

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

CALL TO ORDER

Mayor Henry called the May 18, 2017 regular 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 John Andrus
Councilman Brad Badal
Councilwoman Christine Glassner
Council President Stanley Witzczak

Excused: Councilman David Sharkey

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

CONSENT AGENDA

Minutes of the regular meeting of 5/1/17
Minutes of the executive session of 5/1/17
Mendham Hose Co. Appointments: Tyler A. Barragan, Junior Member
Robbie Chittenden, Junior Member
Tier II Banner Application – Cub Scout Pack 133 (6/5/17 – 6/19/17)

Motion to approve Consent Agenda

First: Councilman Andrews

Second: Councilman Witzczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witzczak

Opposed: None

Abstain: None

Absent: Sharkey

DISCUSSION:

Pilgrimage to Blue Army of Fatima Shrine

The Mayor and Council had no concerns regarding this annual event which requires no permits and no police presence. There was consensus that the pilgrimage raises awareness and does not adversely impact the Borough.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #95-17 Stigma-Free Community Designation
Res. #96-17 Tax Lien Redemption – 51 East Main Street, Block 1501, Lot 23
Res. #97-17 Tax Overpayment – 475 Bernardsville Road, Block 2501, Lot 12
Res. #98-17 Judge Appointment: Brian J. Levine, Esq.
Res. #99-17 2017-18 Liquor Licenses
Res. #100-17 Sign Ordinance Temporary Exemption – WMMHS 2017 Graduates
Res. #101-17 Probationary Police Officer Appointment: Nolan Ryan
Res. #102-17 Probationary Police Officer Appointment: Robert Kruger
Res. #103-17 A4532/S3049 Support – OPRA
Res. #104-17 Engineering Escrow Refund – Verizon Communications (2005 Road Opening Permit)
Res. #105-17 DPW Summer Help Appointment: Quinton Petty
Res. #106-17 Issuance of Bond Anticipation Notes (\$1,256,936)
Res. #107-17 Tax Lien Redemption – 17 Halstead Road, Block 705, Lot 15

Res. #108-17 Tax Overpayment Refund – 5 Lake Drive, Block 302, Lot 7
Res. #109-17 2017 Salaries
Res. #110-17 2017 Salaries
Res. #111-17 Tax Appeal Approval – 180 Thomas Road, Block 2201, Lot 4.01
Res. #112-17 Tax Appeal Approval – 5 Chestnut Glen Court, Block 2001, Lot 16.03
Res. #113-17 Tax Appeal Approval – 99 Hardscrabble Road, Block 2401, Lot 31.06
Res. #114-17 Interlocal Agreement – Community Development & Home Activities Program
Res. #116-17 Concord Energy Service – Energy Aggregation Agreement

Motion to approve resolutions nos. 95-17 through 114-17 and 116-17: Councilman Andrews
Second: Councilman Badal

Discussion: 95-17 – Councilwoman Glassner inquired as to the cost of the stigma-free initiative. Mr. Merkt confirmed that for the Borough’s purposes, it will be an informational campaign with little to no cost involved. Ms. Kaye added that a meeting of participating municipalities is scheduled for June 6, 2017.
97-17 – After discussion regarding the size of the refund, it was agreed that backup is to be provided on all future resolutions relating to tax settlement refunds.
98-17 – Councilman Andrus stated that due to the substantial salary of the municipal judge, the Borough should have been involved in the interviewing and selection process.
99-17 – Councilman Witczak stated that he is a member of the Pastime Club, but not an Officer.
103-17 – Mr. Semrau clarified that the amendment proposes to prevent challengers to OPRA denials from recouping attorney fees.
107-17 – Funds were not received and the resolution was tabled.
114-17 – Councilman Andrus expressed concern that the Borough does not generally benefit from the grant program and that participation makes the Borough ineligible to receive Small Communities grant funding. The resolution was tabled pending further investigation.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: Andrews – 99-17 only (Pastime Club Officer)
Andrus – 110-17 only (Conflict of Interest)
Absent: Sharkey

ADMINISTRATOR REPORT

The Administrator report was distributed previously. There were no additional questions or comments.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – Two (2) new police officers will be sworn in on June 15, 2017 and Patrolman Kennedy is back on full duty. The Public Safety Committee is working with the County Engineer to discuss funding for lighted signs to be placed at dangerous pedestrian crossings as per the 2013 traffic study. It is EMS Week and the MFAS is hosting a free seminar on May 21, 2017 from 4-5PM. They are also offering a 2-hour CPR class for \$20. The ambulance has been repaired and is back in service.

Councilman Andrus – The Historical Society is requesting use of the Scott Farm barn to store the Phoenix House model and other artifacts. The Boy Scouts would also like to store equipment. Mr. Merkt added that he and Mr. Cooper will coordinate the DPW’s use of the outbuildings after the structural report for the barn is received. OSAC would like to be informed when open space funds are being spent. The capital budget reports for MFAS and MBFD have been completed and DPW and PD have been asked to provide same. The current level of capital expenditures is not sustainable however the Borough would be in good shape if notes are paid off. The Finance Committee will schedule a meeting to consider long-term planning.

Councilman Badal – Jeff Cooper has assumed DPW Superintendent responsibilities and is looking to improve processes. He is preparing a road report and is discussing tennis court repairs with contractors. Interim Superintendent Venezia identified a number of DPW issues and prepared recommendations. Mr. Cooper will evaluate the recommendations and implement them as appropriate.

Councilwoman Glassner – The Personnel Committee’s 2nd quarter meeting took place and they continue to work on personnel matters. She toured the water reclamation facility and received Mr. Wright’s report regarding state requirements and succession planning. Sewer-related issues need to be addressed.

Councilman Sharkey – excused.

Councilman Witczak – Camp Counselor training will take place the first week in June. Mr. DiBisceglie is able to save a significant amount of money by utilizing JIF training modules. The Recreation Committee is considering changing the fields at Borough Park to historically significant names. The concert series will be held this summer and the August movie will be a drive-in. It

will also coincide with National Night Out and LEAD. It was agreed that during the event, the band will be moved to a more suitable position by the third base line of Doubleday Field.

ATTORNEY ITEMS

The Affordable Housing judge ruled that allowances must be made for the "gap period" and Mr. Semrau confirmed that the Borough still has immunity against builder's remedy suits. Mr. McGroarty will be attending a future Council meeting to present in more detail. One item for executive session.

MAYOR'S ITEMS

A grant writer will be making a presentation to the Council during the June 15, 2017 meeting. The Finance Committee met with MASH to negotiate a shared services agreement. OIC Camoia and Mendham Township Chief Johnson are working on an enhanced mutual aid arrangement based on their meeting with Assemblyman O'Scanlon.

PUBLIC COMMENT

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

Mr. DiBisceglie requested an update regarding the Mountain Valley Park pond. Mr. Merkt confirmed that Entech and the Borough Engineer are working with the DEP to address any issues and develop a project timeline.

Mr. Cooper expressed concern that some residents expect that the Borough will take responsibility for tree removal in rights of way and for sidewalk repairs. He stated that such work should not be performed at the Borough's expense. Mr. Semrau agreed to draft a memorandum stating same.

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

APPROVAL OF VOUCHERS

Bill Lists dated May 18, 2017

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

EXECUTIVE SESSION

Res. #115-17 Attorney/Client Privilege, Pending Litigation

Motion to approve: Councilman Witczak

Second: Councilman Andrews

Discussion: Mayor Henry stated that action may or may not be taken upon return to open session.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Mayor and Council entered into executive session at 9:10PM.

Mayor and Council returned to open session at 10:58PM.

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 10:59PM next to convene at a regular meeting on June 1, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk