

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

CALL TO ORDER

Mayor Henry called the June 6, 2016 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
Councilwoman Veronica Daly
Councilman David Sharkey
Councilman Stanley Witczak
Council President John Andrus

Excused: Councilman Brad Badal

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

CONSENT AGENDA

Minutes of the regular meeting of 5/16/16
Minutes of the executive session of 5/16/16
Request for Road Closure - Harvest Hustle 10/1/16
Tier I Banner Request - Harvest Hustle 9/19/16 - 10/3/16
Request for Road Closure - New St & Prospect St Block Party - 9/10/16 (Rain date 9/11/16)
Tier IV Banner Request - Mendham First Responders Golf Outing 8/9/16 - 8/23/16
Tier I Banner Requests - Mendham Business Association: Sidewalk Sale 9/9/16 - 9/19/16
Holly Trail 11/21/16 - 12/5/16

Motion to approve Consent Agenda

First: Councilman Sharkey

Second: Councilwoman Daly

Discussion: The minutes of the regular meeting were revised to reflect Councilman Witczak's recusal from Resolution #83-16. Mayor Henry confirmed that Tier IV banner applications can be approved provided that higher-level tiers were given the right of first refusal.

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: Witczak (minutes only)

Absent: Badal

DISCUSSION - None

ORDINANCE INTRODUCTION:

ORDINANCE #09-16

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING BOROUGH CODE SECTION 102-3 TO
PROVIDE FOR A SERVICE CHARGE, AS AUTHORIZED BY STATE STATUTE
N.J.S.A. 40:5-18, WHEN A CHECK SUBMITTED TO THE BOROUGH IS
RETURNED**

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

ORDINANCE #09-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING BOROUGH CODE SECTION 102-3 TO PROVIDE FOR A SERVICE CHARGE, AS AUTHORIZED BY STATE STATUTE N.J.S.A. 40:5-18, WHEN A CHECK SUBMITTED TO THE BOROUGH IS RETURNED

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 June 20, 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 #09-16 was made by Councilman Andrus
Seconded by Councilman Andrews

Discussion: Mr. Semrau explained that the existing ordinance was revised to comply with statutory limits and that no future revision would be required.

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE #10-16

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$217,000 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH

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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 #10-16 was made by Councilman Andrus
Seconded by Councilwoman Daly

Discussion: None

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE #11-16

ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL EQUIPMENT FOR USE BY THE SEWER UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$120,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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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 #11-16 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE #12-16

AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF

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

ORDINANCE #12-16

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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 #12-16 was made by Councilman Andrews

Seconded by Councilman Sharkey

Discussion: Mr. Semrau confirmed that ordinance #12-16 provides for certain rights-of-way and does not affect the proposed cell tower.

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #91-16 Planning Board Escrow Refund – 8 Forest Drive, Block 604, Lot 7.01

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

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

Opposed: None

Abstain: None

Absent: Badal

Res. #92-16 GovDeals Online Auction

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. #93-16 2016-2017 Liquor License Renewals

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. #94-16 Municipal Alliance Supplemental Funding

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Discussion: Councilman Andrus confirmed that the funding will be used for Family Movie Nights, the Summer Concert Series and various education programs in the Borough.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #95-16 Issuance of Bond Anticipation Notes (\$1,753,920)

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: Councilman Andrus indicated that the issuance is a rollover.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #96-16 DPW Appointment: Brendan Wood

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. #97-16 Settlement Agreement and Mutual Release: Pasquale Libertino

Motion to approve: Councilwoman Daly

Second: Councilman Andrus

Discussion: Mayor Henry announced that Chief Libertino has submitted his resignation effective January 31, 2017. He thanked the Chief for his 27 years of service to the Borough and wished him well on future endeavors. Mayor Henry added that during the transition, he and the Council will explore all succession plan options with transparency and full disclosure and with input from the public.

Roll Call – the vote was as follows:

In favor: Andrews, Daly, Andrus

Opposed: Sharkey

Abstain: Witczak (recusal)

Absent: Badal

ADMINISTRATOR REPORT

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

Mr. Merkt indicated that the location of the Abner Doubleday historical marker must have a specific tie to Mr. Doubleday. He stated that since the Doubleday residence is no longer standing, the marker will be placed on a pole at the Phoenix House as Mr. Doubleday was once a resident of the rooming house.

Mr. Merkt confirmed that a meeting with the current accounting vendor is scheduled for June 7, 2016, after which he will prepare a final recommendation. Implementation of the new software system is anticipated in early 2017.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The new Zoning Officer started on June 1st. His office hours are Monday and Thursday afternoon and Wednesday morning. He is currently contacting rental property owners and will be focusing on property maintenance and freestanding signage.

Discussion followed regarding safety measures at Daytop. After a decline in incidents over the last three (3) months, there has been an increase that has significantly impacted Borough resources such as police and first aid. Chief Libertino indicated that Councilman Andrews, Mr. Merkt and he have a meeting scheduled with Daytop on June 8th to discuss the issues and formulate an action plan. The Chief also stated that he is requiring Daytop officials to hire private security by early September and is recommending that bars be installed in the windows to prevent possible injuries. He further confirmed that there are currently residents that have been placed at Daytop by court order. Councilwoman Daly recommended that the Borough initiate an agreement with Daytop regarding municipal services and the costs of utilizing same. The Mayor instructed Mr. Merkt to investigate available options in terms of enforcement authority.

Councilman Badal – excused.

Councilwoman Daly – The next Public Safety Committee meeting is June 15, 2016.

Councilman Sharkey – no report.

Mayor Henry commented that Mr. Baglin, Mr. Carpluk and Mr. Corona are very pleased to have been invited as a group to marshal the 2017 Labor Day parade.

Councilman Witczak – DPW is working with the Little League organization to improve the playing fields. An outside contractor will be removing dead trees. The polling places will be set up for Election Day on June 7th. New equipment training is being scheduled.

Mr. Merkt added that the owner of 25 East Main Street responded quickly to his request for property maintenance, specifically, lawn-mowing.

Councilman Andrus – The Borough was ranked #23 on a list of the 25 New Jersey towns that pay the highest school tax bills (\$9,467). The Township was ranked #3 with an average of \$12,495.

ATTORNEY ITEMS

Judge Hansbury has scheduled a hearing on the Borough's Affordable Housing Plan for June 27, 2016. Fair Share Housing is the only objector and accordingly, they will be meeting with the Borough to discuss a potential resolution of this matter. Attorney Semrau advises that the Borough's Fair Share Housing Plan is one which supports the Borough's position in a thorough and affective manner.

MAYOR'S ITEMS

No report.

PUBLIC COMMENT

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

Chief Libertino, Mendham Borough Police Department, reiterated his retirement effective January 31, 2017 and stated that he looked forward to working with the Mayor, Council and Administration toward a smooth transition.

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

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated June 6, 2016

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

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 8:49PM next to convene at a regular meeting on June 20, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk