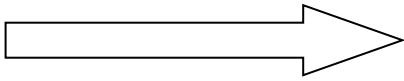




**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
August 25, 2020**



**IN-PERSON & REMOTE VIA ZOOM
ACCESS INFORMATION - PAGE 18**

7:30 PM REGULAR MEETING

ROLL CALL

Mr. Baio
Ms. Duarte
Mr. Monaghan
Mr. Orlins
Mayor Neibart

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 3, 2020. The notice of change in meeting format was given to Star Ledger and Daily Record on August 20, 2020. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

SALUTE TO THE FLAG

RECOGNIZING NEW MEMBERS

Laurent Carratie has applied to be Senior Members at Brookside Engine Company #1

COVID-19 UPDATE

ANNOUNCEMENTS

OPEN TO THE PUBLIC

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial *9** to raise your hand.*

APPROVAL OF MINUTES

- Executive Session Meeting Minutes of May 26, 2020
- Special and Executive Session Meeting Minutes of June 4, 2020
- Special and Executive Session Meeting Minutes of June 9, 2020
- Special and Executive Session Meeting Minutes of June 12, 2020
- Special and Executive Session Meeting Minutes of July 22, 2020

CONSENT AGENDA - RESOLUTIONS

- 2020-165** Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of 2020 Taxes
- 2020-166** Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of Taxes Due to County Board Judgment
- 2020-167** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

REGULAR AGENDA - RESOLUTIONS

- 2020-168** Resolution of the Township Committee of the Township of Mendham Authorizing the Extension of a Non-Fair and Open Contract for Professional Architect Services with Cornerstone Architectural Group for Additional Services Relative to the Town Hall Feasibility Study
- 2020-169** Resolution of the Township Committee of the Township of Mendham Approving an Agreement with New Jersey American Water Company for Repairs to Cold Hill Road
- 2020-170** Resolution of the Township of Mendham Authorizing the Appointment of a Seasonal Laborer in the Department of Department of Public Works
- 2020-171** Resolution of the Township Committee of the Township of Mendham Authorizing Discussion Without the Presence of the Public – Administrator Position
- 2020-172** Resolution of the Township Committee of the Township of Mendham To Approve Settlement of Real Property Tax Appeal

ORDINANCE FOR INTRODUCTION / FIRST READING

- 09-2020** An Ordinance to Amend Chapter 7, Traffic, Section 7-14, Parking Prohibited During Certain Hours on Certain Streets to Include Cramer Lane and Combs Hollow Road
Second Reading and Public Hearing scheduled for September 8, 2020
- 10-2020** An Ordinance Amending and Supplementing Chapter 245, Parks and Recreation Facilities, of the Code of Ordinances of the Township of Mendham to Provide for a New Section Entitled: Criminal History Background Check of Employees and Volunteers of Non-Profit and Youth Serving Organizations
Second Reading and Public Hearing scheduled for September 8, 2020

OPEN TO THE PUBLIC

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial *9** to raise your hand.*

DISCUSSION

- ***Administration***
 - Rezoning Requests
 - Report on Facilities
 - Report on August Tax Collection

- ***Liaison Reports***

- Construction
- Communication Committee, Marketing
- Department of Public Works
- Environmental Commission
- Health Department
- Finance Committee
- Fire Department
- First Aid Squad
- Historic Preservation
- Library
- Mendham Sewer East & West
- Mendham Township School District
- Mendham TV
- Planning Board
- Police
- Pitney Park
- Recreation Committee
- Regional School District
- Shared Court
- Stigma-Free Initiative
- Surrounding Town Outreach
- Tax Assessor
- Tree Committee
- Wildlife Management
- Zoning Board

ADJOURN

RESOLUTION 2020-165
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF 2020 TAXES

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes by the mortgage company or by the property owner as a result an overbill; 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 payment is refunded as follows:

BLOCK & LOT & QUALIFIER	REFUND TO:	AMOUNT:
Block 100 Lot 53 23 Saddle Hill Road	Wells Fargo Real Estate Tax Service Attn: Fin. Support Unit – Region 1 1 Home Campus, MAC F2302-035 Des Moines IA 50328-0001	\$9,190.24
Block 100 Lot 68 88 Roxiticus Road	Wells Fargo Real Estate Tax Service Attn: Fin. Support Unit – Region 1 1 Home Campus, MAC F2302-035 Des Moines IA 50328-0001	\$5,159.04
Block 131 Lot 51.32 5 Cooper Road	Wells Fargo Real Estate Tax Service Attn: Fin. Support Unit – Region 1 1 Home Campus, MAC F2302-035 Des Moines IA 50328-0001	\$4,597.96
Block 104.05 Lot 42 1 McVickers Lane	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$7,011.96
Block 114 Lot 29 84 Old Mill Road	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$13,205.44
Block 126 Lot 19 1 Old Orchard Road	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$3,743.69
Block 138 Lot 3 14 Colonial Road	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$2,474.78
Block 103 Lot 5 316 Pleasant Valley Rd	Wendover Farm Partners LP 323 Main Street, 2 nd Floor Chatham, NJ 07928	\$4,199.47
Block 103 Lot 6 314 Pleasant Valley Road	Wendover Farm Partners LP 323 Main Street, 2 nd Floor Chatham, NJ 07928	\$5,179.20

Adopted: August 25, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

RESOLUTION 2020-166
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO COUNTY BOARD JUDGMENT

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes as a result of County Board Judgement; 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 payment is refunded as follows:

BLOCK & LOT & QUALIFIER	REFUND TO:	AMOUNT:
Block 100 Lot 61.03 74 Roxiticus	Michael /Patricia Cannavo 11 Dean Road Mendham, NJ 07945	\$2,841.66
Block 116 Lot 47 239 Mountainside Rd	Optimum Development Group Corp. 6 Old Farmstead Road Chester, NJ 07930	\$1,509.18
Block 126 Lot 16 55 Mount Pleasant Rd	Jeffrey Rich & Nancy Miller 55 Mount Pleasant Road Morristown, NJ 07960	\$1,925.14
Block 123 Lot 25.01 5 Tufts Lane	Michael P/Vita G Martirano 4 Tanager Lane Morristown, NJ 07960	\$4,143.86
Block 123 Lot 26 4 Dukes Court	Brach Eichler LLC & Weinstein, Larry & Zagofsky, Beverl 101 Eisenhower Parkway Roseland, NJ 07068	\$1,718.57
Block 127 Lot 75.07 2 Buckingham Court	Morris Bellifemine 2 Buckingham Court Morristown, NJ 07960	\$1,916.84
Block 144 Lot 25 11 Corey Lane	John Garie/ Sona Grossova 11 Corey Lane Mendham, NJ 07945	\$3,566.06
Block 144 Lot 33 54 Tempe Wick Road	Frank A & Jan Middleton 54 Tempe Wick Road Mendham, NJ 07945	\$948.89

Adopted: August 25, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

RESOLUTION 2020-167
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: August 25, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

Bills list can be found on the township website under the agenda & minutes tab. Locate the meeting date and click on “other docs.”

RESOLUTION 2020-168

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE EXTENSION OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ARCHITECT SERVICES WITH CORNERSTONE ARCHITECTURAL GROUP FOR ADDITIONAL SERVICES RELATIVE TO THE TOWN HALL FEASIBILITY STUDY

WHEREAS, the Township Committee authorized the award of a non-fair and open contract to Cornerstone Architectural Group to perform a Feasibility Study on Town Hall via resolution 2020-089 on May 11, 2020 not to exceed \$22,000; and

WHEREAS, the Township of Mendham via resolution 2020-153 extended this contract by an additional \$10,000 for the preparation of plans for submitting a New Jersey Library Construction Bond Act Application for the renovation and/or construction of the Mendham Township Library; and

WHEREAS, during the course of the initial Town Hall Feasibility Study, Cornerstone was requested by the Township Subcommittee created to work with them to prepare several alternate development concepts to explore alternate methods of fulfilling the needs of the municipality relative to the total space utilization of the Administrative, Police and Library functions; and

WHEREAS, Cornerstone Architectural Group at that time advised the Subcommittee that these plans were outside the scope of the original project but necessary if the Township was to receive the total information necessary for a full analysis of the alternates available to the Township; and

WHEREAS, in order to meet the initially approved completion schedule for the Town Hall Feasibility study, it was necessary for this additional work to proceed in a timely manner as a change order to the initial contract; and

WHEREAS, the Township Committee of the Township of Mendham wishes to extend Cornerstone's current non fair and open contract to include the preparation of these alternate solutions; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds not to exceed \$11,050 to be encumbered from account 0-01-20-100-028 for assistance with the New Jersey Library Construction Bond Act Application.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham authorizes the Mayor and Township Clerk to extend the current contract with Cornerstone Architectural Group not to exceed \$43,050 total as described herein.

Adopted: August 25, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

RESOLUTION 2020-169

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING AN AGREEMENT WITH NEW JERSEY AMERICAN WATER COMPANY FOR REPAIRS TO COLD HILL ROAD

WHEREAS, Cold Hill Road is partially in Mendham Borough and Mendham Township; and

WHEREAS, the Township maintains the roadway and received a grant from the NJ Dept. of Transportation to repave the roadway; and

WHEREAS, New Jersey American Water is scheduled to do water main replacements in various locations in the Mendham Borough which would include water main replacement on Cold Hill Road; and

WHEREAS, the Township Engineer has negotiated a proposal with New Jersey America Water for the Township to do the final pavement restoration on Cold Hill Road for the areas disturbed by the water main installation; and

WHEREAS, it is necessary for the Township to approve of this agreement and authorize the Township Engineer and Administrator to formalize its content.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS that based upon the recommendation of the Township Engineer and Administrator, the payment by New Jersey American Water in the amount of \$89,720.04 for the restoration of pavement damage due to the pending water main replacement is deemed a reasonable payment for the costs incurred to restore the pavement upon completion of the water main replacement construction.

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided to the Township Engineer for his guidance.

Adopted: August 25, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

RESOLUTION 2020-170
RESOLUTION OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE APPOINTMENT OF A SEASONAL
LABORER IN THE DEPARTMENT OF DEPARTMENT OF PUBLIC WORKS

WHEREAS, an existing seasonal employee for the Public Works Department has resigned; and

WHEREAS, the Public Works Superintendent has recommended that Wayne Hathaway of Succasunna, New Jersey be appointed to fill this vacancy thru the early Fall and the Township Administrator concurs in the recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM that Wayne Hathaway of Succasunna, New Jersey is hereby appointed as a seasonal full-time employee assigned to the Department of Public Works at an hourly rate of \$14.43.

Adopted: August 25, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

RESOLUTION 2020-171
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

WHEREAS, the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Township Committee wishes to discuss without the presence of the public the following:

N.J.S.A. 10:4-12.b (8) – Personnel Matter – Administrator Position

Matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

BE IT FURTHER RESOLVED, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

Adopted: August 25, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

RESOLUTION 2020-172
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO
APPROVE SETTLEMENT OF REAL PROPERTY TAX APPEAL

WHEREAS, the municipal tax assessor and tax appeal counsel have negotiated a settlement of real a property tax appeal pending in the Tax Court of New Jersey; and

WHEREAS, the settlement is conditioned upon approval by the governing body of the Township of Mendham;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the following proposed settlement is approved:

1. Block 127, Lot 94.17 – 2019 assessment to be reduced to \$1,400,000 and 2020 assessment to be reduced to \$1,200,000, resulting in an anticipated refund to the taxpayer in the amount of \$4,208.10 for tax year 2019, and a refund or credit in the amount of \$8,886.16 for tax year 2020.

ADOPTED: August 25, 2020

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 09-2020**

AN ORDINANCE TO AMEND CHAPTER 7, TRAFFIC, SECTION 7-14, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS TO INCLUDE CRAMER LANE AND COMBS HOLLOW ROAD

WHEREAS, the Township Police Chief has recommended parking restrictions on selected streets to promote the public safety.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY THAT:

SECTION 1. Section 7.14 entitled “Parking Prohibited during certain hours on certain Streets” at stated times on certain Streets is hereby supplemented by the inclusion of the following:

Name of Street	Side	Hours and Days	Location
Cramer Lane	Both	8:00 a.m. to 6:00 p.m.	Entire Length
Combs Hollow Road	Both	8:00 a.m. to 6:00 p.m.	Entire Length

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: 8/25/2020

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk

Sarah Neibart, Mayor

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 10-2020**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 245, PARKS AND RECREATION FACILITIES, OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF MENDHAM TO PROVIDE FOR A NEW SECTION ENTITLED: CRIMINAL HISTORY BACKGROUND CHECK OF EMPLOYEES AND VOLUNTEERS OF NON-PROFIT AND YOUTH SERVING ORGANIZATIONS.

WHEREAS, the Township Recreation Director, Administrator, and Attorney recommend that the Township establish formal regulations governing to insure that those volunteers and employees who have unsupervised access to youth in the municipality be subject to a criminal background check prior to this involvement to insure that these volunteers and employees do not constitute a hazard to the youth of the municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NJ THAT CHAPTER 245, PARKS AND RECREATION FACILITIES IS HEREBY SUPPLEMENTED BY THE FOLLOWING NEW SECTION: CRIMINAL BACKGROUND CHECKS.

SUBSECTION 1. DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated:

CRIMINAL HISTORY RECORD BACKGROUND CHECK

A determination of whether a person has a criminal record by cross-referencing that person's individual data with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification of the Division of State Police or a comparable data base approved by the Township Police Chief.

EMPLOYEES

All full-time, part-time and seasonal individual employed by the Mendham Township and assigned to the Parks and Recreation Program.

SPONSORED PROGRAM

Recreation programs run directly and jointly by the Township, including oversight, control and/or fiscal contribution.

STATE BUREAU OF IDENTIFICATION

The entity located within the New Jersey State Police responsible for retrieving criminal background information on individuals as requested by state, local or private entities.

VOLUNTEER

A person who has direct, non-supervised and ongoing interaction in the course of his/her service with minors. This includes, but is not limited to, a coach, assistant coach and manager of a team.

VOLUNTEER REVIEW OPERATION (VRO)

The unit located within the State Bureau of Identification that is responsible for administering criminal background checks for volunteer coaches as specified in this article or a similar agency approved by the Township Police Chief who is under contract with the Township of Mendham to provide criminal background checks.

YOUTH-SERVING ORGANIZATION

Any corporation, association or other organization which provides recreational, cultural, charitable and social activities for persons younger than 18 years of age.

SUBSECTION 2. REQUEST FOR CRIMINAL BACKGROUND CHECKS.

A. The Township of Mendham requires that all employees and volunteers of youth-serving organizations involved in sponsored programs and/or utilizing the Township's recreational facilities request through the Mendham Township Department of Recreation that a criminal history background check on each prospective and current coach of nonprofit youth-serving organizations be performed. No person will be permitted to act as an employee or volunteer until the results of the background checks have been received and reviewed by the Administrator of the Township or his designee. Said background check will be in accordance with:

- A. The State Bureau of Identification, in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO; or
- B. An agency approved by the Township Police Chief which conducts an internet-based search of relevant databases which would indicate all criminal history for an individual comparable to the information obtained from the State Bureau of Identification.

B. The Mendham Township Department of Recreation shall conduct the criminal history record background check(s) only upon receipt of the written consent to the check(s) from the prospective or current employee or volunteer or from the organization itself and the provision of required personal identification.

C. The VRO or the approved internet-based provider shall advise the Township Department of Recreation of the eligibility of the prospective or current coach. Any information received by the Township shall be confidential.

D. The organization or the participating volunteer or employee shall bear the costs for conducting such checks for prospective or current coaches participating in cosponsored programs in accordance with the regulations established by the VRO or approved internet-based agency.

SUBSECTION 3. CONDITIONS UNDER WHICH PERSON IS DISQUALIFIED FROM SERVICE.

A. A person may be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

- (1) In New Jersey, any crime or disorderly persons offense:
 - (a) involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1 et seq., such as criminal homicide; N.J.S.A. 2C:12-1 et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S.A. 2C:14-1 et seq., such as sexual assault; or N.J.S.A. 2C:15-1 et seq., such as robbery;
 - (b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child.
 - (c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes.
 - (d) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except Paragraph (4) of Subsection **(a)** of N.J.S.A. 2C:35-10.

(2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection A(1) of this section.

B. In addition, a person may be disqualified from serving as an employee or volunteer of a nonprofit youth-serving organization if such individual fails to consent to submit to a criminal history record background check pursuant to this article.

SUBSECTION 4. SUBMISSIONS; EXCHANGE OF BACKGROUND CHECK INFORMATION.

A. Prospective or current employees and volunteers of youth-serving organizations for sponsored programs and/or for utilizing Township recreational facilities shall submit their names, addresses, fingerprints, written consent, and any other necessary information to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the Mendham Township Department of Recreation, which shall coordinate the background check and refer the information to the State Bureau of Investigation or approved internet-based agency for the background check. Thereafter, the Township shall conduct periodic background checks after the date of the initial background check, but not less than every 36 months.

B. The Mendham Township Police Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this article.

SUBSECTION 5. LIMITATIONS ON ACCESS AND USE OF CRIMINAL HISTORY RECORD INFORMATION.

A. Access to criminal history record information for non-criminal-justice purposes, including licensing and employment, is restricted to authorized personnel of the youth-serving organization, on a need-to-know basis, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this article.

B. Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Any person violating the federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

SUBSECTION 6. DETERMINATION BY POLICE DEPARTMENT; APPEAL PROCESS.

A. The VRO or approved internet-based agency shall make a recommendation based on the provisions of N.J.S.A. 15A:3A-1 et seq. as to whether the prospective or current volunteer coach is being recommended. The VRO or approved internet-based agency will provide the Mendham Township Recreation Department with a letter of recommendation or non-recommendation for each individual for whom the VRO or approved internet-based agency completed a background check.

B. The Department of Recreation shall promptly notify a prospective or current employee or volunteer who receives a letter of non-recommendation from the VRO or approved internet-based agency. Individuals who receive a letter of non-recommendation from the VRO or approved internet-based agency will not be permitted to participate as an employee or volunteer. Such individuals may obtain a copy of their criminal history record by contacting the VRO or approved internet-based agency in writing. The individuals shall then have 30 days from the receipt of notification from the Mendham Township Department of Recreation to petition the Appeals Committee, consisting of the Director of the Township Recreation Department, the Township Administrator and the Township Police Chief, for a review and to cite reasons substantiating the review.

C. Individuals who receive a letter of non-recommendation from the VRO or approved internet-based agency may be permitted to serve as an employee or volunteer if they affirmatively demonstrate rehabilitation to the Appeals Committee or they can demonstrate that the information supplied by the VRO or approved internet-based agency is incorrect. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the Appeals Committee may consider the following factors in conjunction with the provisions of N.J.S.A. 15A:3A-1 et seq.:

- (1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
- (2) The nature and seriousness of the offense;
- (3) The circumstance under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the person when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense; and
- (8) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision.

D. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record. However, the Township Appeals agency shall make the final determination of the relevance of the contested information.

E. In all instances, the final determination of whether an individual will be permitted to serve as an employee or volunteer utilizing the Township's recreational facilities will lie in the sole discretion of the Appeals Committee, which must vote unanimously.

F. The Appeals Committee shall promptly advise the prospective or current employee or volunteer whether he or she is qualified.

G. When the Township Department of Recreation receives a letter of non-recommendation from the VRO or approved internet-based agency, the Department of Recreation shall file that letter within its Department, and it shall keep the written notification on file for three years from the date it was issued. That letter and all related information shall not be available for public disclosure

H. The Department of Recreation may request the Police Department to review its files to determine if there is written notification on file stating whether a criminal history record background check of a current or prospective employee or volunteer reveals a disqualifying offense or stating that the person has affirmatively demonstrated rehabilitation under this article.

SUBSECTION 7. EXEMPTIONS.

The Township shall only permit the following exemptions under this article:

A. Any person who, by virtue of his or her occupation, is required by statute to undergo a federal and state criminal history record background check similar in nature to the requirements contained herein, and who can provide proof of the results of such background check, is exempt from the requirement hereunder if such check was conducted within the past year. The Township Police Chief shall be the approval agency for this

exemption. After such demonstration of proof of compliance, such individual shall then be subject to subsequent checks pursuant to this ordinance

B. If the organization already utilizes a different means for obtaining criminal history record background checks, such as Little League Baseball, then such organization may annually submit its own certification certifying the names of the individual employees and/or volunteers and providing proof that such criminal history record background check was performed for that year. In addition, the organization must also submit to the Department of Recreation and the Township Police Chief the guidelines and parameters of such independent background check company for the conducting of its background checks. In the event the Police Chief determines that the independent background check company's guidelines and parameters are insufficient, then the Township reserves the right to not grant the exemption under this subsection to the organization.

SUBSECTION 8. REMEDIES FOR BREACH BY YOUTH-SERVING ORGANIZATIONS.

Any violation of this article by a youth-serving organization is considered a serious threat to the health and life of the youth of the Township. As a result, upon violation, the Township may suspend or terminate use of Township facilities, and the youth-service organization and the officer who executed the affidavit shall be subject to fines and other penalties. In determining the remedy such factors as whether the breach was intentional, the severity of the noncompliance, and the good-faith steps taken to cure the violation should be considered.

INTRODUCED: 8/25/2020

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk

Sarah Neibart, Mayor

The Township Committee meeting will be held in-person at Town Hall, 2 West Main Street, Brookside. The meeting room will be arranged to comply with the 6 feet social distancing requirement. ***Masks are required to enter the municipal building.***

The public is welcome to join in-person or remote via Zoom.

The Township Committee will continue to host the meetings remotely via the Zoom platform. Kindly note the access information below:

When: Aug 25, 2020 07:30 PM Eastern Time (US and Canada)

Topic: Township Committee Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84224951541?pwd=Rnd1c3AvZkQxbU9kQTJNK25XU25jdz09>

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Or iPhone one-tap :

US: +13017158592,,84224951541#,,,,,0#,,021071# or +13126266799,,84224951541#,,,,,0#,,021071#

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