

REGULAR MEETING- HELD VIRTUALLY
MAYOR AND COUNCIL
AUGUST 17, 2020

Mayor Chegwidden called the Meeting to Order

Mayor Chegwidden read the Open Public Meeting Statement

Mayor Chegwidden requested Roll Call:

Council President Binkoski- Absent, Excused
Councilwoman Hayes- Present
Councilman Norton- Present
Councilwoman Vasquez- Present
Councilwoman Wickenheisser- Present
Councilman Yeager- Present

Also in attendance were Administrator Jon Rheinhardt, Borough Clerk Gabrielle Evangelista, and Attorney Roman Hirniak.

Flag Salute

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

Following the Flag Salute, Mayor Chegwidden requested a moment of silence for former Borough Employee, Fred Blume.

Presentation

Mayor Chegwidden presented the Ramirez family whose home was destroyed during Tropical Storm Isaias with the donations that the Borough collected on their behalf, which came to over \$1,000. He advised that the community is here for them with whatever they need. Mr. Ramirez said that the support has been overwhelming and thanked everyone.

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.

Monika Smith: Ms. Smith has submitted a request for a waiver of the 5-year road opening moratorium due to paving so that she can connect her property to the sewer system. She read her request. Her property is located at 155 St. Mary's St. but would connect to the system through an easement on Sherwood Place. She has submitted the application and fees for connecting to the system. Her and her husband have placed their property for sale and have a buyer lined up, but they believe that the sale will not go through without the sewer connection. They are senior citizens who are looking to downsize for financial and health reasons.

Carlos Rivera: Mr. Rivera lives at 30 Sherwood Pl. which is one of the properties where the easement runs. He understands about the easement and the proposed project, but has some concerns. There are several large trees in the area, which he suspects aren't getting taken down, but is concerned that the dredging nearby may impact the roots, which could create an issue down the road. The area of the easement is currently maintained so he would like to make sure that upon the completion of the project that the area would be returned to its current state. Nearby to the easement there is a large rock wall, which he is concerned may be disturbed if there is heavy equipment and dredging in the area. He also has concerns about the use and storage of any heavy equipment for the project since he doesn't know the plans for it. Bottom line is that he does not take exception to the project, he just has some concerns. For the road opening, he along with many of his neighbors, were thrilled when their road was repaved. To see it torn up again, he thinks, will bother more people than the just the property owners with the easement.

Mr. Rheinhardt advised that in the past the Mayor and Council have allowed for road openings during the moratorium period for emergency needs. This road is at least 2 years away from the 5-year moratorium. It is not an emergent need like a heating system in failure.

Monika Smith: Her contractor has assured them that it will be a small machine and can go around the trees. The trench will only be 42 inches deep and a foot wide. The Borough already has check to ensure that the property is restored. It's a 4x6 patch. She is worried that they will not have a buyer in 2 years and they have one now.

Robert Smith: Mr. Smith is Monika's son and asks that the Borough grants her request, because there will be little impact to the site, the site will be fully restored, and her downsizing will allow her to spend her twilight years with his family and her grandchildren.

Mr. Rheinhardt advised that the issue here is not the easement, which has already been granted, it is the road opening. The road was paved 2 and ½ years ago and we have a 5-year moratorium so that residents can have a road that has not been disturbed for a period of 5 years. They have entertained granting exceptions towards the end of the 5 years for emergent items like a heating system failure.

They've recently had requests with roads that were paved only a year ago, which have been denied.

Monika Smith: Ms. Smith advised that she realizes that the residents have the right to a good road, but she thinks that she also has the right to sell her property. They have a buyer who doesn't want a new septic system, but to be hooked up to the sewer system.

Councilwoman Wickenheisser made a motion to bring Ms. Smith's request up for discussion, which was seconded by Councilman Norton.

Councilwoman Wickenheisser asked if there was a way to negotiate with the buyer to wait for the moratorium is up to open the road. Mayor Chegwidden advised that if someone is doing work on the home they may not be moving in immediately anyway. Councilwoman Wickenheisser agreed that it would allow the Smiths to move now and the buyer could still get what they are looking for at the end of the 2 years. Councilman Yeager advised that since the septic system isn't failing, the buyer could still move in and use it until then.

Mayor Chegwidden advised that he has had others come to him with similar requests recently which he has told they need to wait until the moratorium is up. It is the Council's decision, but he is worried that we would be setting a precedent. Councilwoman Hayes feels bad for the situation, but thinks if the Council says yes, they would be setting a precedent. Councilman Norton agrees.

Councilman Yeager made a motion to deny the road opening request, which was seconded by Councilwoman Hayes.

ROLL CALL VOTE: YEA-5 NAY-0 ABSENT-1 ABSTAIN-0

MOTION CARRIED

Mayor Chegwidden and Councilwoman Wickenheisser advised that they do think there is a way that they can work it out with their buyer.

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

Ordinance

Mayor Chegwidden advised that the Planning Board has reviewed the Redevelopment Plan and made some recommendations for modifications to it, which are reflected in the final version of the plan. The Planning Board approved it unanimously with the changes.

Councilwoman Hayes would like to clarify the language on page 12 that the trees should be provided by the developer/builder. This will be updated in the final plan. She also likes the language changes that the Planning Board made.

Mayor Chegwidden advised that the Planning Board did a thorough job going through the plan, and they have learned a lot from all of the recent projects that have been happening. Councilwoman Wickenheisser agreed that they did a great job and she likes all of their recommendations.

Mr. Rheinhardt then outlined the modifications suggested by the Planning Board.

Councilwoman Wickenheisser presented O-13-20, “An Ordinance Adopting a Redevelopment Plan for a Portion of an “Area in Need of Redevelopment” Known as the “L.E. Carpenter Redevelopment Area” the Portion of which Consists of Block 301, Lot 1 as Shown on the Tax Map of the Borough of Wharton in Accordance with N.J.S.A. 40A: 12-7, and Supplementing and Amending Chapter 165 Entitled “Land Use and Development” by Amending the Article II Entitled “Zoning Standards” and Adding New Section 165-101.1 170 N. Main Street Standards,” on second reading, by title only.

Mayor Chegwidden opened the meeting to the public for questions or comments on this Ordinance only.

Dharmesh Parikh: Mr. Parikh asked if this project would receive a similar tax break that other redevelopment projects have received and what the total retail area would be. Mayor Chegwidden replied that neither have been decided yet, there are no plans that have been submitted, this just allows them to move forward with presenting a plan in the future. Mr. Parikh then wished Mr. Rheinhardt and Councilman Norton a Happy Birthday.

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

A motion was made by Councilwoman Wickenheisser and was seconded by Councilman Yeager to adopt O-13-20 on second and final reading.

ROLL CALL VOTE: YEA-5 NAY-0 ABSENT-1 ABSTAIN-0	MOTION CARRIED
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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.

Approve Minutes from 7/13/20

Approve Closed Session Minutes from 11/13/17 and 2/3/20

**Resolutions: R-105-20: Requesting Approval of Items of Revenue and Appropriation- Clean Communities
R-106-20: Requesting Approval of Items of Revenue and Appropriation - Alcohol Education and Rehab Fund
R-107-20: Professional- RVRSA Litigation
R-108-20: Approve Screen Rental Alliance
R-109-20: Recycling Tonnage Grant Application
R-110-20: Award Bid St. Mary's Street Improvements**

Approve extension of Facility Application from Patricia Veres for Saturdays (Rain Date Sundays) through August 31

Councilman Yeager made a motion to approve the items on the Consent Agenda which was seconded by Councilwoman Hayes.

ROLL CALL VOTE: YEA-5 NAY-0 ABSENT-1 ABSTAIN- 0

MOTION CARRIED

Correspondence

- **Morris County Planning Board Minutes**
- **Letter re: Transportation Set Aside Program from NJDOT**
- **Monthly Reports Clerk and Construction**

Council Reports

Councilwoman Hayes: In the July meeting there was discussion on the trail grant application and there has been a change to the grant request from \$149,971 to \$164,759 so she would like to make a motion to approve R-111-20 with the corrected amount, which was seconded by Councilman Norton.

ROLL CALL VOTE: YEA-5 NAY-0 ABSENT-1 ABSTAIN-0

MOTION CARRIED

She continued that the fireworks were excellent.

Councilman Norton: This past Friday was the last day of summer recreation for the year. The campers and counselors held their own version of an Olympiad followed

by a picnic that was enjoyed by everyone. He thanks Ms. Ghebreal for all of her efforts for this year's camp and to also recognize the excellent job that the counselors did with the different circumstances this year. It was a challenging 6 weeks for the kids and counselors, but they did pull it off. The fireworks were awesome as always. This Thursday night the Municipal Alliance is hosting an outdoor family movie night showing *The Goonies*.

Councilwoman Vasquez: The Library Board is meeting tomorrow night. They are discussing setting up a strategic plan.

Councilwoman Wickenheisser: Thank you to the Police, Fire Department, and DPW, and really everyone for all of their work during the Tropical Storm. The community really came together which she appreciates. They have had a few Tenancy Review meetings, which tells us that there are businesses looking to move into Wharton. She attended the Planning Board meeting. The fireworks were great, and she looks forward to the movie night.

Councilman Yeager: Throughout the storm both the Fire Department and Police Department were busy with many calls. Both stepped up to the plate and did a great job.

Mayor Chegwiddden's Report: He also would like to thank all of the services in town who had to respond to the storm. He would also like to include the Construction Department in his thanks, Mr. Brezina did a great job making sure that things were safe at the home on Baker Ave. He is always happy to see how well the community comes together in times of need. He has been in touch with JCP&L about the storm. A lot of people like to beat up on them when power is out. If you remember the numbers from Hurricane Sandy, they had 1.7 million without power in New Jersey after that storm. This storm was about 1.2 million people. He hopes this puts things into perspective, knowing that they don't want you to not have power, they actually don't make any money when that happens. He had a conversation with John Anderson from JCP&L and he explained that restoration isn't as simple as flipping a switch, they have to make sure they work the energy back into the homes so that you're not getting any surges into the homes. It's really a complex system. We also need to make sure that the linemen are safe. For the restoration, a lot of the prioritizing of areas to restore comes from the Morris County OEM office. Our DPW did a great job clearing downed trees and helping roads reopen. He attended the Planning Board meeting, which was great. He thanks them, because they really have been working overtime lately having special meetings and working on all kinds of things that are pushing us in the direction of improving our town. He also received a letter from Rita Parikh about some improvements for Main Street, which he agrees with. He also thanks everyone who was involved in the fireworks. Events like that encourage a sense of community and he really appreciates it.

Councilwoman Hayes added that the Wharton Kids First Foundation is having a dining to donate fundraiser at the Canal House on 8/23 from noon until closing a percentage of your bill will be donated to the Kids First Foundation.

Open to the Public

Mayor Chegwidden opened the meeting to the public.

John McCusker: Mr. McCusker asked about the status of the water park that had been discussed in the past few years. Councilwoman Hayes advised that they had been speaking to different vendors to get pricing, but at this point with the Covid-19 situation, the Finance Department has to focus on other priorities. Mr. McCusker agrees, he was just wondering where they were with it.

Rita Parikh: Ms. Parikh thanked Mayor Chegwidden for acknowledging her letter.

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

Adjournment

A motion was made by Councilman Yeager and was seconded by Councilman Norton to close this meeting.

August 17, 2020

ATTEST:

BOROUGH OF WHARTON

Gabrielle Evangelista,
Borough Clerk

WILLIAM J. CHEGWIDDEN,
MAYOR