will be subject to enforcement by the MBPD and Zoning Officer.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ORDINANCE ADOPTION:

ORDINANCE #09-17

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF A
SANITARY SEWER EASEMENT LOCATED ON BLOCK 301, LOT 39
FROM 15 WEST MAIN, LLC**

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

ORDINANCE #09-17

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF A
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FROM 15 WEST MAIN, LLC**

Was published in full in the Observer Tribune.

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

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

ORDINANCE #09-17

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF A
SANITARY SEWER EASEMENT LOCATED ON BLOCK 301, LOT 39
FROM 15 WEST MAIN, LLC**

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 #09-17 was made by Councilwoman Glassner

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Ordinance #09-17 was adopted.

ACTIONS TAKEN

Res. #168-17 Environmental Commission Appointment: Brennan Reilly, Regular Member

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: Ms. Kaye confirmed that there is one (1) remaining Alternate position available on the Environmental Commission. Mayor Henry commended the residents who volunteer to serve on Borough Boards, Commissions and Committees.

Roll Call – the vote was as follows:

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

Res. #169-17 Police and Fire Arbitration Contract Cap

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: Mayor Henry explained that the cap will expire at the end of the year and asked the Council to support an extension to better serve the municipalities.

Roll Call – the vote was as follows:

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

Res. #170-17 Sanitary Sewer Approval – 56 West Main Street, Block 1801, Lot 15

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. #171-17 Planning Board Escrow Refund: Gerard Raho, 27 East Main, Street, Block 1501, Lot 12

Motion to approve: Councilman Andrus

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. #172-17 Orchard Street Change Order No. 1

Motion to approve: Councilman Badal

Second: Councilman Andrus

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

Mayor Henry stated that a sole bid for curbside recycling was submitted by Blue Diamond and included an 82% increase. Mr. Semrau confirmed that there were no changes from the previous bid. He opined that the Council has the option to reject the bid as over-budget and consider other municipalities who contract out their services. He further stated that the Council has 60 days from October 4th to award the contract and noted that it is possible to go month-to-month once the current contract expires on December 31, 2017.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The ambulance has been repaired under warranty and is back in service. The First Responders' Golf Outing was a great success. OIC Camoia has developed recommendations based on the traffic study which will be discussed by the Public Safety Committee before presentation to the full Council at a future meeting.

Mayor Henry commended Councilman Andrews for taking the lead on pedestrian safety.

Councilman Andrus – A finance meeting was held to discuss maximizing the new software to establish a system of checks and balances and improve reporting capabilities. MFD and DPW will receive training first followed by MFAS and other departments. Use of the software will result in more controlled spending.

The dam project costs will deplete the Open Space fund therefore a guarantee for replacement is required. The Borough Auditor has recommended an annual resolution authorizing replenishment from the General Fund. If necessary, emergency notes can fund any interim Open Space projects.

Councilman Badal – The Mountain Valley Park dam project has started. Trees were removed per DEP regulation and cannot be replaced.

The Public Works/Utilities Committee recommends that grant funding not be sought for Cherry Lane Phase II as the project will be complex and associated costs cannot be adequately estimated. A number of local roads require attention as well.

Councilman Badal made a motion to forgo the Local Aid Grant application this year and put the anticipated match amount toward local roads that don't qualify for DOT funding.

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

A road repair priority list has been developed and may be used during the budget process to identify 2018 projects. Councilman Andrus opined that certain contiguous roads should be done simultaneously.

The snow/ice removal plan has been finalized with approval from Mr. Cooper and Mr. Wright. The plan includes a response chain of command based on the severity of weather conditions.

Councilwoman Glassner – Resumes continue to come in for the Administrator position. LED Committee members have been identified and the first meeting is tentatively scheduled for the end of October.

Councilman Sharkey – The Environmental Commission will be hosting a cleanup event at the arboretum on October 21, 2017. The county cleared the front of the Rowe Farm and trees will be planted on the property this fall.

Mayor Henry added that Frank's Pizza has filed with the Planning Board to move into the retail spaces formerly occupied by The Chocolate Shoppe and Village Pizza.

Councilman Witczak – An organization utilizing a Borough field was found to be charging a parking fee which is strictly prohibited. The group has been suspended from field use and will meet with the Recreation Committee who will then report back to the Council. Mayor Henry commended Mr. Cooper and Mr. Bisceglie for their quick response to the matter.

ATTORNEY ITEMS

Mr. Semrau introduced Dorsey & Semrau Associates, Jeff Berezny and Robert Rossmeissl, who attended the meeting as members of the public. He commended Ms. Kaye for timely preparation of meeting minutes and praised the Mayor and Council for their budget process methodology.

Mr. Semrau reiterated his advice that the Mayor and Council refrain from any comment regarding the proposed Dunkin Donuts. He explained that since Mayor Henry appoints the Board members, there could be a perception of prejudicial influence should a hearing occur. Mayor Henry indicated that the Board of Adjustment application has been withdrawn and no Planning Board application has been filed. He added that every application deserves a fair hearing.

MAYOR'S ITEMS

Chuck McGroarty, Borough, BOA and PB Engineer, has resigned in order to accept a position with Mt. Olive as Director of Planning. An RFP will be developed and the hiring committee will be comprised of the Land Use Subcommittee Chair, BOA Chair, PB Chair and Mayor Henry. Mr. Semrau supported the appointment of one (1) candidate to all three (3) Planner positions.

Councilman Andrews and Mayor Henry met with Township officials for continued discussion regarding PD shared services. Efforts are focused on community programs including upcoming holiday events. Councilman Andrews stated that the two (2) departments are considering joint events such as a toy drive, Holly Trail tree lighting and Touch-A-Truck. Mr. Semrau agreed to provide a template for a PD shared services agreement. Councilman Andrews recommended a similar agreement for fire and emergency medical services.

Peggy Wright from the Daily Record is writing an article regarding the Borough's vacant storefronts and will incorporate the LED Committee into the piece.

Mayor Henry saw an 11% savings as a result of the energy aggregation program.

The Harvest Hustle/8th Grade Fair/Homecoming is October 14, 2017. Participation is greatly encouraged.

PUBLIC COMMENT

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

Mr. Paul Fechhelm, 37 Gunther Street, recommended that the Borough invest in the purchase of aerators for Mountain Valley Pond in order to oxygenate the water and prevent debris from settling. He opined that the aerators would improve water quality while preventing algae and buildup. He provided a product catalog which Ms. Kaye agreed to forward to the Borough Engineer. Councilman Sharkey stated his agreement with Mr. Fechhelm's proposal.

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

APPROVAL OF VOUCHERS

Bill Lists dated October 5, 2017

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: Witczak (invoice nos. 3956 and 3976 only)

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 8:57PM next to convene at a regular meeting on October 19, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk