

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

CALL TO ORDER

Mayor Henry called the September 6, 2016 meeting of the Mayor and Council to order at 7:30PM 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 Brad Badal
Councilwoman Veronica Daly
Councilman David Sharkey (7:50PM)
Council President John Andrus

Excused: Councilman Stanley Witczak

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

CONSENT AGENDA

Minutes of the regular meeting of 8/15/16
Minutes of the executive session of 8/15/16
Raffle License: Hickory Tree Chorus – 50/50 (11/19/16)
Request for Road Closure: Forest Drive Block Party (9/17/16)

Motion to approve Consent Agenda: Councilman Badal

Second: Councilman Andrus

Discussion: Councilman Badal asked whether time limits should be imposed on road closures for block parties. Mr. Merkt agreed to research similar policies in other municipalities. Ms. Kaye confirmed that the Hickory Tree Chorus is seeking approval for a raffle to be held during their annual show at WMMHS on November 19, 2016.

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Andrus

Opposed: None

Abstain: Sharkey (regular and executive session minutes only – absence)

Absent: Witczak

EXECUTIVE SESSION

Res. #139-16 Executive Session: Attorney/Client Privilege, Potential Litigation

Motion to approve: Councilwoman Daly

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

The Mayor and Council entered into executive session at 7:35PM.

The Mayor and Council returned to open session at 8:09PM.

DISCUSSION:

Holiday Banners: Bob Diffin, MBA

Mr. Diffin explained that the existing holiday flags get damaged and frequently must be replaced on an annual basis. He recommended hanging approximately 14 banners on Main Street with the flags remaining on Hilltop Road and Mountain Avenue. Mr. Diffin presented a sample banner and confirmed that he has received no opposition from the Historic Preservation Commission and Historical Society. He further suggested hanging several banners year-round to distinguish the Borough's Historic District.

The Council expressed concern regarding the size of the banner and suggested that the sample be mounted on a pole so the residents and Council are able to provide feedback. Mr. Diffin stated that the banners do not look oversized once installed but agreed to check whether a smaller size is available. He also agreed to obtain a letter of agreement from JCP&L and to allow Council review of the banners prior to purchase by the Mendham Business Association.

Emergency Support Vehicle – Storage

Mr. Merkt stated that a member of the MFAS requested a meeting with the DPW and Council to discuss storage for their new emergency support vehicle. He further confirmed that a storage facility was specifically excluded as part of the approval. Councilman Andrews clarified that the squad is looking for direction in terms of location and that no funding is being requested at this time. There was consensus that the MFAS prepare a formal proposal for Council review.

Daytop Security

Mr. Merkt summarized correspondence received from Daytop regarding security issues and MBPD call frequency. Councilman Andrus directed Mr. Merkt to compel Daytop to submit an action plan within 30 days.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION:

ORDINANCE #13-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 20, SECTIONS 20-2, 20-3, 20-5, AND 20-8, CHAPTER 4, SECTION 4-48, AND ORDINANCE NO. 23-89, TO ALIGN THE FIRE DEPARTMENT CODE WITH CURRENT STATE OPERATIONAL REQUIREMENTS AND LOCAL MUTUAL AID REQUIREMENTS

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

ORDINANCE #13-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 20, SECTIONS 20-2, 20-3, 20-5, AND 20-8, CHAPTER 4, SECTION 4-48, AND ORDINANCE NO. 23-89, TO ALIGN THE FIRE DEPARTMENT CODE WITH CURRENT STATE OPERATIONAL REQUIREMENTS AND LOCAL MUTUAL AID REQUIREMENTS

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Mr. Semrau stated that the changes discussed during introduction were not substantive and are incorporated herein. Hearing no further comments, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #13-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 20, SECTIONS 20-2, 20-3, 20-5, AND 20-8, CHAPTER 4, SECTION 4-48, AND ORDINANCE NO. 23-89, TO ALIGN THE FIRE DEPARTMENT CODE WITH CURRENT STATE OPERATIONAL REQUIREMENTS AND LOCAL MUTUAL AID REQUIREMENTS

Be passed and adopted, as amended, on this final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune according to law.

Motion to adopt Ordinance #13-16, as amended, was made by Councilwoman Daly
Seconded by Councilman Sharkey
Discussion: None
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

ORDINANCE #14-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE, CHAPTER 102. FEES, TO AMEND THE FIRE SUBCODE FEES

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

ORDINANCE #14-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE, CHAPTER 102. FEES, TO AMEND THE FIRE SUBCODE FEES

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Hearing none, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #14-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE, CHAPTER 102. FEES, TO AMEND THE FIRE SUBCODE FEES

Be passed and adopted on this final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune according to law.

Motion to adopt Ordinance #14-16 was made by Councilman Andrews
Seconded by Councilman Andrus
Discussion: None
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

ACTIONS TAKEN

Res. #133-16 Sanitary Sewer Approval – 6 Hilltop Road, Block 1501, Lot 41 (Olivera)
Motion to approve: Councilman Badal
Second: Councilwoman Daly
Discussion: None
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #134-16 Engineering Inspection Escrow Refund – 9 Hillcrest Avenue, Block 603, Lot 21
Motion to approve: Councilman Andrus
Second: Councilman Badal
Discussion: None
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #135-16 Tax Overpayment Refund – West Main Street, Block 1801, Lot 5.01, CT-3 (St. John’s)
Motion to approve: Councilman Andrews
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #136-16 2016 Budget – Insertion of Item of Revenue (Clean Communities Grant)
Motion to approve: Councilman Andrus
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #137-16 GovDeals Auction Authorization - Electric Typewriters
Motion to approve: Councilman Badal
Second: Councilman Daly
Discussion: Councilman Badal moved for approval provided that the sale of the typewriters alone makes financial sense. Mr. Merkt agreed to determine the associated costs and if appropriate, defer the auction until additional items are identified for sale.
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

Res. #138-16 Tax Overpayment Refund – 42 East Main Street, Block 603, Lot 3
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

ADMINISTRATOR REPORT

MASH has requested additional funding for certain line items that they anticipate will exceed budgetary limits. The Borough responded that any movement of funds must wait until November 1st. The PBA grievance has been resolved. An application has been filed with the Morris County Trail Construction Grant Program for funding of the Scott Farm loop trail. Ten (10) new rental units have been registered and an additional 234 have been contacted for inspection. The Zoning Officer will continue to provide monthly inspection and property maintenance reports.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – no report.

Councilman Badal – no report.

Councilwoman Daly – Councilwoman Daly commended the Borough’s Emergency Responders for their work over the Labor Day weekend. A Public Safety Committee meeting will be scheduled for September.

Councilman Sharkey – The Labor Day festivities went well and the Borough Park field should recover nicely. Selection of the 2017 Grand Marshal will be completed by March. An increase in the tree removal budget will be requested due to damage by the Ash Borer.

Mr. DiBisceglie added that there was a \$2500 profit generated from summer camp and deemed both the concert series and the drive-in movie a success.

Councilman Witczak – excused.

Councilman Andrus – A schedule of 2017 budget meetings will be released in October. Mr. Clifford Straub commended Sergeant Camoia for his assistance during a recent family emergency. Councilmen Badal and Andrus will work together to review police promotion regulations in neighboring municipalities.

ATTORNEY ITEMS

Attorney Semrau stated that he has two (2) items for discussion during executive session.

MAYOR'S ITEMS

Mayor Henry inquired whether Chief Libertino had any information regarding the MBPD questionnaire. The Chief explained that a number of officers developed a questionnaire to obtain Borough feedback from community stakeholders as recommended in the Matrix report. After discussion, the Mayor stated that the questionnaire will be redesigned with input from the Council and distributed throughout the entire Borough.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Hearing none, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated September 6, 2016
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Andrus
Opposed: None
Abstain: None
Absent: Witczak

EXECUTIVE SESSION

Councilmen Badal and Andrus recused from executive session and left the premises.

Res. #140-16 Executive Session: Attorney/Client Privilege, Potential Litigation
Motion to approve: Councilwoman Daly
Second: Councilman Andrews
Discussion: Mayor Henry stated that action will not be taken upon return to open session.
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey
Opposed: None
Abstain: None
Absent: Badal, Witczak, Andrus

The Mayor and Council entered into executive session at 9:13PM.

The Mayor and Council returned to open session at 10:14PM.

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 10:15PM next to convene at a regular meeting on September 19, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk