

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

CALL TO ORDER

Mayor Henry called the June 15, 2017 regular 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

Present: Mayor Neil Henry
Councilman John Andrews
Councilman John Andrus
Councilman Brad Badal
Councilwoman Christine Glassner
Councilman David Sharkey
Council President Stanley Witczak

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

OATH OF OFFICE

Sergeant John Camoia, OIC, introduced Nolan Ryan and Robert Kruger and commended them for their recent graduations from the police academy. Ms. Kaye swore them in and Mayor Henry welcomed Officer Ryan and Officer Kruger to the MBPD.

The meeting was adjourned for two (2) minutes

CONSENT AGENDA

Minutes of the regular meeting of 6/1/17
Minutes of the executive session of 6/1/17
Peddlers/Solicitors License: Maria Paguay – Lincoln Soft Ice Cream

Motion to approve Consent Agenda

First: Councilman Badal

Second: Councilman Sharkey

Discussion: Ms. Kaye confirmed that approval from Detective Irons was received that afternoon and agreed to secure Ms. Paguay's application earlier in the year going forward.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Andrews (regular and executive session minutes only due to absence)

Absent: None

DISCUSSION

Telecom Ordinance

Mr. Semrau highlighted the telecom ordinance that was introduced in Florham Park and stated that the legislation is untested at this time. Although the Telecommunications Act limits the rights of municipalities, the ordinance would allow the Borough to collect fees to offset the internal costs associated with each project. Councilman Andrus opined that there will be future requests to place poles and boxes in rights-of-way around the Borough and felt that the legislation could regulate the number and location of poles. Councilman Badal recommended that the ordinance provide for the removal and disposal of abandoned or obsolete equipment. Mr. Semrau agreed to provide a draft ordinance for the July 20th meeting.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #122-17 Contract Award – Monitoring Well Testing: New Jersey Analytical Laboratories

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #123-17 Planning Board Appointment: Susan Landau, Alternate II

Motion to approve: Councilman Sharkey

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #124-17 Open Space Advisory Committee Appointment: Susan Landau, Alternate II

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT

The Administrator's report was distributed previously. Morris County Counsel has confirmed that participation in the Community Development and Home Grant program makes the Borough ineligible for other funding/grant sources. There was consensus that Borough participation not be renewed and the resolution was removed from consideration.

The Borough Engineer will not grant final approval to Chase Bank until the exterior lighting is made compliant. Negotiations continue with Broadview to have the PD phone line charges waived and a meeting has been scheduled with Monmouth Telecom to discuss ongoing telephone issues and handset features.

Ms. Kaye agreed to distribute the Scott Farm barn report to the Mayor and Council.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The County has declined to fund any crosswalk safety initiatives. Sergeant Camoia and Mr. Cooper are looking at the costs associated with striping and illuminated signage.

Councilman Andrus – Tax Collections are at 99.7% and the Finance Committee is considering an online payment feature.

Councilman Badal – The dugouts have been painted and Orchard Street paving is scheduled to begin on June 26th. The road ranking report should be available for the July 20th meeting.

Councilwoman Glassner – no report.

Councilman Sharkey – The Planning Board approved the Mendham Creamery application. The Environmental Commission and Shade Tree Commission have agreed to merge and Mr. Semrau will have an amended ordinance available for the July 20th meeting. The tree inventory is ongoing.

Councilman Witczak – Day camp registration is up 103% and 97 staffers participated in the JIF training.

ATTORNEY ITEMS

Mr. Semrau confirmed that tree removal in the right-of-way is the responsibility of the homeowner and stated that in an emergency, the Borough can remove trees and then recover the cost. Homeowners are also responsible for sidewalk repair from right-of-way tree damage. Mr. Semrau agreed to send a copy of the memorandum to Mr. Merkt and Mr. Cooper and advised Mr. Cooper that the tree removal issue should be addressed on a case-by-case basis rather than by public announcement.

Mr. Semrau stated that there are two (2) items for executive session which are exempt under Attorney/Client Privilege: the police promotion policy and Daytop. Information relating to these items will be available upon conclusion of each matter.

MAYOR'S ITEMS

Dunkin Donuts has filed an application with the Board of Adjustment.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Mr. DiBisceglie confirmed that camp employees 18+ must submit to a full background check and fingerprinting while those under 18 are subject only to a local agency check. Mr. Semrau agreed to follow up in order to confirm the process.

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

APPROVAL OF VOUCHERS

Bill Lists dated June 15, 2017

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION

Res. #125-17 Attorney/Client Privilege

Motion to approve: Councilman Badal

Second: Councilman Sharkey

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, Sharkey, Witczak

Opposed: None

Abstain: None

Absent: None

Mayor and Council entered into executive session at 8:59PM.

Mayor and Council returned to open session at 10:07PM.

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 10:08PM next to convene at a regular meeting on July 20, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk