

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

CALL TO ORDER

Mayor Henry called the February 16, 2016 meeting of the Mayor and Council to order at 8:00PM 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
Councilman Brad Badal
Councilwoman Veronica Daly
Councilman David Sharkey
Councilman Stanley Witczak
Councilman John Andrus

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

CONSENT AGENDA

Minutes of the regular meeting of 2/1/16
Minutes of the executive session of 2/1/16
Garabrant Center Facility Use Application: Friends of Pitney Farm

The Garabrant Center Facility Use application was removed from the Consent Agenda for separate discussion and vote.

Motion to approve Consent Agenda

First: Councilwoman Daly

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Badal (due to absence)

Absent: None

Motion to deny the Facility Use application

First: Councilman Andrews

Second: Councilman Badal

Discussion: Ms. Kaye explained that the Friends of Pitney Farm are requesting the use of the Garabrant Center to host a presentation. After discussion, the majority opinion was that the organization did not qualify for facility use under the ordinance.

Roll Call – the vote was as follows:

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

Opposed: Sharkey

Abstain: None

Absent: None

DISCUSSION:

Food License Late Fees

Ms. Kaye explained that Ms. Andrus, Board of Health Secretary, has requested that the Council consider late fees for Borough vendors who do not renew their annual food licenses in a timely manner. Mr. Merkt confirmed that Ms. Andrus distributes yearly reminders and renewal forms to all licensees. After discussion, Ms. Sullivan agreed to draft an ordinance that establishes a late fee equal to double the annual fee for those who do not renew by January 31st.

Outdoor Dining

Councilman Andrews indicated that he and Councilman Andrus reviewed outdoor dining ordinances from surrounding municipalities and identified a number of issues in draft ordinance #01-16 that require further clarification. The Councilmen further agreed that concrete rules and expectations must be included rather than having applications determined on a case-by-case basis. Councilman Andrews added that they will seek additional feedback from the Borough Engineer and Planner.

Councilman Andrus stated that the ordinance should not be left open to interpretation, particularly as it relates to alcohol consumption/BYOB. He stated that the ordinance must regulate outdoor dining in the Borough now as well as in the future when more dining options may be available. There was further discussion regarding additional outdoor seating and its effect on parking and sewer allocation.

Councilman Andrews asked the Council Members to provide any feedback and stated that he hoped to have the ordinance ready for introduction at the March 21, 2016 Council meeting.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION:

ORDINANCE #02-16

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER
215 "ZONING", SECTION 215-29, "SUPPLEMENTARY HEIGHT AND
BULK LIMITATIONS"**

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

ORDINANCE #02-16

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER
215 "ZONING", SECTION 215-29, "SUPPLEMENTARY HEIGHT AND
BULK LIMITATIONS"**

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Pat Serrano, Maple Avenue, requested clarification regarding the need for a variance for a generator installation. Councilman Andrews indicated that under the ordinance, generator pads less 12 sq. ft. would be excluded from impervious coverage calculations and thus not subject to a variance. He further confirmed that the ordinance applies only to the initial zoning permit application for a mechanical pad installation.

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 #02-16

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER
215 "ZONING", SECTION 215-29, "SUPPLEMENTARY HEIGHT AND
BULK LIMITATIONS"**

Be passed and adopted on this, the 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 approve Ordinance #02-15

First: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Ordinance #02-16 was adopted.

ACTIONS TAKEN

Res. #42-16 Planning Board Application Fee Refund – 350 Bernardsville Rd, Block 2301, Lot 13
Motion to approve: Councilman Badal
Second: Councilman Sharkey
Discussion: The Borough Engineer submitted a memorandum stating that the application fee collected was more than the calculated amount and recommending a refund of the overage to the Applicant.
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #44-16 West Morris Mendham High School: Sign Ordinance – Temporary Exemption
Motion to approve: Councilwoman Daly
Second: Councilman Sharkey
Discussion: Mr. Merkt offered to provide Administrator approval for this annual application. After discussion, there was consensus that the Council continues its annual vote as per Mr. Semrau's prior recommendation. Councilman Andrews suggested that it be included as part of reorganization.
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #45-16 Transfer of Appropriation Reserves
Motion to approve: Councilman Andrews
Second: Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

ADMINISTRATOR REPORT

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

Councilman Andrews requested clarification regarding the furniture to be moved from the Phoenix House to the Scott Farm barn. Mr. Merkt confirmed that the pieces were identified by the Historical Society as having historical value. After discussion, Mayor Henry agreed to publish in the Mendham Messenger a request for volunteers who may want to restore the furniture.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – Three (3) Zoning Officer candidates have been seen for an initial interview with second interviews being scheduled. Council Members are invited to participate in the hiring process. Ms. Kaye will distributed resumes and other pertinent information to the remaining Council Members for their review and comment.

Councilman Badal – Testimony continues in the Sisters of Christian Charity Planning Board hearing. Expansion of the Roxiticus clubhouse has been approved. Affordable Housing figures are being developed.

Councilwoman Daly – The Matrix report is expected within a couple of weeks and will be presented to the full Council no later than April 4, 2016.

Councilman Sharkey – A simulated drive-in movie event is being planned for this summer and the Recreation booklet will be distributed in April. Councilman Sharkey suggested that a list of previous Grand Marshals and former Mayors be included in the booklet and posted on the Borough website.

Councilman Witczak – no report.

Councilman Andrus – The budget for capital expenditures is estimated at 425K which will be diminished by the amount determined for Talmage Road paving. The bid opening for the Talmage Road project is November 17, 2016.

ATTORNEY ITEMS

Ms. Sullivan indicated that the Appellate Court will render its decision shortly regarding the King's cell tower litigation. She added that Mr. Germinario, Board of Adjustment Attorney, will be circulating a memorandum regarding same.

MAYOR'S ITEMS

Mayor Henry thanked Laurie Felber for her efforts in securing a \$2,500 grant from the Morris Area Freewheelers Bicycle Club for the purchase of bicycle racks for the Borough. The Mayor further announced that a special meeting with the School Board will be held in order to solicit feedback on the Feasibility Study.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Hearing none, the Mayor closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated February 16, 2016

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

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 9:03PM next to convene at a regular meeting on March 7, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk