

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, February 12, 2024
TIME: 6:30 PM-7:00 PM- EXECUTIVE MEETING
7:00 PM- 7:30 PM- FINANCE COMMITTEE
7:30 PM- REGULAR MEETING
LOCATION: **MENDHAM TOWNSHIP MIDDLE SCHOOL**
All Purpose Room
16 Washington Valley Road, Brookside; and



REMOTE VIA ZOOM

Access link and call-in numbers can be found on the last page of the agenda.

ROLL CALL

Ms. Duarte
Mr. Monaghan
Ms. Moreen
Ms. Spirig
Mayor Neibart

SALUTE TO THE FLAG

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 5, 2024. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

RESOLUTION TO CONVENE INTO EXECUTIVE SESSION

2024-041 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

EXECUTIVE SESSION

Will not be a public session. Executive session only

PRESENTATION

West Morris Regional HS Tax Referendum

PROCLAMATION(S)

Recognizing February as Black History Month
Recognizing February as American Heart Month

RECOGNIZING NEW MEMBER(S)

Max Orlins, Michael Pschar, William Wallace will be joining Ralston Engine Company #1 as Junior Members

ANNOUNCEMENTS

OPEN TO THE PUBLIC

Mayor Neibart will recognize individuals wishing to make a comment. Once recognized, please clearly state your name and address for the record (the speaker does not need to provide their address if they have been verified by the office of information privacy as a covered person in the township under Daniel's Law)

All comments should be directed to Mayor Neibart.

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 MEETING MINUTES

- January 27, 2024- Workshop-Team Building Minutes
- January 29, 2024- Regular Meeting Minutes

ORDINANCE FOR INTRODUCTION

**01-2024 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM MORRIS COUNTY, NEW JERSEY NATIVE PLANT ORDINANCE
PUBLIC HEARING FEBRUARY 26, 2024**

CONSENT AGENDA RESOLUTIONS

2024-042 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS

2024-043 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO COUNTY BOARD OF TAXATION ADDED ASSESSMENT JUDGMENT

2024-044 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVAL OF THE LOSAP QUALIFICATION LIST FOR THE BROOKSIDE ENGINE COMPANY NO. 1, AND MENDHAM TOWNSHIP FIRST AID SQUAD

DISCUSSION

Town Hall Renovation Update

East and West Main Street Name Change Process

Process for deciding 2024 Capital Projects

Mendham Township Response to Assembly Bill No. 4/Senate Bill No.50 & Affordable Housing Resolution

Ash Tree Update

Brookside Engine 2 Replacement

OPEN TO THE PUBLIC

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All comments should be directed to Mayor Neibart.

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.

LIAISON REPORTS

ADJOURN

RESOLUTION 2024-041

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Mendham is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Mendham to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.



(8) Matters Relating to the Employment Relationship: Any 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 right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.



(9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, State of New Jersey, assembled in public session on **February 12, 2024 at 6:30 P.M.** in the Mendham Township Middle School, 16 Washington Valley Road, Brookside, New Jersey, that the Township Committee shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

BE IT FURTHER RESOLVED that it is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Adopted: February 12, 2024

ORDINANCE NO. 01-2024
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
MORRIS COUNTY, NEW JERSEY
NATIVE PLANT ORDINANCE

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

Sec. 1. TITLE

This ordinance shall be known and may be cited as “Municipality of Mendham Township Landscape Ordinance Promoting the Use of Native Vegetation.”

WHEREAS, native plants are localized, well adapted to the local soils and climate, tend to be more insect and disease resistant, and require less watering and fertilizing than non-native plants.

WHEREAS, local governments use native plant ordinances to improve the landscape principles that guide landscaping of all new developments. Many communities find that the use of appropriate native vegetation in local landscaping helps achieve water conservation goals, preserves habitat, and reduces landscaping maintenance costs.

WHEREAS, wildlife such as birds are more attracted to the native plants with which they co-evolved, and use such plants for food, cover, and rearing their young.

WHEREAS, native plants, having evolved in the climate, are extremely hardy and therefore have lower maintenance and replacement costs.

WHEREAS, native plant usage helps restore the ecological balance we have lost through development.

Sec. 2. PURPOSE AND INTENT

The purpose of this ordinance is to establish guidelines for the design, installation, and maintenance of landscaped areas that require the use of native vegetation and to promote the preservation of indigenous plant communities. The Municipality recognizes the significant benefits of establishing and protecting native vegetation and, therefore, the necessity to require the use of native vegetation in all newly planted public landscaped areas within the Municipality. A specific garden with historical or other special significance can request an exception to this ordinance by approval from the Environmental Commission, provided that plants do not appear on the New Jersey Invasive Species Strike Team’s Do Not Plant List. The Municipality strongly recommends that developers, property owners and landscapers consult the New Jersey Invasive Species Strike Team’s Do Not Plant List, and plant native plant species rather than species on this list for all new plantings in Mendham Township wherever possible.

It is the intent of this ordinance that these minimum landscape guidelines be incorporated in order to help combat the climate crisis, species extinction and to promote public health, safety, and welfare by: (a) Acknowledging that native plants are the foundation of the food web and diverse native plants are required to sustain healthy biodiversity; (b) acknowledging pollination is an essential ecological survival function, and without native plants and the pollinators that depend on them, the human race and all of earth's terrestrial ecosystems will not survive; (c) doing our part to reverse the massive decline in native pollinator populations from widespread use of pesticides in agribusiness, loss of habitat from development, and from excessive use of non-native plants in landscaping; (d) protecting and promoting genetically diverse and appropriate native vegetation; (e) promoting microhabitats in Township areas for the conservation of wildlife by establishing new, and maintaining and connecting existing, wildlife habitat; (f) creating larger, more connected plant populations and helping ensure the future of native plant species

by increasing their ability to migrate in response to changes in climate; (g) promoting public health through the long term, widespread adoption of diverse native plantings; and (h) educating residents on the importance of native plant species and native pollinators to the ecosystem.

Sec. 3. DEFINITIONS

(a) Invasive Plant: a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes, or habitat quality. Refer to the New Jersey Invasive Species Strike Team's Do Not Plant List for an up-to-date list.

(b) Landscaped Area: the entire parcel less the building footprint, driveway, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of landscaped areas.

(c) Landscaping: any combination of living plants and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.

(d) Native Plant: those species of plants naturally occurring within a specific habitat or biogeographical region prior to European contact, according to best scientific and historical documentation. Refer to Jersey-Friendly Yards¹ for a database.

(e) Pollinators: animals (primarily insect, but sometimes birds or mammals) that fertilize plants, resulting in the formation of seeds and the fruit surrounding seeds, that humans and other animals rely on to produce nuts and fruits that are essential components of a healthy diet, and that the majority of flowering plant species found world-wide rely on to make the seeds that will become the next generation of plants.

(f) Straight Species: a native plant that is not a cultivar or has not been bred to emphasize or minimize certain traits of the parent plant. Naturally occurring hybrids of native plants shall be considered as Straight Species for the purpose of this ordinance.

Sec. 4. APPLICABILITY

After the effective date of this ordinance, these guidelines shall apply to all public town buildings and public land within the incorporated and unincorporated areas of the Municipality.

Sec. 5. BEST PRACTICES FOR PLANTING

The Municipality shall, where possible, use the Jersey-Friendly Yards best practices for environmentally friendly landscaping which includes guidance on planning, maintaining healthy soil, watering wisely, fertilizing less, avoiding pesticides, and creating habitat for wildlife.

Sec. 6. LIMITS ON WEED CONTROL LAWS

No regulation shall be enacted by the Municipality or any person or entity which prohibits or discourages the planting, maintenance, or protection of native plants or requires or incentivizes the removal or reduction of native vegetation, except when deemed necessary for public safety.

Sec. 7. INVASIVE PLANTS FORBIDDEN

After the effective date of this ordinance, the Municipality shall not use or install any invasive plant in any Municipal property. Landowners and developers shall be encouraged to plant native plants and avoid planting invasive plants on their property.

Sec. 8. PRIORITIZING STRAIGHT SPECIES

The Municipality shall, to the extent possible and to the extent such plants are reasonably available, prioritize using and installing native plants that are straight species on any Municipal property. Cultivars may need to be chosen for disease resistance, size/height management or other attributes. Care should

be taken to ensure that leaf and flower color as well as flower form is as close to the straight species as possible.

Sec. 9. CONFLICTING REGULATIONS REPEALED

All rules and regulations that are in conflict with this article, in whole or in part, are hereby repealed to the extent that they are in conflict.

Sec. 10. SEVERABILITY

If any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the article.

Sec. 11. EFFECTIVE DATE

This ordinance shall take effect 30 days after it is enacted by the Municipality; provided, however, that this ordinance shall not apply to any plantings carried out pursuant to existing contracts, invitations to bid, or designs completed prior to the effective date of this article.

Introduced February 12, 2024

RESOLUTION 2024-042
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, State of 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: February 12, 2024

RESOLUTION 2024-043
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO COUNTY BOARD OF TAXATION
ADDED ASSESSMENT 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 of Taxation Added Assessment judgment; 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 116 Lot 10 8 Combs Hollow Rd	Corelogic Centralized Refunds PO Box 9202 Coppell, TX 75019	\$545.92

Adopted: February 12, 2024

RESOLUTION 2024-044
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVAL OF THE LOSAP QUALIFICATION LIST FOR THE BROOKSIDE ENGINE COMPANY NO. 1,
RALSTON ENGINE COMPANY NO.1 AND MENDHAM TOWNSHIP FIRST AID SQUAD

WHEREAS, Ordinance 12-1999, adopted by the Township Committee of the Township of Mendham on August 18, 1999, created a Length of Service Award Program (LOSAP) in order to reward members of the volunteer Mendham Township Fire Department and Mendham Township First Aid Squad; and

WHEREAS, Brookside Engine Company No.1, Ralston Engine Company No.1 and Mendham Township First Aid Squad have provided the attached list of all members who have qualified for the 2023 LOSAP award.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that the eligibility list attached to this resolution are approved and will be posted in accordance with Chapter 388, P.L. 1997.

Adopted February 12, 2024

Resolution 2024-044

BROOKSIDE ENGINE CO No. 1

Betz, Jeffrey A
Clarke, Christian
Cooper, Eric M
Daley, Patrick H
Gisser, Warren J
Gisser, Zachary R
Gordon, Peter J.
Haversang, Erik
Jones, Archer J
Kaufman, Henrik
Kemp, John D
Neibart, Sarah R
Raitt-Forest, Spencer J
Rice, Sean M
Roth, Jon P
Sauerman, Stephen M.
Sauerman, Stephen T.
Tolley, Samuel K
Witzcak, Stanley N
Wlazlowski, Robert B
Wolfson, Joshua R
Wood, Daniel A

FIRST AID SQUAD

George Budd
Bill Dunlevy
Leslie Dunlevy
Christine Hinson
Robin Johnston
Bernadette Koenig
Nanci Kane
Jason Leffler
Bob Marold
Zach Gisser
Barbara Nelson
John Ransegnola
Marlene Russell
Ghen Saito
Ty Saito
Krista Witzcak
Stanley Nicholas Witzcak
Harrison Voyles
Estelle Pasquier
Ann Marie Saito
Emi Saito
Jesse Smith
Saskia Vander Linden
Cammy Voyles
Harriet Zimmerman

RALSTON ENGINE CO No.1

Ian Baio
Jeffrey Betz
Paul Hogan
Tom Montgomery
Nolan Mortensen
J Scott Mortensen
Nick Petonak

ZOOM ACCESS

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