

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

CALL TO ORDER

Mayor Henry called the April 18, 2016 meeting of the Mayor and Council to order at 8:05PM 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 David Sharkey
Council President John Andrus

Excused: Councilman Brad Badal
Councilwoman Veronica Daly
Councilman Stanley Witczak

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

CONSENT AGENDA

Minutes of the special meeting of 4/4/16
Minutes of the regular meeting of 4/4/16
Minutes of the executive session of 4/4/16

Motion to approve Consent Agenda

First: Councilman Andrews

Second: Councilman Sharkey

Discussion: Ms. Kaye indicated that resolution nos. 67-72 were revised to reflect abstention by Councilwoman Daly.

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

DISCUSSION:

Disposition of Ambulance

Present: Sal Bracco, MBFAS Captain
Jim Hendren, MBFAS President

The Council discussed the appropriate disposition of the old ambulance once the new one is delivered. Mr. Hendren confirmed that the value of the old ambulance is approximately \$3,000 and proposed that it be used as a pre-loaded support vehicle for emergency situations. The Council agreed that the OEM Coordinator would have use of the current Water Reclamation Facility truck once a new vehicle is delivered.

Councilman Andrus made a motion to approve the use of the ambulance as a support vehicle and clarified that the Borough would not be providing a storage building for it. The motion was seconded by Councilman Sharkey. On a voice vote, all were in favor. Mr. Bracco thanked the Mayor and Council for their consideration.

False Alarm Fees

Ms. Kaye explained that residents are inconsistent when paying false alarm fees assessed by the Sewer Clerk. Chief Libertino agreed that payment requests can be put on MBPD letterhead to encourage payment.

ORDINANCE INTRODUCTION:

ORDINANCE #01-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 215, "ZONING" TO ESTABLISH A DEFINITION FOR OUTDOOR DINING IN ARTICLE I, "TERMINOLOGY", SECTION 215-1B AND TO ESTABLISH OUTDOOR DINING AS A CONDITIONAL USE AND TO PROVIDE STANDARDS FOR SAME IN ARTICLE VI "HISTORIC BUSINESS ZONE" AND ARTICLE VIII, "EAST BUSINESS ZONE"

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

ORDINANCE #01-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 215, "ZONING" TO ESTABLISH A DEFINITION FOR OUTDOOR DINING IN ARTICLE I, "TERMINOLOGY", SECTION 215-1B AND TO ESTABLISH OUTDOOR DINING AS A CONDITIONAL USE AND TO PROVIDE STANDARDS FOR SAME IN ARTICLE VI "HISTORIC BUSINESS ZONE" AND ARTICLE VIII, "EAST BUSINESS ZONE"

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 May 16, 2016 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 #01-16 was made by Councilman Andrews

Seconded by Councilman Andrus

Discussion: None

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

ORDINANCE #08-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND TOWING FEES

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

ORDINANCE #08-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND TOWING FEES

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 May 2, 2016 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 #08-16 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

ORDINANCE ADOPTION:

ORDINANCE #05-16

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

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

ORDINANCE #05-16

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Hearing none, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #05-16

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

Be defeated as alternate funding will be secured for the project.

Motion to defeat Ordinance #05-16 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

Ordinance #05-16 was defeated.

ORDINANCE #07-16

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$600,000 THEREFOR FROM THE PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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

ORDINANCE #07-16

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$600,000 THEREFOR FROM THE PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Hearing none, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #07-16

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$600,000 THEREFOR FROM THE PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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 adopt Ordinance #07-16 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

Ordinance #07-16 was adopted.

ACTIONS TAKEN

Res. #69-16 Lien Redemption – 69 West Main Street, Block 203, Lot 82

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

Res. #70-16 Sanitary Sewer Approval: Party Package – 6 Hilltop Rd, Block 1501, Lot 41

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

Res. #71-16 Sewage Discharge Monitoring Contract Award: Garden State Laboratories, Inc.

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

Res. #72-16 Signature Authorization – 350 Bernardsville Rd, Block 2301, Lot 13 (SCC)
Treatment Works Approval Application

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

ADMINISTRATOR REPORT

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

Councilman Andrews asked if estimated costs and a start date were available for the tennis court improvement project. Mr. O'Brien confirmed that the Financial Committee has budgeted \$50,000 for repairs to the firehouse courts and for repaving of the cracks on the Orchard Street courts.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – Three (3) candidates have been identified for Zoning Officer interviews which will be scheduled over the next couple of weeks. All Council Members are invited to participate in the interview process. The final candidate recommendation will be provided in writing to the Council.

Councilman Badal – excused.

Councilwoman Daly – excused.

Councilman Sharkey – Little League opening day was very successful and Detective Irons dedicated the scoreboard during the festivities. The Shade Tree Commission is planting last year's seedlings and the photography contest winner, Carrie Vallacchi, will have a tree planted on/near her property to enhance the streetscape. Seedling distribution will be May 2-9, 2016 and Mr. O'Brien will have a DPW employee available on the Saturday, if necessary. Attendance was high at the Environmental Commission's 3River Festival which included music, poetry reading and artwork. Criteria and candidates for the Labor Day Grand Marshal will be available for the May 2nd Council meeting.

Councilman Witczak – excused.

Councilman Andrus – The shared-court meeting with Chester was very productive and the 2015 savings were in excess of \$40,000. Mendham Township has asked to participate in the shared service; accordingly data and information are being gathered. Both the Borough and Chester would have to agree to allow the Township to join.

ATTORNEY ITEMS

No report.

MAYOR'S ITEMS

Mayor Henry will be working with the Board of Education to arrange for a 2nd joint meeting to discuss re-regionalization of the school district. Mr. O'Brien will work with the Environmental Commission to coordinate a Borough shredding event. During the shared-court meeting with Chester, shared services for sewer and IT were discussed.

PUBLIC COMMENT

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

Charles Topping, Aberdeen Drive, proposed a 110th anniversary celebration featuring former resident Abner Doubleday and suggested that signs or historical markers be placed in and around the Borough. Mr. Merkt agreed to follow up with the County regarding possible signage.

Pat Serrano, Maple Avenue, confirmed that the MBA sponsored Abner Doubleday Day on May 11, 1996 during which there was a parade, an old-timers baseball game and Civil War reenactments.

Elizabeth Drake, Cold Hill Road, offered the Historical Society's assistance for any event that may be planned for the 110th anniversary.

Mr. Merkt agreed to look into a possible Abner Doubleday event during Little League playoffs.

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

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated April 18, 2016

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Andrus

Opposed: None

Abstain: None

Absent: Badal, Daly, Witczak

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 9:06PM next to convene at a regular meeting on May 2, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk