

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

CALL TO ORDER

Mayor Henry called the February 1, 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 *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
Councilwoman Veronica Daly
Councilman David Sharkey
Councilman Stanley Witczak
Councilman John Andrus

Excused: Councilman Brad Badal

Also present: Fred Semrau, Borough Attorney
Paul Ferriero, Borough Engineer
Richard Merkt, Borough Administrator

CONSENT AGENDA

Minutes of the regular meeting of 1/18/16
Minutes of the executive session of 1/18/16

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Andrews

Discussion: On page one (1) of the January 18, 2016 regular meeting minutes under Consent Agenda, Councilman Andrews is substituted for Councilman Badal as abstaining from the vote for the January 6, 2016 minutes.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

DISCUSSION:

Sisters of Christian Charity Planning Board Application

Mr. Ferriero stated that he would present a broad overview of the application and cautioned against conflicts that could be perceived if he provided too much detail about a pending application, particularly since the applicant is not present. Mr. Semrau indicated that since the Governing Body has been involved in the process from its inception, they are in a position to be provided with an update. He added, however, that any objection to the application should be lodged during the Planning Board hearing.

Mr. Ferriero confirmed that the application is essentially identical to the concept plans that both the Council and Planning Board reviewed during the Religious Campus ordinance adoption process. He stated that the new Motherhouse would contain 120 beds and confirmed that no use for the existing Motherhouse has been proposed other than ancillary uses associated with the Order. Mr. Ferriero indicated that the application has been deemed complete and is scheduled for hearing before the Planning Board on February 8, 2016 during which the public can ask questions or make comments. He stated that if the application complies with the zoning ordinance, there is little that can be denied in terms of the design of the building. He added that the DEP has approved the Wastewater Management Plan amendment and confirmed that the Borough will have an opportunity to comment on the pending NJPDES permit application.

In response to questions regarding Borough costs as they relate to the proposed construction, Mr. Merkt indicated that there has been no discussion of raising fees and agreed to ask the Construction Official for an estimate of the costs associated with inspections and other aspects

of the project. Mr. Ferriero indicated that the Fire Official has commented on the application in terms of public safety access and urged that First Aid Squad to write a memorandum to the Planning Board outlining its recommendations as well.

Mechanical Equipment Pads - Ordinance #02-16

Mr. Ferriero verified that Ordinance #02-16 which was introduced on February 1, 2016 applies to one (1) and two (2) family homes in the single family zone only. Due to regulatory concerns, property owners in the Commons may not seek relief under the ordinance.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #32-16 Transfer of Appropriation Reserves

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #33-16 PSA: Stormwater Compliance Solutions, LLL – Stormwater Permitting

Motion to approve: Councilman Witczak

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #34-16 Tax Lien Redemption - 14 Brookfield Way, Block 1401 Lot 15

Motion to approve: Councilman Andrus

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #35-16 Planning Board Escrow Refund – 5 Cold Hill Rd, Unit 11C, Block 2701. Lot 5

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #36-16 Tax Lien Redemption - 5 Halstead Rd, Block 604, Lot 5

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

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

Opposed: None

Abstain: None

Absent: Badal

Res. #37-16 Contract Award: Eurofins QC, Inc. – Bioessay Testing

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #38-16 Tax Lien Redemption – 4 Bockoven Road, Block 303, Lot 13

Motion to approve:

Second:

Discussion: Resolution #38-16 was tabled and no vote taken.

Roll Call – the vote was as follows:

In favor:

Opposed:

Abstain:

Absent:

Res. #39-16 NJ Tree Recovery Campaign Partnership 2016

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #40-16 Application for Municipal Alliance Grant 2017

Motion to approve: Councilman Andrus

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #41-16 PSA: Skylands Risk Management, Inc./D&H Alternative Risk Solutions

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

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

Opposed: None

Abstain: None

Absent: Badal

Res. #42-16 Planning Board Application Fee Refund – 350 Bernardsville Rd, Block 2301, Lot 13

Motion to approve:

Second:

Discussion: The resolution was tabled pending further information and discussion.

Roll Call – the vote was as follows:

In favor:

Opposed:

Abstain:

Absent:

Res. #43-16 Executive Session

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ADMINISTRATOR REPORT

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

Mayor Henry inquired about the Mendham Commons' request for MBPD traffic enforcement. Mr. Merkt clarified that the Board is seeking enforcement of only *select* regulations set forth in Title 39. Mr. Semrau opined that regulations cannot be enforced in this manner. Mr. Merkt stated that he has relayed that information to the Commons Board for further consideration.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The part-time Police Secretary candidate declined the Borough's offer and a second advertisement has been published. Resumes have been received and interviews for a part-time Zoning Officer will be scheduled shortly. Mr. Merkt confirmed that payments to Emily Wood represent compensation for in-house TACO training for Carolyn Mazzucco. Introduction of the outdoor dining ordinance is tabled pending further analysis from Councilmen Andrews and Andrus.

Councilman Badal – no report.

Councilwoman Daly – no report.

Councilman Sharkey – By participating in the Tree Recovery Campaign Partnership for 2016, the Borough is eligible for free seedlings to be distributed to the residents.

Councilman Witczak – The DPW did an excellent job during the snowstorm. One piece of equipment did break down and will need to be repaired. The new sidewalk equipment worked very well and the Borough may want to consider buying a second one. Mr. O'Brien confirmed that sidewalks on the following streets were cleared by the DPW: Mountain Avenue, Dean Road, Park Avenue, Orchard Street, New Street, Prospect Street and Main Street. Discussion followed regarding sidewalk snow removal. Mr. O'Brien acknowledged that this is a new process and any issues will be resolved as they move forward.

Councilman Andrus – no report.

ATTORNEY ITEMS

Mr. Semrau stated that he is optimistic about the COAH obligation presented by the expert. He added that if it is approved, the Borough will not need to make significant changes to its existing plan.

MAYOR'S ITEMS

A number of residents in the Franklin Estates section of the Borough have objected to traffic in and around the high school lot. The Mayor asked that Mr. Merkt contact the School Administrator and arrange for a meeting to discuss the matter.

PUBLIC COMMENT

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

Ms. Laurie Felber, Environmental Commission Chair, announced that the Borough has received a grant for bicycle racks from the Morris Area Freewheelers Bicycle Club. She further stated that the annual stream cleanup is scheduled for April 16, 2016 and proposed a celebration beforehand.

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

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated February 1, 2016

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

EXECUTIVE SESSION

The meeting was adjourned to closed session at 8:55PM.

The Council returned to open session at 10:15PM.

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 10:16PM next to convene at a regular meeting on February 16, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk