TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
November 27, 2018
Regular Session 7:30 PM

1. ROLL CALL:
   Mr. Cioppettini
   Ms. Duarte
   Mr. Gisser
   Ms. Neibart
   Mayor Diegnan

2. SALUTE TO THE FLAG

3. STATEMENT OF ADEQUATE NOTICE:
   Adequate Notice of this meeting of the Township Committee of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Observer Tribune and Daily Record on January 4, 2018. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

4. ANNOUNCEMENTS/REPORTS

5. OPEN TO THE PUBLIC ON AGENDA ITEMS

6. APPROVAL OF MINUTES
   Executive Session Meeting of October 9, 2018
   Executive Session Meeting of November 12, 2018

7. PRESENTATION
   Pitney Farm Seven Acre Task Force Committee

8. RESOLUTIONS
   2018-182 Resolution of the Township Committee of the Township of Mendham Authorizing Refunds for Overpayment of 2018 Taxes
   2018-183 Resolution of the Township Committee of the Township of Mendham Authorizing the Appointment of Fire Subcode Official/Inspector and Building Subcode Official/Inspector
   2018-184 Resolution of the Township Committee of the Township of Mendham Authorizing Expenditures from the Reserve for Pitney for Preliminary Expenses Associated with the Pitney Property
   2018-185 Resolution for the Township Committee of the Township of Mendham Authorizing the Payment of Bills
9. ORDINANCES FOR INTRODUCTION
22-2018 An Ordinance of the Township Committee of the Township of Mendham Amending Ordinance No. 17-2017 Entitled "Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey
Public Hearing scheduled for December 10, 2018

23-2018 An Ordinance of the Township Committee of the Township of Mendham Amending Chapter 75 "Affordable Housing" Section 75-4 "Income Limits" and Section 75-5 'Affordability Controls'
Public Hearing scheduled for December 10, 2018

10. ORDINANCES FOR ADOPTION
19-2018 An Ordinance of Mendham Township of the Township of Mendham Adopting Chapter 170 (Repealing Chapter 10, Article VI, 10-29) Entitled "Fire Department" of the Mendham Township General Ordinances
Introduction /First Reading was held on November 12, 2018

20-2018 An Ordinance of the Township Committee of the Township of Mendham Providing for the Milling and Paving of Corey Lane and Appropriating $320,000 Therefore, Including $265,000 from the State of New Jersey Department of Transportation and $55,000 from the Capital Improvement Fund
Introduction /First Reading was held on November 12, 2018

11. DISCUSSION

12. OPEN TO THE PUBLIC

13. ADJOURN
RESOLUTION 2018-182
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUNDS FOR OVERPAYMENT OF 2018 TAXES

WHEREAS, the Tax Collector has certified to the Township of Mendham that payments be refunded due to overpayment of 2018 taxes; and

WHEREAS, the Governing Body has reviewed said certification and approved the same.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, being the Governing Body thereof that payments are refunded as follows:

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<tr>
<th>Block &amp; Lot &amp; Qualifier</th>
<th>Refund to</th>
<th>Amount</th>
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<tr>
<td>Block 125 Lot 22</td>
<td>Dirk &amp; Michelle Vander Sterre</td>
<td>$8,128.44</td>
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<td>9 Schoolhouse Lane</td>
<td>9 Schoolhouse Lane Morristown, NJ 07960</td>
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<td>Block 131 Lot 51.05</td>
<td>Corelogic Centralized Refunds</td>
<td>$5,296.50</td>
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<tr>
<td>10 Shelton Rd.</td>
<td>P.O. Box 9202 Coppell, TX 75019-9760</td>
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Adopted: November 27, 2018

Attest:  
TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk  
Richard Diegnan, Mayor
RESOLUTION 2018-183

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
FIRE SUBCODE OFFICIAL/INSPECTOR AND BUILDING SUBCODE
OFFICIAL/INSPECTOR

WHEREAS, effective December 31, 2018, various positions within the Construction Department will become vacant due to Russell Heiney’s retirement; and

WHEREAS, the Township Administrator conducted interviews with various inspectors which hold the necessary certification.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, that Collin Baker be appointed as the Fire Subcode Official/Inspector effective January 1, 2019 at an hourly rate of $45 per hour.

NOW THEREFORE BE IT FURTHER RESOLVED, that Robert Rosendale be appointed as the Building Subcode Official/Inspector effective January 1, 2019 at an hourly rate of $45 per hour.

Adopted: November 27, 2018

Attest

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk

Richard Diegnan, Mayor
RESOLUTION 2018-184
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING EXPENDITURES FROM THE RESERVE FOR PITNEY FOR PRELIMINARY EXPENSES ASSOCIATED WITH THE PITNEY PROPERTY

WHEREAS, the Township Committee of the Township of Mendham hereby acknowledges the requirement of preliminary costs associated with Pitney Property Sale and expenses associated with the surrounding Open Space Property; and

WHEREAS, the Township’s General Capital Fund contains a “Reserve for Pitney Expenses” which has been dedicated to expenses associated with the Pitney Property; and

WHEREAS, the Chief Financial Officer wishes to deduct $20,000 from the general “Reserve for Pitney Expenses” and establish a separate “Reserve for Preliminary Expenses – Pitney Property”.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, County of Morris hereby establishes in the General Capital Fund an account designated “Reserve for Preliminary Expenses – Pitney Property” in the amount of $20,000 to be utilized for expenses associated with the Pitney Property sale and expenses associated with the surrounding Open Space property.

Adopted: November 27, 2018

Attest: TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk Richard Diegnan, Mayor
RESOLUTION 2018-185
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the Chief Financial Officer be and hereby is authorized to pay current bills as attached hereto and made a part hereof, contingent upon the approval of the Finance Committee.

Adopted: November 27, 2018

Attest: TOWNSHIP OF MENDHAM,
MARIA COPPINGER, TOWNSHIP CLERK IN THE COUNTY OF MORRIS

RICHARD DIEGNAN, MAYOR
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<th>Vendor # Name</th>
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Total Purchase Orders: 60 Total P.O. Line Items: 99 Total List Amount: 957,484.16 Total Void Amount: 0.00
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<th>Budget Held</th>
<th>Budget Total</th>
<th>Revenue Total</th>
<th>G/L Total</th>
<th>Project Total</th>
<th>Total</th>
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<td>GENERAL CAPITAL FUND</td>
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<td>MENDEHAM EAST SEWER CAPITAL</td>
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<td>Total Of All Funds:</td>
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<td>Held Total</td>
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<td>LOT GRADING - ESCROW - RUSAK</td>
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</tbody>
</table>
ORDINANCE NO. 22-2018  
TOWNSHIP OF MENDHAM  
MORRIS COUNTY – NEW JERSEY


WHEREAS, N.J.S.A. 40A 0-165 permits a municipality to establish salaries, wages, or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Township Committee have made a careful examination of the salaries, wages and compensation appropriate to the compensation of said Township employees; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the below stated titles and compensation shall be amended upon adoption of this ordinance as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Annual Salary Minimum</th>
<th>Annual Salary Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>$1,800</td>
<td>$4,000</td>
</tr>
<tr>
<td>Committeeperson</td>
<td>$1,500</td>
<td>$3,500</td>
</tr>
<tr>
<td>Deputy Mayor</td>
<td>$1,500</td>
<td>$3,500</td>
</tr>
<tr>
<td>Township Administrator</td>
<td>$70,000</td>
<td>$140,000</td>
</tr>
<tr>
<td>Township Clerk</td>
<td>$45,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Tax Assessor- Part Time</td>
<td>$15,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>Chief Financial Officer</td>
<td>$60,000</td>
<td>$120,000</td>
</tr>
<tr>
<td>Tax Collector</td>
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</tr>
<tr>
<td>Deputy Tax Collector</td>
<td>$24,000</td>
<td>$65,000</td>
</tr>
<tr>
<td>Magistrate/Municipal Judge</td>
<td>$8,000</td>
<td>$35,000</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>$80,000</td>
<td>$160,000</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>$70,000</td>
<td>$140,000</td>
</tr>
<tr>
<td>Police Patron</td>
<td></td>
<td>$75 per call out</td>
</tr>
<tr>
<td>Superintendent Department of Public Works</td>
<td>$65,000</td>
<td>$130,000</td>
</tr>
<tr>
<td>Foreman Department of Public Works</td>
<td>$45,000</td>
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</tr>
<tr>
<td>Custodian</td>
<td>$12 per hour</td>
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<tr>
<td>Construction Code and Zoning Official</td>
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<td>$70,000</td>
</tr>
<tr>
<td>Plumbing Sub Code Official - Salaried</td>
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<td>$25,000</td>
</tr>
<tr>
<td>Plumbing Sub Code Official / Hourly</td>
<td>$35 per hour</td>
<td>$55 per hour</td>
</tr>
<tr>
<td>Electrical Sub Code Official - Salaried</td>
<td>$5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Electrical Sub Code Official / Hourly</td>
<td>$35 per hour</td>
<td>$55 per hour</td>
</tr>
<tr>
<td>Fire Sub Code Official / Inspector - Salaried</td>
<td>$5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Fire Sub Code Official / Inspector – Hourly</td>
<td>$35 per hour</td>
<td>$55 per hour</td>
</tr>
<tr>
<td>Building Sub Code Official / Inspector</td>
<td>$5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Building Sub Code Official / Inspector</td>
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</tr>
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<td>Clerical – Part Time</td>
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<tr>
<td>Land Use Planning Board Secretary – additional stipend</td>
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</tr>
<tr>
<td>Board of Health Secretary – additional stipend</td>
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<td></td>
</tr>
<tr>
<td>Recreation Director</td>
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School Crossing Guard $10 per hour $19 per hour
OEM Coordinator $1,000 $10,000
Deputy OEM Coordinator $1,000 $10,000
Beach Director $2,000 $10,000
Seasonal Employees – Salaried $1,000 $15,000
Seasonal Employees – Hourly $8 per hour $20 per hour

1. The specific salary to be paid each officer and employee within the ranges set forth in Section 1 shall be determined by Resolution adopted by the Township Committee of the Township of Mendham.

2. Each employee of the Department of Public Works, excluding the Superintendent and Foremen, shall be entitled to the benefits provided by the terms of the Collective Bargaining Agreement between the Township of Mendham and the International Brotherhood of Teamsters Local 469 currently in force. The Foreman shall be entitled to receive overtime pay for each hour worked in excess of a forty-hour week, such overtime pay to be at the rate of one and one-half times the employee’s regular hourly rate. However, any time worked on New Year’s Day, Thanksgiving Day or Christmas Day shall be paid at the rate of two times the employee’s regular hourly rate.

3. Each member of the Police Department below the rank of Lieutenant shall be entitled to the benefits provided by the terms of the Agreement between the Township of Mendham and the Mendham Township Police Bargaining Unit, P.B.A. Local 402.

4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

5. This ordinance shall take effect January 1, 2019.

INTRODUCED: 11/27/2018
PUBLIC HEARING: 12/10/2018
ADOPTED: 

ATTEST: 
TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk
Richard Diegnan, Mayor
ORDINANCE NO. 23-2018
TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING CHAPTER 75 “AFFORDABLE HOUSING” SECTION 75-4
“INCOME LIMITS” AND SECTION 75-5 ‘AFFORDABILITY CONTROLS’

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MENDHAM, NEW JERSEY, AS FOLLOWS:

SECTION 1.

In compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-329.1 et. seq.; and recognizing that an important function historically performed by the Council on Affordable Housing (COAH) is setting income limits for each of the COAH housing regions, which are used to determine eligibility for affordable housing, and setting rent increases for existing affordable housing; and COAH having not published income limits or rent increases since 2014; and the Township finding it necessary to establish income limits and rent increase information to comply with the directives of the Fair Housing Act, and to more generally ensure the implementation of municipalities’ constitutional obligations through the availability of existing affordable housing and new affordable housing constructed through the court compliance process pursuant to Mount Laurel IV to qualified individuals; and Mount Laurel IV having directed that it is necessary to adhere to the First and Second Round rules and aspects to the two earlier versions of the Third Round rules that were found valid by the appellate courts; and the parties and the Township thus having deemed it appropriate to establish income limits and rent increases based on COAH’s established practice for setting such income limits and rent increases, and to update such income limits and rent increases on an annual basis themselves based on the process historically used by COAH;

Now therefore be it hereby ordained as follows:

1. **Income limits** for all units that are part of the Townships’ Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Townships’ Affordable Housing Coordinator (sometimes hereinafter referred to as the “Administrative Agent”) annually within 60 days of the publication of determinations of median income by HUD as follows:

   (a) Regional income limits shall be established for the region that the Township is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income
limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township’s housing region. This quotient represents the regional weighted average of median income for a household of four.

The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

(b) The income limits derived from applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017 shall be utilized until the Municipality updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

(c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Affordable Housing Coordinator annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

2. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

(a) The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph 1. above. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

(b) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

3. Affordability Controls. The resale pricing for affordable housing units offered for resale ibn
accordance with Chapter 75, shall have such resale prices set and configured by the Administrative Agent in accordance with the guidelines established by the Affordable Housing Professionals of New Jersey”.

SECTION 2.
If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION 3.
All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.
This Ordinance shall take effect after final passage and publication pursuant to law.

INTRODUCED: 11/27/2018
PUBLIC HEARING: 12/10/2018
ADOPTED: ADVERTISED:

ATTEST: TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk
Richard Diegnan, Mayor
ORDINANCE NO. 19-2018
TOWNSHIP OF MENHAM
MORRIS COUNTY – NEW JERSEY

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENHAM
IN MORRIS COUNTY, STATE OF NEW JERSEY, ADOPTING CHAPTER 170 (REPEALING
CHAPTER 10, ARTICLE VI, 10-29) ENTITLED “FIRE DEPARTMENT” OF THE
MENHAM TOWNSHIP GENERAL ORDINANCES

BE IT ORDAINED by the Township Committee of Mendham Township as follows:

1. Chapter 170 entitled “Fire Department” of the Mendham Township General Ordinance is hereby
adopted as follows:

170-1. Establishment and Territorial Jurisdiction
A. A Fire Department is established in and for the Township to be known as the “Mendham Township Fire Department.” The mission of the Mendham Township Fire Department is to protect and serve the municipality and community from fire and other emergencies by providing fire suppression services, rescue services, appropriate incident response, code enforcement, and public fire prevention education.

B. The companies in existence at the time of the adoption of this chapter shall be known as Brookside Engine Company #1 and Ralston Engine Company #1 and any further companies organized and contracted with by virtue of this chapter shall be distinguished by words signifying the number and kind of company. The specified companies shall operate in districts corresponding to the Township election districts as constituted immediately prior to 1970. However both companies shall operate as one fire department when on an emergency scene under the command of the Incident Commander.

C. The members and officers of the fire department as established at the time of the adoption of this chapter shall continue as such members and officers until further members or officers are appointed and elected as herein provided.

D. The members of the Fire Department may adopt a Constitution, By-Laws and Rules of Order, provided there shall be nothing therein contained which shall conflict with any law of the State of New Jersey or any present or future provision of this chapter.

E. The Constitution and By-Laws may provide for the election of new members, and the discipline or expulsion of members; provided, however, that no such election, discipline or expulsion shall become effective until approved by the Township Committee as set forth herein.

F. Fire companies are permitted to have a members’ run charitable association/organization which shall provide support to the fire companies’ mission and overall operation.

A. The fire department shall:
   1. Have such functions, powers and duties as may be prescribed by ordinance or general law;
   2. Develop and maintain an adequate preparedness for a proper level of fire safety;
   3. Conduct a systematic and comprehensive fire prevention program; and
   4. Be responsible for response to emergency incidents and safety-related actions in the Township.

170-3. Officers.
A. The heads of the fire department shall be that of the appointed Township Fire Chief and the elected individual Chief(s) of the Fire Companies. Company Fire Chiefs shall report to the Township Committee and shall be responsible for the duties outlined within this ordinance. The Township Chief’s position
shall rotate on an annual basis between the elected chiefs of the fire companies, upon approval and appointment of the Township Committee. The Chief of the Fire Department shall report directly to the Township Committee and carry out the position of moderator of the Bureau of Fire Prevention, application for grants, associated paperwork and administration of ISO activities and Chief designate for the NJ State Firemen’s Relief Association responsibilities. Additional line officers from each of the fire companies including deputy chiefs, assistant chiefs, captains, and lieutenants shall report directly to the chiefs of their respective company. These line officers shall be considered representatives and officers of the Mendham Township Fire Department.

B. The officers of the respective fire companies shall consist of a chief of each fire company and such deputy chiefs, assistant chiefs, captains, and lieutenants within each fire company as currently exist or as established by the fire companies’ constitution and/or by-laws.

C. The election of officers shall not become effective unless confirmed by the Township Committee. The terms of office of all such officers shall be one year from the first day of January of the year that confirmation takes place and/or until their successors shall be elected and confirmed. In the event that an officer candidate is not approved or confirmed by the Township Committee, the fire company must provide via election a new replacement candidate within 30 days to be approved by the Township Committee or appeal to the Township Committee in writing within 10 days of the Township Committee’s decision to have that officer be approved. The Township Committee will have 10 additional days to provide the respective fire company with their decision in writing.

D. All chiefs and line officers of the Mendham Township Fire Department shall meet the New Jersey Division of Fire Safety requirements as set forth by the state for each chief and officers’ position by N.J.A.C. 5:73-1.6.

F. No resignation of any officer shall become effective until submitted to and accepted by the Township Committee. In the absence or disability of the fire company chief the next successor in the chain of command shall automatically be invested with the responsibilities and powers of the next line officer.

G. All the officers shall hold office for the terms herein provided or until their successors shall have been duly elected.

Specific duties of the Chief and/or other line officers serving in his/her absence shall include to:

1. Grant or withhold permission, in their discretion or of the line officers, for members of the Mendham Township Fire Department to enter environments immediately dangerous to life and health, enter emergency scenes, use Department apparatus to help fight a fire or respond to an emergency, and appoint competent operators for all motorized apparatus.

2. Direct the operations of other officers and members who shall keep the Department in efficient order by inspecting and operating all motorized equipment on a regular basis and keeping documentation of all responses, training and department activities.

3. Arrange drills and demonstrations so that all Department members are familiar with proper and efficient operation of all equipment and apparatus in accordance with current best practices.

4. Have hoses, pumps, ladders and apparatus, tested and inspected annually.

5. Submit to the Township Committee an annual report within the first quarter of the year for the prior year’s activities, calls and drills of the Fire Company. Additionally reports will be submitted by the Township fire company chiefs to the Township Fire Official in accordance with the Township alarm system ordinance, Chapter 82.
6. The chief of each company shall keep an inventory of all equipment and supplies in the fire company. The chief of each company shall prepare and submit an annual operations and capital projects estimated budget for the next calendar year to the Township Chief Financial Officer and Township Administrator.

170-4. Chain of command.
A. The company chief, or in his absence and if applicable, his successors in the chain of command as set forth herein, in all cases shall have the sole and absolute control and command over all persons and fire apparatus attached to the Department and all other fire apparatus and firefighters aiding the department and he shall direct their operations at all fires and emergencies or incidents requiring a fire department response so as most effectively to prevent the destruction of life and property except those responsibilities now or hereafter designated by state law or regulation, or by local ordinance for the Fire Sub-Code Official, Fire Official and/or Fire Supervisor. In the absence of the Chief, his successors in the chain of command as set forth herein, shall take prompt and efficient measures and use the means of the department to extinguish the same and shall also have the sole and absolute control over all the apparatus and members of the Department and over all persons and apparatus aiding or assisting the Department in such cases.

B. If a Mendham Township Fire Officer responds to a fire or incident and the incident is not in his/her district, and prior to arrival that district officer shall accept command, they shall be the designated incident commander until a district fire officer or recognized designee communicates with the responding officer and transfers command.

C. If a Mendham Township Fire Department officer is not available to handle the emergency incident as command, the most recent ex-chief who meets N.J.A.C. 5:73-1.6 on the scene will take command, in their absence it will be up to a requested mutual aid fire department’s highest-ranking fire officer on the scene to take command of the incident. Should none of the above be available, the next qualified to take command and control of an incident shall be the most qualified fire department member on the scene who meets N.J.A.C 5:73-1.6.

D. The Fire Chief or line officer or mutual aid Fire Officer is authorized to enter property, order evacuation, establish fire lines and prevent access as necessary or appropriate in the interest of public safety during an emergency, and to preserve order at emergency incidents with the power to arrest any disorderly person while in performance of such duties. All other powers, duties, functions and responsibility for the Fire Department are retained by the Township Committee.

E. At no time will the Mendham Township Fire Official have any authority to take command or control of an incident occurring in Mendham Township unless in the event that the above criteria have been met and no other qualified officers or chiefs are present on scene.

170-5. Fire apparatus and buildings.
A. It shall be the duty of the members of the respective fire companies to attend to the fire apparatus committed to their charge and the buildings in which they are kept, but nothing shall be construed as affecting the right of the Township to control the apparatus and the use and occupancy of the fire house and buildings belonging to the Township.

B. All fire apparatus that is donated or paid for with Township funds shall be titled and held in the name of the Township of Mendham.

170-6. Membership.
A. The members of the Fire Department, made up of the respective companies, who shall have been confirmed by the Township Committee, and whose names appear upon the roll of firemen which shall be submitted to and approved by the Township Committee at its first regular meeting of the month of January in each year, shall, each year thereafter, elect from among their assigned fire company members any such
officers. The election shall be held at the headquarters of the respective fire company and in such manner as may be provided by the constitution and by-laws of the fire company, provided that the constitution and by-laws shall not be in any way in contradiction to any local ordinance, state and federal statutes, if any, and if such contradiction exists, then the latter law shall apply. Probationary members shall not have the right to vote under this subsection.

B. The Fire Department shall consist of as many members as per the respective fire companies' by-laws and as confirmed by the Township Committee.

C. Every senior member of the Fire Department shall be at least 18 years of age at the time of his election thereof, and shall furnish a doctor's certificate showing physical fitness to perform the duties of the assigned position established by the fire companies' constitution and/or by-laws. The applicant shall provide the required documentation and information requested by the fire company's membership investigating committee and the committee shall recommend, if appropriate, the application to the Township Committee.

D. Eligibility: To be eligible for membership in a fire company, a person shall meet the following qualifications:
   1. Be of sound mind and body and of good moral character.
   2. Be willing to accept, train and carry out the responsibilities of the applied for/accepted position.

E. Number of members: The fire companies shall fix the number of members for their respective companies and junior firefighters' auxiliaries and shall establish appropriate qualifications for membership in accordance with applicable state laws and regulations for the positions assigned.

F. Notification to Township Committee: Each fire company shall notify the Township Committee of any new member of its company or Junior Firefighters' Auxiliary in order that such member may become entitled to and receive all of the benefits of membership.

G. Qualified member in good standing. A member shall continue in good standing so long as they:
   1. Are not charged with an offense involving moral turpitude or neglect of duty by any law enforcing authority, the Township Committee, the Chief of his or her company or the Board of Inquiry of their respective fire company.
   2. Meet their respective fire company's bylaws requirements for active duty status during each year of his/her first seven years of membership, the duty to consist of attendance at calls, drills and company activities.
   3. Perform such duties as may be required by his/her company after the initial probationary period.
   4. Continue to meet the requirements of the above section.
   5. Abide by the regulations and rules set forth by the Township Employee Handbook.
   6. Pass an initial background check which will include fingerprinting and an annual motor vehicles record check. Any member who is arrested has an obligation to bring the occurrence to the attention of the chief of his or her company within 24 hours. The member must submit a police report or other documentation concerning the arrest and charges and will be subject to administrative review. Noncompliance with these requirements and/or misrepresentation of the circumstances of the arrest can serve as grounds for suspension and/or expulsion.
170-7 Auxiliary Membership

A. A Fire Company may have an Auxiliary and or association members to assist in the overall Mission of the Fire Company as established by the fire companies’ constitution and/or by-laws.

B. Junior Firefighters

1. Membership: To be eligible for membership in the junior firefighters’ auxiliary, a person shall be between age 14 and 18 years of age and shall present written permission from his/her parents or legal guardians to join the junior firefighters’ auxiliary. Such permission shall be acknowledged in writing on the member’s application to join. Additionally, applicant shall furnish a doctor’s certificate showing physical fitness to perform the duties of the assigned position.

2. Training: A fire company having a junior firefighters’ auxiliary shall provide for the training of the members of its junior firefighter auxiliary for purposes of eventual full membership in the fire company. Except as otherwise provided in the subsection of this section, each member of a junior firefighter auxiliary shall attend meetings and participate in drills and training programs as required by the fire company for the aforesaid purposes.

3. Exclusions from hazardous duty: No member of a junior firefighter auxiliary shall be required to perform duties which would expose him/her to the same degree of hazard as a regular member of the fire company. Every member of a junior firefighters’ auxiliary shall promptly obey all orders issued by the chief of the fire company or line officers serving in the absence of the chief. No member of a junior firefighter auxiliary shall: enter any burning building, fight a fire from a ladder, or operate any vehicle belonging to or under the jurisdiction of the fire department.

C. Auxiliaries/Associational Membership

1. Membership: To be eligible for membership in the auxiliary or as an association member, a person shall be at least age 14. All members under the age of 18 shall present written permission from his/her parents or legal guardians to join the auxiliary/association. Such permission shall be acknowledged in writing on the member’s application to join. Members shall be covered by the requirements of this Ordinance and provided the appropriate benefits as such necessary insurance coverage during their duties of their membership.

2. Training: A fire company having an auxiliary or association membership shall provide for the training of the members of its auxiliary for purposes of ensuring an understanding of the required safety and activities of the auxiliary in assisting the fire company in its Mission.

3. Exclusions from hazardous duty: No member of an auxiliary shall be required to perform duties which would expose him/her to the same degree of hazard as a regular member/firefighter of the fire company. Every member of an auxiliary/association shall promptly obey all orders issued by the chief of the fire company or line officers serving in the absence of the chief. No member of an auxiliary shall: enter any training or emergency scene that is not controlled and without direct supervision of a township fire officer or operate any vehicle belonging to or under the jurisdiction of the fire department.


A. Members and Officers of the Fire Department are subject to discipline, which shall include verbal warnings, written warnings, demotion, suspension and expulsion, for misconduct including behavior unbecoming a public employee/volunteer, violation of Township policies, or violation of Fire Department By-Laws and Rules. Formal complaints may be initiated by the Chief, any Deputy or Assistant Chief or the Township Administrator. Formal written charges shall be filed against any member or officer of the Fire Department setting forth the violation and the general facts supporting the violation. Departmental charges, for violations of fire company Standard Operating Guidelines shall be heard by the Board of Inquiry or such committee as so designated by the member’s fire company. The member charged with a violation(s) may request that the hearing be transferred from the fire company committee to the Township Administrator or his/her designee. All charges related solely to violations of Township personnel policies
will be heard by the Township Administrator or his/her designee and shall afford the officer or member so charged an opportunity to defend him or herself. If the Township Administrator determines that such officer or member is guilty of said charges, the Township Administrator may suspend, demote or remove from membership said officer or member. Any hearing of the charges shall be held within 45 days from the service of the charges upon such officer or member.

B. Hearings. The officer or member charged shall be permitted to answer the charges, cross-examine witnesses against him or her, and provide witnesses and/or evidence on his or her behalf.

C. The Chief or the Township Administrator may suspend any member of the Mendham Township Fire Department pending formal charges against the member and an opportunity for a hearing if the Chief or Administrator determines that the suspension is necessary to the health, morale, public safety, welfare, good working order, or discipline of the Fire Department. When any member is suspended as provided for herein, the member shall be informed of the suspension and the reasons therefore in writing. Charges shall be filed within 10 days of the suspension.

D. Any officer or member wishing to appeal the determination of the Township Administrator or Chief must file a written notice of appeal to the Township Committee with the Township Clerk not later than 10 days after the decision of the Township Administrator and notice of the decision to the affected officer or member. The Township Committee shall hear the appeal at its next meeting pursuant to N.J.S.A. 10:4-12(b)(8).

E. The Township Administrator shall give written notice to the Township Committee of any suspension, demotion or expulsion of any officer or member of the Fire Department. If no written appeal has been filed, as provided for in Section 170-8(D), the decision of the Township Administrator shall be confirmed by the Township Committee by Resolution at its next meeting.

F. Post-suspension. A member or officer in suspension may resign before his or her hearing but shall not be eligible to apply for reinstatement until three years after the date of resignation and is subject to approval by the Township Committee.

G. Post-expulsion. No application for reinstatement within three years is to be accepted by the Fire Department or Township from any ex-member who may or has been expelled or dismissed from the Fire Department. If after three years the Fire Department approves of the reinstatement, then it must seek final approval from the Township Committee.

H. All complaints alleging violations of Township personnel policies against any officer or member of the Fire Department received by any officer or member of a Fire Company from any person or entity shall be immediately forwarded to the Township Administrator. The failure to provide the Administrator with a complaint will result in the disciplinary action, up to and including expulsion, against the offending officer(s) or member(s).

A. The Mendham Township Fire Department has written mutual aid agreements with the County of Morris and its municipalities as agreed to in the 2016 county wide fire mutual aid agreement. This agreement also extends to Somerset County and the other neighboring counties and municipalities of the Township and as part of the New Jersey Fire Service Resource Emergency Deployment Act.

B. It shall be the responsibility of the respective fire companies’ chief, or, in their absence, the fire company officers, to ensure proper fire department coverage of the Township at all times. This shall include when apparatus and manpower is requested to respond to an emergency including when requested to respond into other municipalities or if manpower and apparatus are requested to participate in non-emergency events such as a parade, funeral, muster or fire training class within the neighboring counties.
and municipalities specified in the mutual aid agreements. Apparatus participation at all non-emergency events which are outside the mutual aid area, require the consent of the Township Administrator and the Township Fire Chief.

C. During a state of emergency, the Township OEM coordinator and fire company chiefs are charged with the authority to permit apparatus and manpower to mobilize to other municipalities.

D. Only the fire chief, or in their absence, the highest-ranking fire company line officer and Township OEM Coordinator, have the requisite authority to keep from or provide apparatus to respond to mutual aid requests in such circumstances where manpower is unavailable, equipment is out of service or Township fire protection would be severely impacted.

A. Local Enforcement: Pursuant to Section 11 of the Uniform Fire Safety Act, R.S. 52:27D-192 et seq., the New Jersey Uniform Fire Safety Act shall be locally enforced in the Township of Mendham.

B. Agency Designation. The local enforcing Agency shall be the Bureau of Fire Prevention as set forth in Chapter 177 of the Mendham Township General Ordinances.

1. Specific duties of the Fire Official shall be as set forth in Chapter 177-7 and as otherwise set forth in this Ordinance.

170-11. Township Fire Liaison.
A. An elected Township Committee member may be appointed as the liaison with the Mendham Township Fire Department for communications and representative activities.

170-12. Contracts with local Fire Companies.
A. The Township Committee shall contract with all fire companies and provide for same by ordinance.

B. It is resolved with the adoption and passage of this Ordinance that a separate written agreement from the Township with both Township Fire Companies will be provided and agreed upon once every 15 years. The agreement with each of the fire companies shall outline the use and occupancy of each fire house facility and fire company owned equipment and furnishings for both municipal use and use by the respective fire companies and the township first aid squad. This ordinance will govern the operations of the fire department.

This ordinance shall take effect immediately upon final passage and publication according to law.

INTRODUCED: 11/12/2018
PUBLIC HEARING: 11/27/2018
ADOPTED: 11/27/2018
ATTEST:

Maria Coppinger, Township Clerk

Richard Diegnan, Mayor

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS
ORDINANCE NO. 20-2018
TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR THE MILLING AND PAVING OF COREY LANE AND APPROPRIATING $320,000 THEREFORE, INCLUDING $265,000 FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND $55,000 FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, as follows:

Section 1. The funding for the Milling and Paving of Corey Lane is hereby authorized and such cost is not to exceed $320,000.

Section 2. The funding for the Milling and Paving of Corey Lane is hereby appropriated from Funds due from the State of New Jersey Department of Transportation in the amount of $265,000 and from Capital Improvement Fund in the amount of $55,000.

Section 3. This ordinance shall take effect following passage and publication as provided by law.

INTRODUCED: 11/12/2018
PUBLIC HEARING: 11/27/2018
ADOPTED:
ATTEST:

Maria Coppinger, Township Clerk

Richard Diegnan, Mayor