

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

CALL TO ORDER

Mayor Henry called the December 5, 2016 meeting of the Mayor and Council to order at 8:03PM 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 Brad Badal
Council President John Andrus

Excused: Councilwoman Veronica Daly
Councilman David Sharkey
Councilman Stanley Witczak

Also present: Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 11/21/16

Motion to approve Consent Agenda: Councilman Badal

Second: Councilman Andrews

Discussion: The approval of minutes was tabled until the December 19, 2017 Council meeting due to a lack of quorum.

Roll Call – the vote was as follows:

In favor:

Opposed:

Abstain:

Absent:

DISCUSSION

BANNER POLICY EXEMPTION – St. Joseph Church

Mayor Henry summarized the Church's request for an exemption so that a banner can be hung during January and February to promote Catholic Schools Week. After a brief discussion, it was unanimous among the Council members present that the ordinance be upheld, i.e., banners are prohibited during January and February due to weather safety concerns. It was suggested that the Church apply for a temporary sign permit to allow signage on the front property near Main Street.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION:

ORDINANCE #16-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 73, "DOGS AND OTHER PETS," ARTICLE I, "LICENSING REQUIREMENTS FOR DOGS AND REQUIREMENTS FOR THE PROPER DISPOSAL OF DOG AND OTHER PET FECES/SOLID WASTE," SECTION 73-12,

"REMOVAL OF DOG OR PET FECES/SOLID WASTE" OF THE CODE OF THE BOROUGH OF MENDHAM TO CLARIFY PROCEDURES REGARDING THE DISPOSAL OF DOG OR PET FECES/SOLID WASTE

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

ORDINANCE #16-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 73, "DOGS AND OTHER PETS," ARTICLE I, "LICENSING REQUIREMENTS FOR DOGS AND REQUIREMENTS FOR THE PROPER DISPOSAL OF DOG AND OTHER PET FECES/SOLID WASTE," SECTION 73-12, "REMOVAL OF DOG OR PET FECES/SOLID WASTE" OF THE CODE OF THE BOROUGH OF MENDHAM TO CLARIFY PROCEDURES REGARDING THE DISPOSAL OF DOG OR PET FECES/SOLID WASTE

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Mr. David Sprandel, North Linden Lane, asked whether the ordinance applies on trash collection days, which was confirmed by Mr. Semrau. Hearing no additional comment, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #16-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 73, "DOGS AND OTHER PETS," ARTICLE I, "LICENSING REQUIREMENTS FOR DOGS AND REQUIREMENTS FOR THE PROPER DISPOSAL OF DOG AND OTHER PET FECES/SOLID WASTE," SECTION 73-12, "REMOVAL OF DOG OR PET FECES/SOLID WASTE" OF THE CODE OF THE BOROUGH OF MENDHAM TO CLARIFY PROCEDURES REGARDING THE DISPOSAL OF DOG OR PET FECES/SOLID WASTE

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 #16-16 was made by Councilman Andrews

Seconded by Councilman Andrus

Discussion: Mr. Semrau indicated that the ordinance forbids pet owners from disposing of pet waste in unauthorized containers or private trash receptacles other than their own. He stated that the amendment is the result of a resident complaint and adds enforcement to existing Borough regulations.

In favor: Andrews, Badal, Andrus

Opposed: None

Abstain: None

Absent: Daly, Sharkey, Witczak

Ordinance #16-16 was adopted.

ACTIONS TAKEN

Res. #158-16 Board of Adjustment Escrow Refund – LaPergola, Inc., 7 West Main St, B301/L35

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

In favor: Andrews, Badal, Andrus

Opposed: None

Abstain: None

Absent: Daly, Sharkey, Witczak

Res. #159-16 Transfer of Budget Appropriations

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: None

In favor: Andrews, Badal, Andrus

Opposed: None

Abstain: None

Absent: Daly, Sharkey, Witczak

Res. #160-16 Contract Award – Monmouth Telecom

Motion to approve: Councilman Andrus

Second: Councilman Badal

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

Res. #161-16 Tax Overpayment Refund – 48 Aberdeen Drive, Block 1003, Lot 172

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: Ms. Kaye confirmed that the refund amount is \$83.17.

In favor: Andrews, Badal, Andrus

Opposed: None

Abstain: None

Absent: Daly, Sharkey, Witczak

ADMINISTRATOR REPORT

Mr. Merkt announced that the Borough has been awarded a \$22,400 grant for completion of the Scott Farm loop trail and added that the balance of the \$28K project will come from Open Space funds. Construction is expected to begin in April.

Mr. Merkt stated that Mendham Township is willing to enter a two-year shared services agreement to allow the Borough's use of the Township fingerprinting equipment, however, it may be preferable to purchase our own so detainees do not have to be transported out of the municipality. Sergeant Camoia confirmed a purchase amount of \$17K as the palm-reader is not required by the County at this time. Councilman Andrus confirmed that a new unit would be a capital purchase and therefore, cannot be procured until after the 2017 budget is adopted.

Mr. Merkt stated that he was informed within the last two (2) weeks that the Borough server must be upgraded in order to support the new accounting software.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – no report.

Councilman Badal – no report.

Councilwoman Daly – excused.

Councilman Sharkey – excused.

Councilman Witczak – excused. Mayor Henry reported the following on behalf of Councilman Witczak:

- Removal of leaves is almost complete
- The mudhole may not freeze this winter due to silt build-up; Ken O'Brien will advise the Recreation Director regarding same
- Pre-treatment of roads will begin this week
- Delivery of twenty (20) holiday banners is expected; Mr. O'Brien indicated that the pole hardware must be updated

Councilman Andrus – A survey has been distributed to the Council to gauge opinion regarding the traits, skills and characteristics required of a Police Chief.

The 2017 budget meeting is scheduled on December 15, 2016, however, a pre-budget meeting to review potential capital expenditures is recommended. Mr. Merkt will arrange a meeting with the Finance Committee next week.

Mr. Merkt agreed to forward to the Borough Engineer correspondence from Councilman Andrus regarding changes in impervious coverage that may occur as a result of the Scott Farm loop trail.

ATTORNEY ITEMS

Mr. Semrau indicated that his review of the Daytop approvals revealed the following parameters regarding the use of the property:

- The general security plan sets forth minimum standards
- Daytop is a residential alcohol program, not a detoxification center
- Residents are not permitted to leave the grounds without permission
- Unauthorized departures are to be reported to the MBPD immediately
- Treatment is voluntary, not court-ordered
- The maximum number of residents was initially 50, then subsequently increased to 75 in a 1994 application
- Primary diagnosis of residents must be alcohol addition, not drug abuse
- After providing written notice, the Borough has the right to enter the premises in order to confirm compliance with the approvals

Discussion followed regarding Daytop's security plan and there was consensus that the Public Safety Committee review it to determine whether procedures are being followed properly. Mayor and Council further discussed the use of the property and whether it adheres to Borough requirements. Mr. Semrau agreed to notify Daytop officials that the Zoning Officer will be visiting the premises. He clarified that the Mayor and Council are not stating that problems exist, however, a compliance check is warranted.

MAYOR'S ITEMS

No response has been received from James Curtain at Daytop.

The Mayor's Update in the Mendham Messenger includes information regarding review of the sign ordinance and resident feedback has been received. Councilman Badal stated that the Land Use Committee has not yet met to discuss same.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Councilwoman-elect Christine Glassner inquired as to next steps should Daytop be found non-compliant. Mr. Semrau stated that the first step would be the development of time frame in which Daytop is to become compliant. If that fails, a petition for a cease and desist order would be filed with Superior Court after which Daytop would be required to file an application with the Planning Board in order to resume doing business.

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

APPROVAL OF VOUCHERS

Bill Lists dated December 5, 2016
Motion to approve: Councilman Andrus
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Andrus
Opposed: None
Abstain: None
Absent: Daly, Sharkey, Witczak

EXECUTIVE SESSION:

Res. #162-16 Executive Session: Attorney/Client Privilege
Motion to approve: Councilman Badal
Second: Councilman Andrews
Discussion: Mayor Henry stated that no action will be taken upon return to open session.
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Andrus
Opposed: None
Abstain: None
Absent: Daly, Sharkey, Witczak

The Mayor and Council entered executive session at 8:38PM.

The Mayor and Council returned to open session at 9:12PM.

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 9:13PM next to convene at a regular meeting on December 19, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk