

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

December 20, 2018

CALL TO ORDER

Mayor Henry called the December 20, 2018 Regular Meeting of the Mayor and Council to order at 7:03 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.

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

The following officials were present:

- Mayor Neil Henry
- Councilman John Andrews
- Councilman Brad Badal
- Councilwoman Christine Serrano-Serrano-Glassner
- Councilman David Sharkey
- Councilman Stanley Witzak
- Council President John Andrus

Also present were:

- Joyce Bushman, Borough Administrator
- Mimi M. Marlor, RMC, Borough Clerk
- Dawn Sullivan, Esquire

CONSENT AGENDA

Minutes – Regular Meeting of December 6, 2018

Motion to Approve: Councilman Sharkey

Second: Councilwoman Serrano-Glassner

Discussion: None

Roll Call: Passed unanimously

DISCUSSION ITEMS

None

ORDINANCE FOR ADOPTION

10-2018 ORDINANCE TO AMEND CHAPTER 15, ENVIRONMENTAL COMMISSION TO INCORPORATE FUNCTIONS OF THE OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION COMMITTEE

Mayor Henry opened the Public Hearing for Ordinance 10-2018.

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

Motion to Adopt: Councilman Badal

Second: Councilman Sharkey

Discussion: None

Roll Call: Passed unanimously

RESOLUTIONS

195-2018 Resolution of the Borough of Mendham, County of Morris, State of New Jersey Authorizing the Donation of the West Morris Soccer Club for a Multi-Use Turf Field

Motion to Approve: Councilman Badal

Second: Councilwoman Serrano-Glassner

Discussion: None

Roll Call: Passed unanimously

196-2018 Resolution of the Borough Of Mendham, County of Morris, and State of New Jersey, Awarding a Contract For Information Technology Services to Peggnet Computers For 2019 and 2020

Motion to Approve: Councilwoman Serrano-Glassner
Second: Councilman Sharkey
Discussion: None
Roll Call: Passed unanimously

197-2018 Providing for the Transfer of Certain 2018 Appropriation Account Balances

Motion to Approve: Councilman Andrus
Second: Councilman Andrews
Discussion: None
Roll Call: Passed unanimously

198-2018 Resolution Recognizing Council Member John M. Andrus for his Exemplary Service to Mendham Borough

Motion to Approve: Councilman Andrews
Second: Councilman Sharkey
Discussion: None
Roll Call: Passed unanimously

199-2018 Resolution Recognizing Council Member Stanley Witczak, III for his Exemplary Service to Mendham Borough

Motion to Approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call: Passed unanimously. Councilman Witczak abstained.

200-2018 Resolution Recognizing Mayor Neil J. Henry for his Exemplary Service to Mendham Borough

Motion to Approve: Councilman Sharkey
Second: Councilman Andrus
Discussion: None
Roll Call: Passed unanimously

201-2018 Resolution Authorizing Application to the Morris County Community Development Block Grant Program

Motion to Approve: Councilman Badal
Second: Councilwoman Serrano-Glassner
Discussion: None
Roll Call: Passed unanimously

202-2018 Resolution to Authorize Casino Night Raffle for the HSA Mendham Township Inc. on Saturday, February 23, 2019 at the Roxiticus Golf Club

Motion to Approve: Councilman Andrews
Second: Councilman Badal
Discussion: None
Roll Call: Passed unanimously

203-2018 Authorizing Refund of Overpayment of Property Tax

Motion to Approve: Councilman Andrus
Second: Councilman Witczak
Discussion: None
Roll Call: Passed unanimously

204-2018 Resolution Authorizing Redemption of Tax Sale Certificate - 89 Mountain Avenue

Motion: to Approve: Councilman Sharkey
Second: Councilwoman Serrano-Glassner
Discussion: None
Roll Call: Passed unanimously

Resolutions #205-2018 through #210-2018 are considered to be routine in nature and are enacted by one motion for approval.

- 205-2018 Authorizing the Settlement of Certain Tax Appeals – Riskin**
- 206-2018 Authorizing the Settlement of Certain Tax Appeals –Bourne**
- 207-2018 Authorizing the Settlement of Certain Tax Appeals – Haidri**
- 208-2018 Authorizing the Settlement of Certain Tax Appeals – Toma**
- 209-2018 Authorizing the Settlement of Certain Tax Appeals – Brown**
- 210-2018 Authorizing the Settlement of Certain Tax Appeals – Trustees of 2 Charolais Farm Road**

Motion to Approve: Councilman Witczak
Second: Councilman Sharkey
Discussion: None
Roll Call: Passed unanimously

211-2018 Resolution Authorizing Cancellation of Budget Appropriation

Motion: to Approve: Councilman Sharkey
Second: Councilman Andrus
Discussion: None
Roll Call: Passed unanimously

212-2018 Resolution Assigning Transfer for Employee

Mayor Henry read Resolution #212-2018 in full into the record.

RESOLUTION RECOGNIZING PENNY ANDRUS FOR HER YEARS OF SERVICE TO MENDHAM BOROUGH AND AUTHORIZING REASSIGNMENT TO THE MENDHAM BOROUGH POLICE DEPARTMENT FOR HER LAST OFFICIAL DAY OF SERVICE ON DECEMBER 31, 2018

WHEREAS, Penny Andrus served from 1986-1994 as a Co-Director for the local Mendham Summer Day Camp; and

WHEREAS, Penny Andrus joined the Mendham Borough Police Department in 1994 and worked tirelessly for the residents for 22 years; and

WHEREAS, in 2016 she transferred to the Borough Administration offices serving as Assistant to the Tax Assessor, Recreation Department and Secretary to the Board of Health from 2016 until present.

WHEREAS, during her 25 years of service she provided service, leadership and laughter to all that have known her over the years. She and her husband John have raised their family here in Mendham and we are all better for it.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they hereby recognize and commend Penny for her years of service to the Borough Community; and

BE IT FURTHER RESOLVED, by the Mayor and Council, that she is officially being transferred back to service for her last official day to the Mendham Borough Police Department. On behalf of the entire Mendham Borough Mayor and Council we wish her years of happy retirement.

Motion to Approve: Councilman Badal
Second: Councilman Andrews
Discussion: None
Roll Call: Passed unanimously. Councilman Andrus abstained.

213-2018 Resolution to Authorize 50/50 On-Premise Raffle for the Minuteman Sports Club on various dates in 2019

Motion: to Approve: Councilman Witczak
Second: Councilman Andrus
Discussion: None
Roll Call: Passed unanimously

214-2018 Resolution of Mayor and Council Approving the Daytop of New Jersey Application to the Morris County Community Development Block Grant Program

Motion: to Approve: Councilwoman Serrano-Glassner
Second: Councilman Sharkey
Discussion: None
Roll Call: Passed unanimously

215-2018 Resolution Authorizing Redemption of Tax Sale Certificate – 5 Maple Avenue

Motion: to Approve: Councilman Andrus
Second: Councilman Witczak
Discussion: None
Roll Call: Passed unanimously

ADMINISTRATOR’S REPORT

Mayor Henry inquired if the Council had any questions concerning the Administrator’s Report.

Councilman Witczak questioned how long it would take to install the generator. Administrator Bushman responded that a needed part has been on back order and is expected within three weeks.

COUNCIL REPORTS, OLD & NEW BUSINESS

Recreation Committee

Councilman Witczak reported that the winners of the Holiday Lighting Contest were: First Place - 2 Maple Avenue; Second Place - 37 Florie Farm Road; and Third Place - 37 Gunther Avenue.

Being his last Council Meeting, Councilman Witczak thanked the Mayor, Council and Borough residents for the opportunity to serve on the Borough Council for the past 18 years.

Finance Committee

Council President Andrus reported the Rowe Sheep Farm has progressed through the Morris County Open Space process for preservation approvals.

Land Use Committee and Environmental Commission

Councilman Sharkey reported that the annual Tree Burning event has been approved and will take place and further reported the DPW has been pruning shade trees.

He thanked Mayor Henry, Councilman Witczak and Council President Andrus for their service to the Borough as elected officials over the years and wished them well.

Public Safety Committee

Councilman Andrews had nothing new to report. He thanked Mayor Henry, Councilman Witczak and Council President Andrus for their tireless service to the Borough as elected officials over the years and wished them well.

Personnel Committee and Local Economic Development Committee

Councilwoman Serrano-Glassner reported that the Personnel Committee and the Local Economic Development have accomplished much over the year. She thanked Mayor Henry, Councilman Witczak and Council President Andrus for their dedicated service to the Borough as elected officials over the years and wished them well.

Public Works and Utilities Committee

Councilman Badal had nothing new to report. He expressed that it was a pleasure working with Mayor Henry, Councilman Witczak and Council President Andrus and that they will be missed.

ATTORNEY ITEMS

Dawn Sullivan, Esq. read the following statement from Fred Semrau, Esq. commending Mayor Henry on his years of service to Mendham Borough and providing his well-wishes Council President Andrus and Councilman Witczak upon retiring from the Borough Council:

Dear Mayor Henry and Members of the Council, I wanted to take this opportunity to thank Mayor Henry, Councilman Andrus and Councilman Witczak for their years of service to the Borough.

With respect to Mayor Henry, you have given countless hours to the Borough for your service. Often you would go in early and have meetings with the Administration or on Saturday mornings and take numerous calls in the evening. That is in addition to serving as a member of the Planning Board and making yourself available at any point in time with respect to issues in the community. It became customary practice to speak to Mayor Henry on the weekends especially prior to a Council meeting so that he was certain to be prepared for the meeting and address all issues.

Over the years I saw Mayor Henry in a very humble way exemplify leadership and gain a consensus of the Governing Body when there were legislative or policy issues for consideration and discussion. Throughout his term as Mayor there were differences of opinion but never a divide between the Mayor, Administration and the Governing Body. Now I have heard that Mayor Henry sometimes loses his cool, but that's only on a phone call with Borough Attorney! But I never heard him speak about anything less than the best interest of the residents of the Borough.

During the Mayor's tenure the Borough was named by New Jersey Magazine as the number one municipality in the State of New Jersey.

I just wanted to say thank you to Mayor Henry for the opportunity to work for you and your Administration and of course the Council. I also wanted to express thanks and appreciation to the dedication and patience of his wife Leslie as their family continues to grow with grandchildren and Neil being able to balance and maintain his friendships, his family, his professional career and his commitment to Mendham.

Few can say that they left office and also worked hard and stepped aside on their own timetable. Moreover, it is such a rarity nowadays for someone to achieve all of this and at the same time take a lifelong friend and resident in Chris Glasser and wholeheartedly support her efforts to become Mayor.

Thank you Mayor Henry for all that you have done for the Borough and wishing you all the best and many more free nights with Leslie and your family.

MAYOR'S ITEMS

Mayor Henry thanked everyone on the Borough Council for their support and hard work over the years. In keeping with tradition, Mayor Henry presented a framed original watercolor painting of the historic Phoenix House to out-going Councilman Witczak and presented a framed original watercolor painting of the Black Horse Pub to out-going Council President John Andrus.

In turn, Council President Andrus presented a framed original watercolor painting of the historic Phoenix House to Mayor Henry, wished him well, and thanked him for his service to community.

PUBLIC COMMENT

Mayor Neil Henry opened the meeting to the public for comments.

Mimi Marlor, Borough Clerk and resident of 2 Hilltop Road, approached the podium and wished everyone the best for this Holiday Season. Before reading a prepared statement, she stated on the record that she has plead not guilty to the disciplinary charges. Mayor Henry deferred to the Borough Attorney, Dawn Sullivan, on the appropriateness of the Borough Clerk to make a statement concerning a personnel matter during public comment. Ms. Sullivan advised that personnel matter is currently pending and further advised that it was not appropriate for the Borough Clerk to be making any statement during a public session.

[Verbatim transcript]

Marlor: I actually think this is a Public Session and I...

Sullivan: It is a public session, but it's a matter that is potentially litigation and its personnel; it's disciplinary.

Marlor: Would you like to read what my statement is because it's really...

Mayor Henry: No, we're going, were going to make this...

Marlor: I just really, really, really...

Mayor Henry: We're going to make this very simple, okay.

Marlor: Yeah.

Mayor Henry: The matter is closed. Thank you very much.

Mayor Henry opened public comment for any members of the public wishing to be heard.

Police Chief Camoia on behalf of the Mendham Borough Police Department, thanked Mayor Henry, Council President Andrus and Councilman Witczak for their years of his service to the town and presented each of them with a commemorative Challenge Coin from the Police Department.

Bruce DiBisceglie, Mendham Borough Recreation Director, congratulated Mayor Henry, Council President Andrus and Councilman Witczak for their years of his service and support over the years in furthering community events and civic pride.

Seeing no one else wishing to be heard, Mayor Henry closed the public comment session.

APPROVAL OF VOUCHERS

Bill List Dated December 20, 2018

Motion to approve: Council President Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call: Passed unanimously. Councilman Andrews abstained on voucher #5460.

[Verbatim transcript]

Mayor Henry: Just for the record, I would like to go back to why I had Miss Marlor sit down. There is pending litigation, okay. She's retained an attorney and under no circumstances should this be debated publicly. So I want that on the record for that.

Marlor: There's nothing to be debated.

Mayor Henry: I'm the Mayor and I'm calling the shots, okay.

Marlor: I agree, I agree, and I sat down and I appreciate that.

ADJOURNMENT

As his last official act as Mayor for Mendham Borough, Mayor Henry asked for a motion to adjourn.

Councilman Andrews moved for adjournment. Motion seconded by Councilwoman Serrano-Glassner. A voice vote was taken with all in favor.

The meeting was adjourned at 7:52 p.m.

The 2019 Reorganization meeting will be held on January 4, 2019 at 7:00 pm at the Mendham Fire Hall, East Main Street, Mendham, New Jersey.

Minutes prepared by Michelle Masser, Deputy Clerk, April 28, 2019

Respectfully submitted,

Robin R. Kline

Robin R. Kline, Deputy Clerk
BOROUGH OF MENDHAM