

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

CALL TO ORDER

Council President Daly called the July 13, 2015 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

Council President Daly 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 *Morristown Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE

Councilman John Andrews
Councilman John Andrus
Councilman David Sharkey
Councilman Stanley Witczak
Council President Veronica Daly

Absent: Mayor Neil Henry
Councilman Brad Badal

Also present: Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator

CONSENT AGENDA

Approval of the minutes of the regular meeting of 6/15/15
Permission for Ribbons: 'Turn The Towns Teal': 9/1/15-9/30/15 (No Signage)
Off-Premise Raffle (50/50 Cash): NJ Center for Tourette Syndrome
Off-Premise Raffle Amendment (50/50 Cash): Pastime Club – Labor Day
Off-Premise Raffle (Non-Draw Carnival Games): Pastime Club – Labor Day
Road Closure Request: Hoffman Road – Block Party

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Andrus

Discussion: Councilman Witczak noted that he is a member of the Pastime Club, but not an officer.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Andrews recused from the minutes due to absence. As an officer of the Pastime Club, he further recused from the raffle applications.

Absent: Badal

DISCUSSION

SCC Regulatory Application

Present: Paul Ferriero, Borough Engineer
Chuck McGroarty, Borough Planner

Mr. Ferriero explained that the Sisters of Christian Charity had previously filed an application with the NJDEP seeking approval to amend their Water Quality Management Plan in order to secure a zoning ordinance change from the Borough. He further indicated that the amendments requested in the application were not what were agreed upon during subsequent discussions with the Applicant. The DEP requires that the Borough consent to the proposed amendments however, conditional consent is not permitted, i.e., the application may not be modified to reflect agreed upon terms and a new one must be filed. Accordingly, Mr. Ferriero recommended

that the Council withhold its consent as the current proposed amendments are inconsistent with the Master Plan.

Mr. McGroarty presented an aerial rendering of the property and highlighted the proposed amendments. He confirmed that the limits placed on the permitted gallonage would prevent any residential use in the existing Motherhouse and stated that the Borough's objective is to ensure that it is not utilized in such a way as to constitute over-intensification of the site.

Mr. McGroarty outlined the parameters that will govern the use of the Sisters' property and stated that a limited number of single family parcels could be developed around the perimeter of the property in the future. He added that no affordable housing obligation will be triggered and confirmed that any future use of the Motherhouse will require Borough approval.

The draft ordinance will be discussed at the July 14, 2015 meeting of the Planning Board.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

PUBLIC HEARING:

2015 Morris County Open Space
Trust Fund Application
88 Mountainside Road, Block 501, Lot 23

Councilwoman Daly stated that the Borough is looking to purchase the above-referenced tract of land and that an application for open space funding has been submitted to the County. Upon opening the hearing up to the public, Councilwoman Daly was asked to elaborate on the intended use of the property. Mr. Merkt stated that the parcel will be used for passive recreation with a walking trail.

ACTIONS TAKEN

Res. #105-15 Personnel Manual – Amendment Approval

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #112-15 Settlement of Tax Appeal - 26 Lowery Lane, Block 1602, Lot 1.01

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #113-15 COAH Shared Services Defense Agreement (Burchell Report)

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: Mr. Semrau explained that the agreement will give the Borough the option to utilize an expert for representation in possible future COAH actions.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #114-15 Refund - Invalid Domestic Partnership Registration

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #115-15 Borough Clerk Appointment and Salary Adjustment - Margot G. Kaye

Motion to approve: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #116-15 Refund Planning Board Escrow – 22 E. Main St, Block 601, Lot 10

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #117-15 2014 Audit

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Councilman Andrus reiterated that the resolution represents an acknowledgment that each Councilperson has read and understands the audit report.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #118-15 Donation Acceptance: Police Department Memorabilia

Motion to approve: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #119-15 Donation Acceptance: PBA – Middle Field Scoreboard

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #120-15 Approval – Labor Day Fireworks

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Witczak, Daly
Opposed: None
Abstain: Andrews (Pastime Club Officer)
Absent: Badal

Res. #121-15 Contract Award: Gen II Contracting Co. – Firehouse Roof
Motion to approve: Councilman Andrus
Second: Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Badal

Res. #122-15 Refund Duplicate Tax Payment: 22 Hilltop Road, Block 2001, Lot 8
Motion to approve: Councilman Andrews
Second: Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Badal

Res. #123-15 Appoint Police Matron: Antoinette Gallicchio
Motion to approve: Councilman Sharkey
Second: Councilman Andrews
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Badal

Res. #124-15 Executive Session
Motion to approve: Councilman Andrews
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Badal

Res. #125-15 Withhold Consent to Proposed WQM Plan Amendment (SCC Property)
Motion to approve: Councilman Sharkey
Second: Councilman Andrews
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Badal

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Council previously. No discussion.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The draft ordinances for both the Sisters' property and outdoor dining are on the Planning Board's July 14, 2015 agenda.

Councilman Andrus – A finance committee meeting will be scheduled to discuss unanticipated expenses. A midyear adjustment to the budget may be required.

Councilman Badal – No report.

Councilman Sharkey – Summer camp is progressing nicely and enrollment is the same as last year. The Sunday concert series continues to be successful.

Councilman Witczak – Fence installation at the Pastime Field is almost completed and North Linden Lane has been paved.

Councilwoman Daly – The contract to replace the firehouse roof has been awarded. A meeting will be scheduled with the Fire Chief to review the proposed ordinance revisions.

ATTORNEY ITEMS

Mr. Semrau stated that he had items for discussion in Executive Session relating to pending litigation. He added that action may be taken upon return to open session.

MAYOR'S ITEMS

No report.

PUBLIC COMMENT

Councilwoman Daly opened the floor to comments/questions from the public. Leslie Moran of Randolph, NJ reported that cats and dogs sold in retail pet stores are frequently subjected to inhumane treatment in the store and previously, by the breeder. She provided informational material as well as a copy of Randolph Township's ordinance prohibiting retail sales of cats and dogs and asked that the Borough consider banning said establishments as well. Councilwoman Daly thanked Ms. Moran and other members of the public for coming and stated that the Public Safety Committee will review the information and report back to the Council.

Hearing no further comments/questions, Councilwoman Daly closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill List dated July 13, 2015

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

EXECUTIVE SESSION

The meeting was adjourned to closed session at 8:49PM.

The Council returned to open session at 8:58PM.

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 8:59PM next to convene at the Regular Meeting on August 17, 2015 at 8:00PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Borough Clerk