

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

CALL TO ORDER

Mayor Henry called the September 8, 2015 meeting of the Mayor and Council to order at 8:01PM 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 Brad Badal
Councilman John Andrus
Councilman David Sharkey
Councilman Stanley Witczak
Council President Veronica Daly

Absent: Councilman John Andrews

Also present: Dawn Sullivan for Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator

CONSENT AGENDA

Approval of the minutes of the regular meeting of 8/17/15
Tier 1 Banner Request Approval: Harvest Hustle – 9/18/15-10/5/15
Request for Road Closure: Phoenix Drive Block Party – 9/26/15
Blue Light Permit Application: Frederic Petit – First Aid Squad

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Badal abstained from the minutes due to absence.

Absent: Andrews

DISCUSSION

NJ Center for Tourette Syndrome 5K

Mayor Henry stated that the organization is seeking approval to host its annual 5K that has been held in the Borough for the last 6-7 years. He confirmed that any costs associated with the DPW or MBPD would be covered by them.

Motion to approve

First: Councilman Sharkey

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrews

King's Grand Re-opening Signage

Present: Sandra Florent

Ms. Florent announced that King's is hosting a grand re-opening on September 18th and 19th and requested approval for temporary signage in the grassy area on each side of the entrance to the Shopping Center. She confirmed that the oversized signs will be secured by sandbags and that there will be no digging. The Mayor expressed concern for obstructed traffic due to the size and location of the proposed signs. A discussion of the sign ordinance followed and there was consensus that Ms. Florent must work with Mr. Merkt for zoning approval under the ordinance.

Zoning Ordinance Amendment: A/C & Generator Installations

Mayor Henry indicated that impervious coverage calculation as it relates to utility pads smaller than 20 sq.ft. has been before the Council in the past. The Council agreed to forward proposed ordinance amendment language to the Land Use Committee for its review and recommendation.

Outdoor Dining Ordinance

Mayor Henry indicated that outdoor dining had been discussed in previous years and encouraged a dialogue with the members of the public. Mr. Merkt summarized the draft ordinance and Ms. Sullivan presented additional issues that require consideration. Mayor Henry opened the floor to questions/comments from the public.

Mr. Charles Topping, Mendham Borough Historical Society, stated his opposition to the ordinance as it is not in keeping with the nature of the Borough. He reviewed the proposed ordinance, requested clarification of several items and offered alternate language for others.

Mr. Steve Baliva, Villa Enterprises, agreed with a number of points raised by Mr. Topping and stated that The Black Horse Inn and Piattino's would very much benefit from outdoor dining. He further agreed that any parameters established by the Borough would be strictly followed.

Mrs. Elizabeth Gray, Historical Society President, questioned whether outdoor dining belongs in the Borough.

Mr. Tony Sarno, Dante's, stated that their lot can accommodate outdoor dining and that patrons frequently request outdoor seating. He further stated that they would adhere to any regulations established if the ordinance is passed.

Mrs. Sharon Corbett, Talmage Road, stated that she and a number of other residents support the ordinance.

Mr. Tom Ferguson, Mendham Business Association, shared his belief that outdoor dining options would draw people to the Borough thus increasing foot traffic to businesses in town.

Mr. Brennan Reilly, New Street, reiterated that there are too many unoccupied spaces on Main Street and that outdoor dining will not only result in more foot traffic, but may also encourage new business.

Mr. Bob Marino, Florie Farm Road, reviewed the draft ordinance and provided feedback on several items.

ORDINANCE INTRODUCTION:

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 of the 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 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 September 21, 2015 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 Daily Record, according to law.

Motion to introduce Ordinance #6-15 was made by Councilman Andrus

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrews

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #142-15 Appoint BOA Member: Brennan Reilly, Alternate II

Motion to approve: Councilman Badal

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrews

Res. #143-15 Approve Insertion of Item of Revenue in the 2015 Budget

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrews

Res. #144-15 Refund Tax Overpayment: Bernardsville Road, Block 2401, Lots 7 & 8

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrews

Res. #145-15 Refund Tax Overpayment: Galway Drive, Block 1102. Lot 147

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None
Abstain: None
Absent: Andrews

Res. #146-15 DPW New Hire: Joseph Morrison, Driver/Operator
Motion to approve: Councilman Witczak
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Badal, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Andrews

Res. #147-15 Appoint Interim Zoning Officer: Paul Ferriero
Motion to approve: Councilman Badal
Second: Councilman Sharkey
Discussion: Councilman Badal clarified that the Ferriero Engineering firm is being appointed and Mr. Merkt confirmed the appointment is expected to be very short-term.
Roll Call – the vote was as follows:
In favor: Andrus, Badal, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Andrews

Res. #148-15 Authorize Contract Execution for Purchase of 88 Mountainside Road
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Badal, Sharkey, Witczak, Daly
Opposed: None
Abstain: None
Absent: Andrews

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Council previously. There were no additional comments or questions.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – no report.

Councilman Andrus – Capital concerns will require attention going forward.

Councilman Badal – Borough job descriptions have been drafted and should be finalized by the end of September. The Personnel Committee will be meeting toward the end of the month and will prepare recommendations. Helen Cleary has announced her retirement at the end of October.

Councilman Sharkey – The Labor Day parade was a success. Mr. DiBisceglie was commended by the Mayor and Council for his contributions.

Councilman Witczak – The DPW was commended for their work at the carnival. Algae remediation is needed at Mountain Valley Park. A new DPW employee will be starting on September 14, 2015. Discussions with Chester Borough are ongoing regarding their sewer system and whether Mr. Wright's expertise may be beneficial to them. An assessment of their current situation along with the time requirement and impact on Mendham Borough will be conducted.

Councilwoman Daly – Discussions with the Fire Department continue regarding the siren as both parties seek a compromise between public safety requirements and the effects on nearby residents. The MBPD was commended for its assistance with the carnival.

ATTORNEY ITEMS

No report.

MAYOR'S ITEMS

Mayor Henry stated that the Feasibility Study has been distributed to the participating School Boards for their review and comment. Feedback will be discussed during the Mayors' Meeting scheduled for the third week of September. Mayor Henry shared correspondence from Governor Christie acknowledging the Labor Day Parade and the contributions of the Pastime Club to the community.

PUBLIC COMMENT

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

Mr. Bob Marino, Florie Farm Road, expressed his support for exempting small utility pads from Board approval. He further suggested that the pond at Mountain Valley Park be dredged and a silt pit installed.

Mr. Tom Parker, Forest Drive, proposed an ordinance to regulate snow removal on residential sidewalks. Mr. Jim Rooney, Dean Road, agreed. After discussion, the Mayor agreed to request feedback in the next Mendham Messenger and referred the issue to the Public Safety Committee for review and recommendation.

Mr. Dave Sprandel, North Linden Lane, questioned whether sidewalk maintenance is the obligation of the Borough or the homeowner. Councilman Andrus stated that the Borough will perform any necessary repairs and bill the homeowner for associated costs. Ms. Sullivan agreed to research the issue.

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

APPROVAL OF VOUCHERS

Minute Book Attachment Bill List dated September 8, 2015

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrews

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 10:09PM next to convene at the Regular Meeting on September 21, 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