

REGULAR MEETING
MAYOR AND COUNCIL
MARCH 12, 2018

Mayor Chegwidden called the Meeting to Order

Mayor Chegwidden read the Open Public Meeting Statement

Mayor Chegwidden requested Roll Call:

Council President Yeager- Present
Councilman Binkoski- Present
Councilman Corbett – Present
Councilwoman Hayes- Present
Councilwoman Veres- Present
Councilwoman Wickenheisser-Present

Flag Salute

Prior to the Flag Salute, Mayor Chegwidden requested a moment of silence in honor of the passing of Barbara Gillen.

Mayor Chegwidden then led those in attendance with the salute to the American Flag.

Guest Speaker

Stephen Fisher, Postmaster of the Dover Post Office: Mr. Fisher was asked to attend the meeting to discuss some of the issues that Wharton residents have been having with mail delivery. He advised the Mayor and Council that they are aware of the issues and are working to address them in various ways. They have been re-working all the routes that cover Wharton and have added an additional route moving from 6 to 7. They are also working to hire full-time carriers for each route. As the new carriers learn their routes, this should help to address people getting the wrong mail and other issues. As these changes continue to be made, they are hopeful that the changes will address the ongoing issues. He also recommended that residents sign up for the Informed Delivery service from the Postal Service. Informed Delivery is a free and optional notification service that gives residential consumers the ability to digitally preview their letter-sized mail pieces and manage their packages scheduled to arrive soon. You can sign up for this service on the US Postal Service website.

Open to the Public

In accordance with Local Ordinance O-18-03, “Persons making public comment at the first public portion shall be limited to five (5) minutes. During the second public portion repetitive, irrelevant or excessive public comment in the interest of permitting all members of the public time to speak on any governmental issue and completing the public business within a reasonable period of time”.

Mayor Chegwidden opened the meeting to the public.

Frank Harder, 65 Pine St.: Mr. Harder recently had one of the town’s trees come down in his backyard. The DPW came and took care of it, and when they were there his wife offered them coffee. They said that they weren’t allowed to accept anything and had to refuse. It seems unneighborly and he’s wondering if there is something that he is missing. Mr. Rheinhardt advised that the reason that they are a little gun shy is that previously there was a dispute between two neighbors and one of the neighbors thought that the other was getting better service because they tipped the guys under the garbage can lid. So, she taped an envelope of something under her garbage can lid, waited for them to take it, and proceeded to call him to report them. They then had a meeting with the guys to let them know that they cannot accept cash tips, a cup of coffee or bottle of water is fine, but the guys’

interpretation has been a little stricter knowing that someone was trying to set them up. DPW Director Hutchins apologized as they didn't mean to offend anyone by not taking what was offered. They weren't looking to make anyone angry, they do appreciate whenever any kindness is extended in their direction. The problem can be where to draw the line. He has asked the guys in the future if there is any question to call him and he will let them know what's okay and what's not. Mr. Rheinhardt advised that they were told to exercise common sense, if it feels wrong, don't do it. More discussion about this followed.

Gil Bahr, 7 Cornell St.: We appreciate the sanitation department, they do a great job. He knows that the giving of cash as gratitude has stopped, but is wondering what would be appropriate? Mr. Rheinhardt advised that if people bring in a basket of cookies or donuts that can be given to everyone, that is fine. Something that isn't cash that can be shared by everyone is okay.

No one else wishing to be heard, Mayor Chegwidden closed the meeting to the public.

Ordinance

Councilman Corbett introduced O-06-18, "An Ordinance to Provide for General Capital Projects Enumerated within and to Provide for the Funding Thereof," on first reading, by title only.

A motion was made by Councilman Corbett and was seconded by Councilwoman Hayes to adopt O-06-18 on first reading.

ROLL CALL VOTE: YEA-6 NAY-0 ABSENT-0 ABSTAIN- 0
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MOTION CARRIED

Mayor Chegwidden set the date of March 26, 2018 for second and final reading.

Resolution

Councilwoman Wickenheisser introduced R-54-18, "Resolution of the Borough of Wharton, in the County of Morris, New Jersey, Authorizing the Borough Planning Board to Undertake an Investigation to Determine Whether All or a Portion of Certain Properties Identified on the Tax Maps of the Borough of Wharton as Block 1317, Lots 1 through 22 Constitutes a Non-Condensation Redevelopment Area."

This is Main Street from Central to Fern on one side. This means we can't forcefully take any of the properties being examined.

A motion was made by Councilwoman Wickenheisser and was seconded by Council President Yeager to adopt R-54-18.

ROLL CALL VOTE: YEA-6 NAY-0 ABSENT-0 ABSTAIN- 0
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MOTION CARRIED

Consent Agenda

The following items are considered to be routine and non-controversial by the Mayor and Council and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen so requests, in which case, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

Approval of Bills: All bills referred to the finance committee to be paid if found correct.
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Approval of Minutes from February 26, 2018

**Resolutions: R-055-18: Accept Morris County Trail Construction Grant Agreement
R-056-18: Approve Tax Sale Redemption TSC 2016-001
R-057-18: Approve Tax Sale Redemption TSC 2016-014
R-058-18: 2018 Salary Resolution**

Re-appoint Thomas P. Beirne as the Police Department Chaplin for a term to expire 12/31/18.

Approve Facility Application from SUD America FC for the Lafayette Soccer Field for every other Sunday from 8-10 a.m. from April-June/September-November.

A motion was made by Council President Yeager and was seconded by Councilwoman Wickenheisser to approve all of the items on the Consent Agenda.

ROLL CALL VOTE: YEA-6 NAY-0 ABSENT-0 ABSTAIN-0

MOTION CARRIED

Discussion Items

- **Approval to have Marriage Ceremony on Canal Tow Path- There is a couple that would like to have their marriage ceremony on the canal path. Mr. Hutchins advised that the couple wishing to get married there should be aware that there will be construction going on in that area soon.**
- **Marijuana- Councilman Corbett is wondering why they need to discuss this issue when currently, there is a bill in the Senate that has not had a single hearing and there is no bill in the Assembly. Even if this bill passes in its current form, we have a year to pass an ordinance banning marijuana retailers in town. Councilwoman Wickenheisser advised that we want to be pro-active about this issue. Mayor Chegwidden advised that in the proposed bill there is a section that states that failure for a local government entity to enact an ordinance prohibiting the operation of marijuana establishments within a year following the effective date, we would have to allow them for 5 years. Councilman Corbett stated that since right now there is no bill, we do not have the authority to reject the retailers and he doesn't know why we are discussing it now. Councilwoman Wickenheisser said that she believes that it is important to discuss it. Mayor Chegwidden thinks it's important to the community to discuss this, for example, do we want to make it a destination for people to come here to buy marijuana?**

Councilman Binkoski thinks that we need to make a stance one way or another so that people know how to focus on where things will go. He advised that he knows of other towns that are already making plans about how they will handle this issue. Mayor Chegwidden advised that he's received a letter from the marijuana retailers association looking to set up a meeting with him so they can show how the industry will work, so they are being proactive about it. Councilman Corbett stated again that there's one bill in the State Senate which has not had a hearing and the sponsor has said he is considering making amendments, and none in the Assembly. Even if the bill does pass, we have a year to take action on an ordinance denying retailers. We can't pass an ordinance against driving it through town, we can't pass an ordinance about anyone using it in town, although we can pass one about where they can use it, which he doesn't have a problem with. Councilwoman Veres advised that the current bill does not legalize public use.

More discussion in which it was clarified that this is just a discussion on the issue, not an ordinance, and the time limits set by the proposed Senate bill followed. Mayor Chegwidden wanted to make it clear that he is against it. Mr. Rheinhardt advised that he and Mayor Chegwidden wanted to discuss this so that they could proactively see if there is a consensus about the issue, is anyone for it or against it so that if it is necessary to produce an ordinance

we're ready to move. At least 24 towns have already taken action to say that no matter which way it goes, they oppose it. Mr. Johnson thinks that most of the towns who have taken action have amended their zoning ordinances, specifically prohibiting these types of uses. He has discussed this with the Borough Planner who is on the Land Use Task Force from the State League of Municipalities (NJLM). Mr. Rheinhardt advised that he is on the NJLM Finance Task Force, they have created these task forces to study this and see where this goes. The State will get 25% tax on the sale of marijuana after a few years. If municipalities allow them they will get up to 3% tax even though we're saddled with enforcement, the hiring of DRE officers, licensing of dispensaries, and managing it. The point of this was to just discuss the issue.

Councilman Corbett stated that we're discussing a bill that's not even close to being done. Councilman Binkoski thinks that it's more than just a bill, we can discuss where we stand in terms of where the State is going. He feels like if there is no discussion now, after the fact they will hear about how they didn't say anything before and now are speaking up. He has kids and coaches kids and doesn't want to be seen as in favor it, and would like for someone to know this. Mayor Chegwiddden does like the idea of changing the zoning ordinance. Mr. Johnson said that is something that the Planner is on top of and can assist the Planning Board with starting that process. He asked if there has been any discussion amongst towns about this. Mr. Rheinhardt advised that he has heard a lot through the NJLM task force that he is on. One town did a study of the potential impact, costs, and benefits of housing a dispensary and found that they would be underwater financially due to the additional enforcement that would be necessary. Councilwoman Hayes, Councilwoman Wickenheisser, and Councilman Yeager all advised that they are against it. Councilwoman Veres advised that she would like to do more research, specifically about the proposed bill. Councilman Corbett advised that he could make an argument both ways.

Correspondence

- Notice of Grant Award from NJDOT
- RVRSA Proposed Amendment to Bylaws
- Morris County Planning Board Minutes
- Notice of Ordinance from Rockaway Township
- Monthly Reports from Clerk, Construction, and Treasurer

Council Reports

Council President Yeager: No report.

Councilman Binkoski: He attended the FOP's St. Patrick's Day fundraiser. It was well attended and a lot of fun. It's always good to be able to go out and support them.

Councilman Corbett: He was unable to attend the FOP fundraiser because he was in Florida. He did attend the IAANJ's St. Patrick's Day party. This morning he had a conference call meeting with the RVRSA concerning the fact that Jersey City is now wanting the commissioners to testify which is scheduled for tomorrow. They were supposed to end their case tomorrow, but that may change if they call all of the commissioners to testify. Our case was supposed to start on April 17th, but that may be adjusted now. Prior to this meeting he attended a meeting of the 9/11 committee. He'd like to remind everyone that the Governor's budget address is on Wednesday, hopefully they don't take additional money from the energy tax that is supposed to be the towns.

Councilwoman Hayes: She thanks Mr. Hutchins and his staff for always doing a wonderful job. Their standards are very high.

Councilwoman Veres: She attended the 9/11 Committee meeting and that project is moving along. She got good feedback about how everything was managed during the storm but was wondering if there is going to be any branch pick up for items that fell during the storm. Mr. Hutchins advised that yard waste pick up normally starts on April 1st and it would be more expensive to mobilize to do it now, when it is already starting so soon. She saw an email from Rita from the Pharmacy about an issue. Mayor Chegwidden advised that he went over and spoke with her and it has been addressed.

Councilwoman Wickenheisser: Thank you to the DPW for all of their hard work. She also attended the FOP St. Patrick's Day fundraiser, which was a nice event. The Municipal Alliance is hosting a parents forum on March 29th at MacKinnon Middle School. In attendance will be the Prosecutor's Office, Sheriff Gannon, CARES, Morris County Juvenile Corrections, and Deidre's House. The Alliance and Lt. Young put together a really nice newsletter to educate parents about vaping, which was distributed at the school.

Mayor Chegwidden's Report: He also thanks Mr. Hutchins and the DPW for everything that they do. He'd also like to thank JCP&L. We didn't get hit as hard as many towns but they were very helpful to us, we will truly miss our liaison Mike Ombremski when he is gone at the end of the month. He is always responsive and helpful when we need him. He wants to note that the funds for the DOT grant in O-06-18 is coming from the gas tax. Himself and Mr. Rheinhardt missed the last meeting because they were at the grant presentation for the CDBG for redoing the bathrooms in the library. He thinks they fared well and we should have an answer soon. He attended the Mass in Morristown for the St. Patrick's Day Parade Grand Marshall, John Murphy. He also attended Sheriff Gannon's event and the FOP fundraiser. He met with the Police Chief and Councilman Binkoski to discuss four way stops and some one-way streets by the school during school hours. The Engineer is working on it, if Mr. Bahr could let the Board of Education know. The State has recently changed the rules about requiring permits for decks, roofs, and siding. This cuts into about 17% of our revenue for this. Everyone expressed concern about not having decks inspections because they all know of many issues and accidents with problematic installations. He gave everyone a copy of the road resurfacing program, including the 2018 plan. This shows everything that has been done since 2013. The County has said that they are going to the other side of Main Street this year as well. The County's Main Street extension is still moving forward and they will be starting construction in 2018.

Open to the Public

Mayor Chegwidden opened the meeting to the public.

Frank Harder, 65 Pine St.: Mr. Harder asked about the use of marijuana for medical use. Councilman Corbett advised that it is already legal and currently in New Jersey you need to have certain medical conditions and have to get it at specific dispensaries. The new Governor is looking to expand the list of conditions that are eligible for a prescription for this. Mayor Chegwidden advised that he agrees with medical use. Mr. Rheinhardt advised that there is a companion bill with the recreational use bill to form a State Bank, because funds derived from marijuana sales cannot be stored in a federally insured bank.

Gil Bahr, 7 Cornell St.: He asked for more information for the four way stops. Mayor Chegwidden advised that the engineer has to work on it and the DOT has to approve them. Councilman Corbett advised, that in the past the DOT has not liked four way stops, and has made them change the rule about having certain streets be one way during school hours, but maybe their rules have changed. Mr. Bahr explained that they have a lot of parents come to the School Board meetings about this issue, so he is glad to have some information for them. Mr. Harder brought up the idea of speed bumps, but the Police Chief and DPW both are not fans of those. They also cause people to speed up in between them, defeating the purpose. Lowering the speed limit causes a similar issue, and it also won't necessarily be

lowered because the DOT uses the average speed on the road over a period of time to set them.

John McCusker, 34 Ford Ave.: He will be attending the School Board meeting to see if there is anyone else who is interested in joining the 9/11 Committee.

No one else wishing to be heard, Mayor Chegwidden closed the meeting to the public.

Closed Session

Council President Yeager introduced and read R-59-18, closing the meeting to the public for discussion upon litigation. He then made a motion to approve R-59-18 which was seconded by Councilwoman Wickenheisser.

ROLL CALL VOTE: YEA-6 NAY-0 ABSENT-0 ABSTAIN- 0
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MOTION CARRIED

Councilman Corbett made a motion to return to open session, which was seconded by Councilman Binkoski. This motion was approved via voice vote.

Councilman Corbett made a motion to engage the law firm of McManiman, Scotland, and Baumann to begin with the condemnation process for Block 1704 Lot 2, 88 S. Main St. in order to acquire said property. The motion was seconded by Councilwoman Hayes. This motion was approved via voice vote.

Mr. Hutchins brought samples of potential street signs for the Mayor and Council to review. After some discussion, they approved the sign with a blue background.

Adjournment

A motion was made by Councilman Corbett and was seconded by Councilman Binkoski to close this meeting. This was approved via voice vote.

March 12, 2018

BOROUGH OF WHARTON

ATTEST:

**WILLIAM J. CHEGWIDDEN,
MAYOR**

**Gabrielle Evangelista,
Borough Clerk**