

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

CALL TO ORDER

Mayor Henry called the September 21, 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

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

ATTENDANCE

Mayor Neil Henry

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

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

CONSENT AGENDA

Approval of the minutes of the regular meeting of 9/8/15

Raffle Application – On-Premise Draw (Merchandise): PG Chambers School (Roxiticus)

Blue Light Permit Applications: Robert E. Orgera – Fire Department
Greg Wiatroski - Fire Department
Michael J. Orgera – Fire Department
Gary S. Lynch – Fire Department

Motion to approve Consent Agenda

First: Councilwoman Daly

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Andrews abstained from voting on the minutes due to absence.

Absent: None

DISCUSSION

JCP&L Montville-Whippany Reinforcement Project

Present: Addie Colon, JCP&L Liaison

Ms. Colon described the proposed project and stated that an upgrade to a new 230 kV transmission line is needed to improve reliability, add redundancy and increase capability to remedy outages in Morris and Sussex counties. She indicated that while Montville has expressed its opposition to the project due to the proximity of a school and residential area, approximately thirteen (13) other municipalities have passed a resolution in support of it. Councilman Andrus expressed concern regarding the vague reference to 'additional rights-of-way' and Councilman Badal asked whether opposition to the project will have any effect on the BPU's decision to move forward.

Due to a number of questions and the potential impact the project could have on residents in other municipalities, the Council agreed to gather more information before voting on the issue. Ms. Colon and Mr. Merkt will coordinate the information and the discussion was carried to the October 5, 2015 Council meeting.

Operation Giveback

Councilman Andrews explained that Ann Grossi, County Clerk, is piloting a program whereby veterans with valid ID are eligible for discounts at participating retail establishments. The Mayor and Council were in favor of the program and Mr. Merkt agreed to contact the Mendham Business Association to solicit buy-in. Mayor Henry will discuss the program in the next issue of The Mendham Messenger in order to encourage additional participation.

Peddlers-Solicitors/No Knock List

Mr. Semrau summarized the permit application process and a discussion followed regarding whether it may be appropriate to pass an ordinance to create a non-solicitation list which would be maintained by the Borough Clerk. Mr. Semrau confirmed that the list would prohibit vendors who are selling a product or service from visiting homeowners who elect to be on it. Due to other Land Use Committee projects, the discussion was carried to the December 21, 2015 Council meeting.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION:

ORDINANCE #6-15

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 501, LOT 23 (SCOTT FARM, 88 MOUNTAINSIDE ROAD

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

ORDINANCE #6-15

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 501, LOT 23 (SCOTT FARM, 88 MOUNTAINSIDE ROAD

Was published in full in the Daily Record.

Mayor Henry opened the public hearing for comment. Hearing none, the public session was closed.

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

ORDINANCE #6-15

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 501, LOT 23 (SCOTT FARM, 88 MOUNTAINSIDE ROAD

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 Daily Record, according to law.

Motion to approve Ordinance #6-15

First: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Motion was approved.

ACTIONS TAKEN

Res. #150-15 Execution of Green Communities Grant Agreement

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #151-15 Sanitary Sewer Connection – 13 West Main Street, Block 301/Lot 38

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #152-15 Sanitary Sewer Connection – 5 Cold Hill Road South, Block 2701/Lot 5

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Res. #154-15 JCP&L Montville-Whippany Reinforcement Project (**carried to 10/5/15**)

Motion to approve:

Second:

Discussion:

Roll Call – the vote was as follows:

In favor:

Opposed:

Abstain:

Absent:

Res. #155-15 Amendment to the Municipal Services Defense Agreement

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Council previously. Mr. Semrau commented that the Scott Farm contract of sale should be executed prior to the next Council meeting and that he has already solicited proposals for the Phase I Environmental Study. Mr. Merkt added that the site visit and presentation to the county Open Space grant committee went well.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The Planning Board held a public hearing and the Master Plan has been amended to allow for a religious campus on the Sisters of Christian Charity property. The Borough Planner and Borough Engineer will draft an ordinance for Council discussion prior to introduction. The outdoor dining ordinance has been referred to the Land Use Committee for review and recommendation to the Council.

Councilman Andrus – The probability of receiving a county grant for the Scott Farm purchase looks promising. A PowerPoint presentation to the county committee on October 22, 2015 is the final step in the application process. Mr. Merkt agreed to

research the AT&T shed on the farm property to determine what's in it and whether the Scotts receive any revenue from it.

Councilman Badal – no report.

Councilman Sharkey – The Councilman commended Mayor Henry and Councilman Andrus on the acquisition of the Scott Farm property. DPW continues to identify possible locations for trees.

Councilman Witczak – The groundwater permit has been issued for an additional five (5) years. The DPW is working on the electric for the Borough Park scoreboard. The meeting with Chester Borough regarding sewer services went well and they continue to assess the scope of the project.

Councilwoman Daly – The Public Safety Committee will be meeting to discuss snow removal on sidewalks and sidewalk maintenance/repair. Mr. Semrau suggested that the DPW Superintendant participate in discussions regarding the latter.

ATTORNEY ITEMS

Mr. Semrau indicated that he had contractual items to discuss during executive session.

MAYOR'S ITEMS

Mayor Henry announced that he has requested feedback in The Mendham Messenger to gauge the public's interest in outdoor dining and snow removal ordinances. Responses will be compiled and submitted to the Council for review and recommendation. He further stated that he has asked the School Board to provide feedback on the Feasibility Study.

PUBLIC COMMENT

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

Mr. Joe Robbins, Aberdeen Drive, commended the Borough for paving Main Street however there are several areas where the manhole covers are depressed. Mr. Merkt asked that Mr. Robbins contact him and identify the specific manholes. Mr. Robbins further opined that the BPU should conduct a study on the potential neurological and psychological effects the JCP&L upgrade may have nearby residents.

Ms. Laurie Felber, Environmental Commission, announced that the Borough was not selected to receive a grant for bike rack installations. She further indicated that a presentation to the Board of Education regarding bike rodeos and bike safety classes will also be presented to the Home School Association. Ms. Felber further indicated that there are grants available for crosswalk safety improvement.

Mr. Jim Rooney, Dean Road, expressed support for a sidewalk snow removal ordinance and stated that he will contact the Mountain View School principal to propose a community service program for students who are willing to shovel the sidewalks of those who are unable to do so.

Ms. Leslie Moran, Randolph, NJ, reiterated her stance against the retail sale of cats and dogs. Councilwoman Daly indicated that the topic will be on the agenda for the next Public Safety meeting.

Ms. Sheila Fredericks, Mountain Avenue, stated her support for a sidewalk maintenance ordinance.

Mr. David Sprandel, North Linden Lane, followed up on his previous inquiry regarding sidewalk repairs. Mr. Semrau stated that the Borough may elect to introduce an ordinance that puts the responsibility on the adjacent property owner as is the common practice.

Ms. Anne Parker, Forest Drive, conveyed her support for a snow removal ordinance and asked what the next steps should be. The Mayor and Council advised Ms. Parker to draft a petition for circulation among Borough residents.

Hearing no further comments/questions, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill List dated September 21, 2015

Motion to approve: Councilwoman Daly

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION

Res. #153-15 Executive Session: Contract Negotiations

Motion to approve: Councilman Andrews

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Mr. Semrau stated that action may or may not be taken upon return to open session.

The meeting was adjourned to closed session at 9:21PM.

The Council returned to open session at 10:07PM.

ACTIONS TAKEN

Res. #156-15 Award PSA: Matrix Consulting Group

Motion to approve: Councilman Andrews

Second: Councilwoman Daly

Discussion: Mr. Semrau stated that the approval of the resolution is subject to the CFO's certification of funds and to satisfactory contract terms as negotiated by Mr. Merkt.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: 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 10:10PM next to convene at the Regular Meeting on October 5, 2015 at 8:00PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk