

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE  
REGULAR MEETING**

**DATE:** Tuesday, October 10, 2023  
**TIME:** 6:30 PM- EXECUTIVE SESSION (not open to the public)  
7:30PM- PUBLIC SESSION-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  
Ms. Moreen  
Ms. Neibart  
Ms. Spirig  
Mayor Monaghan

**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 6, 2023 and again on January 31, 2023. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

**LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)**

The State Low Income Household Water Assistance Program (LIHWAP) can help you pay arrears for your water and sewer bills. The program may also be able to help address tax liens due to water and sewer arrears. To get more information and apply, go to [waterassistance.nj.gov](http://waterassistance.nj.gov).

**RESOLUTION TO CONVENE INTO EXECUTIVE SESSION**

**2023-166 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**

## **ANNOUNCEMENTS**

### **OPEN TO THE PUBLIC**

Mayor Monaghan 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 Monaghan.

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**

- September 11, 2023- Regular Meeting Minutes
- September 28, 2023- Executive Session Minutes
- September 28, 2023- Regular Meeting Minutes

### **ORDINANCE FOR INTRODUCTION**

**11-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY ADDING A TEMPORARY AMENDMENT TO CHAPTER 10-45 "OPEN SPACE TRUST COMMITTEE"**

PUBLIC HEARING NOVEMBER 13, 2023

### **REGULAR AGENDA RESOLUTIONS**

**2023-167 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**

**2023-168 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING A COIN TOSS FUNDRAISER**

**2023-169 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF PUBLIC WORKS FOR SEASONAL HELP**

### **OPEN TO THE PUBLIC**

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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**

Town Hall Renovation Update  
Public Hearing-Backer Brewery

### **ADJOURN**

**RESOLUTION 2023-166**

**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 **October 10, 2023 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: October 10, 2023

**ORDINANCE NO. 11-2023**  
**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,**  
**MORRIS COUNTY, NEW JERSEY**  
**ADDING A TEMPORARY AMENDMENT TO CHAPTER 10-45 "OPEN SPACE TRUST COMMITTEE"**

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**WHEREAS**, the Township of Mendham had implemented a policy and funding mechanism with the purpose of acquiring many acres of Open Space land dedicated and restricted to public use and recreation; and

**WHEREAS**, pursuant to that policy the Township has in whole or in part acquired or secured deed restrictions of hundreds of acres of land restricted to open space and or recreational uses; and

**WHEREAS**, many of these lands are used and traversed by walking trails, have parking areas and other public amenities; and

**WHEREAS**, a significant portion of these lands are heavily forested with many species of trees, including Ash trees, and

**WHEREAS**, an invasive insect known as the Silver Ash Borer has infested virtually every Ash tree in the State of New Jersey; and

**WHEREAS**, this infestation results in the death of the infected tree which begins to drop branches and ultimately to fall, and

**WHEREAS**, the safety of the public requires intervention by the Township to, to the extent possible remove or fell those trees having a possible impact on public safety, and

**WHEREAS**, the cost of addressing literally hundreds of these trees is beyond the constraints of the regular municipal budget, and

**WHEREAS** there is a funding mechanism within Chapter 10-45 which provides for the separate funding of the "Municipal Open Space, recreation and Farmland and Historic Preservation Trust Fund", the "Open Space Trust Fund", and

**WHEREAS**, the trust Fund is required to be used for the acquisition of lands, easements, and development rights for recreation and conservation purposes, together with the payment of debt service incurred for those purposes, and

**WHEREAS**, in the interest of public safety and so as to prevent the necessity of closing off access to these open space lands, the Township Committee has deemed necessary and advisable to allow the Open Space Trust Fund to be used for the purpose of removing the dead or dying Ash or other trees that could impact the public welfare.

**NOW, THEREFORE, BE IT HERBY ORDAINED** by the Township Committee of the Township of Mendham that Chapter 10-45 be temporarily amended as set forth herein.

**SECTION 1.**

**Chapter 10-45 subsection F. (3) is amended to add:**

**For a period of six (6) months from the effective date of this ordinance, Open Space Trust Fund monies shall be available to be used for the sole purpose of tree cutting, removal or otherwise making safe those areas of the opens space and recreation areas traversed by trails and hiking paths open to the public. The Township Committee shall invite the public, the Open Space, parks and recreation Advisory Committee, and the Environmental Commission to provide recommendations and advise in this regard. These funds may also be used to educate the public and provide warnings regarding the wild or remote areas where tree removal is impractical.**

**SECTION 2 Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION 3. REPEALER**

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. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: October 10, 2023

**RESOLUTION 2023-167**  
**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, 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: October 10, 2023

**RESOLUTION 2023-168**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**APPROVING A COIN TOSS FUNDRAISER**

**WHEREAS**, the Brookside Engine Company #1 benefits the Township of Mendham by providing fire services and;

**WHEREAS**, the Brookside Engine Company #1 is seeking approval to do a coin toss fundraiser for the year 2023 and;

**WHEREAS**, the coin toss fundraiser is scheduled for October 29, 2023, from 9am to 1pm at the intersection of Mendham Road East and Cold Hill Road in Mendham, NJ;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Mendham that the Brookside Engine Company #1 coin toss fundraiser scheduled for October 29, 2023 be hereby approved contingent upon complying with any requests, recommendations or directions from the Mendham Township Police Department and County of Morris.

Adopted October 10, 2023



**RESOLUTION 2023-169**  
**RESOLUITON OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF PUBLIC WORKS FOR SEASONAL HELP**

**BE IT RESOLVED** by the Township Committee of Township of Mendham that the following named persons to be paid from the Township Budget, DPW Salaries and Wages in accordance with the following:

**DEPARTMENT OF PUBLIC WORKS**

JOSEPH KEUSCHER	Laborer	\$15/hour
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**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mendham that the following changes in salary be made, effective October 10, 2023

Adopted October 10, 2023

## ZOOM ACCESS

[www.zoom.us](http://www.zoom.us)

Click on “Join a meeting”

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**Passcode: 912463**

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+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

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+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

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