



TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
June 25, 2019
Regular Session Minutes 7:30 PM

ROLL CALL:

Mr. Diegnan	Absent
Ms. Duarte	Present
Mr. Monaghan	Present
Ms. Neibart	Present
Mayor Gisser	Present

Also present:

Deborah Bonanno, Township Administrator
Maria Coppinger, Township Clerk
Matthew Moench, Attorney

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 8, 2019. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

PROCLAMATION

- Dave Read, Jr. – 30 years of service to the Township of Mendham

Mayor Gisser presented Dave Read, Jr. with a proclamation to celebrate his 30 years of service to the Township of Mendham.

PRESENTATION

- Kathi Mantell – Nisivoccia LLP – 2018 Audit

Ms. Mantell spoke briefly about the township's finances which are very strong. The current fund ended up about \$100,000 above last years' numbers from 1.6 million to almost 1.7 million. She expressed that it is really important to address the constant monitoring among Finance, the committee and the administrator which this type of communication is truly the art to success. She noted that the township has developed a five year plan for financing, developing, reserves and managing the budget in a very responsible and structural way. She commended the committee for their efforts because it is not easy to do that together with the concern they place on tax increase. Ms. Mantell noted that the audit is pretty extensive noting that it is statutory and there are things the Division of Local Government Services requires the auditors to do. There are brief comments in the audit regarding segregation of duties and ticket books that were issued to police officers.

ANNOUNCEMENTS/REPORTS

Mayor Gisser, Mr. Monaghan and Ms. Duarte announced several past and upcoming events highlighting the Brookside Fourth of July Parade which will take place on July 4th. Ms. Duarte thanked everyone that assisted with the Patriotic Race including the Police Department who volunteer their time. Ms. Duarte acknowledged that June is Pride Month which marks the 50th Anniversary of the Stonewall Riot in New York City. Ms. Duarte noted that there has been remarkable progress towards acceptance and equality, however, members of the LGBTQ community still face discrimination, intolerance and hate. The young are especially vulnerable. They are nearly twice as likely to be called names, verbally harassed or physically assaulted at school, compared to their peers. And, even more disturbing, they are almost five times as likely to have attempted suicide compared to other youth. The Township Committee has passed many Proclamations to honor volunteers and town employees and to commemorate different months and causes, from Autism Awareness Month in April to recognizing the town as a Stigma-Free community. She hopes next year the township might consider passing a proclamation or even organizing a recognition event.

Mayor Gisser mentioned the passing of Rita Schmidt, who was a former Postmaster for the Postal Service in Brookside.

OPEN TO THE PUBLIC

Ms. Neibart moved. Ms. Duarte seconded the motion to open the meeting to the public.

Roll call vote: All members present voted to approve.

Patricia Zimmerman – 3 W. Main Street – She provided the public with flyers regarding tomorrow's event that will be held at the Ralston Cider Mill.

Christine Myers – She asked if a proclamation can be presented to Ms. Schmidt's family so they know how much all of Mendham appreciates what she did.

Ms. Neibart moved. Mr. Monaghan seconded the motion to close the meeting to the public.

Roll call vote: All members present voted to approve.

APPROVAL OF MINUTES

- Regular Meeting Minutes of June 10, 2019

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

- Executive Session Meeting Minutes of June 10, 2019

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to table the Executive Session Meeting Minutes of June 10th.

RESOLUTIONS

2019 – 102 Resolution of the Township Committee of the Township of Mendham Governing Body Certification of the Annual Audit

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

2019 – 103 Resolution of the Township Committee of the Township of Mendham Authorizing the Execution of the Vehicle and Equipment Lease Agreement with Tax Exempts Leasing Corp for the Lease of Two Ford Interceptors and Equipment for the Police Department

Ms. Duarte moved. Ms. Neibart seconded.

Mayor Gisser noted that the lease of the two vehicles is consistent with the plan and it does leave room for the purchase of the vehicles for a dollar buy out.

Roll call vote: All members present voted to approve.

2019 - 104 Authorizing the Award of a Non-Fair and Open Contract for Township Attorney

Ms. Duarte moved. Ms. Neibart seconded.

Matthew Petracca has resigned as Township Attorney for the Township of Mendham as he will no longer be engaged in the private practice of law which requires the township committee to appoint a new township attorney. There was discussion on the pay to play definition, bid threshold and retainer amount that were listed in the resolution. It was clarified that the contract term is a continuation of Petracca's contract and the terms stay the same.

Roll call vote: All members present voted to approve except for Ms. Neibart who abstained.

2019 – 105 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

Ms. Neibart moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

2019 – 106 Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public – Contracts, Personnel, Litigation

Ms. Neibart moved. Mr. Monaghan seconded.

Roll call vote: All members present voted to approve.

2019 – 107 Resolution of the Township Committee of the Township of Mendham Approving Raffle License – Brookside Engine Company No. 1

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve except for Mr. Gisser who abstained.

ORDINANCE FOR INTRODUCTION

06-2019 Providing Various Capital Improvements to Sewer East Utility Appropriating \$10,000 Therefore, from the Mendham East Capital Improvement Fund

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

07-2019 Providing Various Capital Improvements to Sewer West Utility Appropriating \$20,000 Therefore, from the Mendham West Capital Improvement Fund

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

Ms. Fornaro explained that a few years ago, in response to Hurricane Sandy, the township applied for a FEMA grant for several generators. The township installed two (2) new generators into Sewer Utility East in the main facility and pump station and one (1) generator was installed at Sewer Utility West. The

funding was recently reimbursed and due to the Engineer's estimate, which was above the bid amounts, each utility will receive \$40,000 in reimbursement for the capital generators. Ms. Fornaro confirmed that the money could go back to the utilities. At the next meeting, there will be a resolution to cancel the improvement authorization which cancels them back to capital improvement funds so that money could be used for future capital project for those utilities.

08-2019 Amending and Supplementing Chapter 272 Entitled Sewers Article IV Use of Public Sewers

Ms. Duarte moved. Ms. Neibart seconded.

Mayor Gisser noted that in reviewing the township's ordinances the committee identified some deficiencies in the sewer ordinances. Mayor Gisser clarified that no one in Mendham Township has a sewer; everyone in Mendham Township has a septic system. Most of the residents have an individual septic system with the exception of Sewer East and Sewer West.

Mayor Gisser had some concerns on how the ordinance would affect Sammy's Steakhouse and Mendham Golf and Tennis which are the two commercial occupancies in town with private sewer systems. Discussion took place that the ordinance does not apply to privately owned sewer systems and only applies to public sewer systems. Mr. Moench explained that the public sewer systems can be defined as Mendham Sewer East and Mendham Sewer West. The Township Committee asked that the definition be included in the ordinance and be included as a friendly amendment.

After reviewing the ordinance, Mr. Monaghan asked for clarification on several items:

- Are garbage grinders (disposal) illegal under this ordinance? It was noted that no one should be using a garbage disposal.
- Section A. Item 8: "Containing total solids (soluble and insoluble) exceeding a daily average of 5,000 parts per million." Mr. Monaghan asked how the daily average is measured. Mr. Moench noted that a lot of these standards are talking about commercial users, is not necessary geared towards residencies and geared towards anyone that is dumping a lot. The only time it would be a concern if a residency is conducting a home business.
- Section A. Item 10: What does BOD mean?
- Section 272-16 B: Do we want to communicate before we issue a summons? Mr. Moench suggested changing the "shall" to "may" so it gives the township flexibility. The township Committee agreed that they like having that discretion and requested that the word be changed to "may" issue a summons...

Ms. Neibart asked that the ordinance be formatted with proper spacing and headings.

Mayor Gisser asked for a motion to amend the ordinance to include the definition for sewer east and sewer west, change section 272-16B to the "shall" to the "may" in terms to the enforcement as well as formatting issues like heading and spacing issues.

Mr. Monaghan moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve the amendments to ordinance 08-2019.

Roll call vote: All members present voted to approve ordinance 08-2019.

09-2019 Amending the Code of the Township of Mendham by the Addition of a New Chapter (Chapter 259) to be Entitled "Vacant And Abandoned Properties" Providing for Registration of Vacant and Abandoned Properties, Creditor Responsibilities and Municipal Powers to Rehabilitate

Ms. Duarte moved. Ms. Neibart seconded.

Mr. Gisser explained that this is another ordinance as a result of observed issues in town. He noted that vacant or abandoned properties tend to become a visual issue, safety issue and we want to make sure the municipality has the appropriate authority to manage the issue for the benefit of the broader community.

Mayor Gisser asked that section 5, item 9 on page 5 which reads "...for no longer than 45 consecutive days, which period may be extended at the discretion of the Township Officials. Boards or coverings must be installed and painted in accordance with Township specifications" be changed from 45 consecutive days to 30 consecutive days. The Township Committee agreed to make the change from 45 to 30 consecutive days.

Roll call vote: All members present voted to approve Ordinance 09-2019.

10-2019 Amending Chapter 7 "Traffic" Section 12 "Parking Prohibited at all times on Certain Streets"

Ms. Neibart moved. Ms. Duarte seconded.

Mayor Gisser explained that there have been some parking concerns of commercial vehicles parking overnight on Mendham Road West as known as Ralston Curve. The ordinance will prohibit overnight parking but will allow residents to park when extra parking is need during special residential events.

Roll call vote: All members present voted to approve.

The ordinances are scheduled for second reading and public hearing on July 8, 2019

OPEN TO THE PUBLIC

Ms. Duarte made a motion to open to the public. Ms. Neibart seconded.

Michael Merritt – 73 Mountainside Road – expressed the irony of ordinance 09-2019 when the township is currently working on a resolution of a township owned property known as the Pitney Property. He hopes the township works expeditiously in the final stages of the property which he would say is not particular attractive from the curb. Ms. Bonanno noted that the township is waiting to hear on the grant and if the township does any work on the property it will not count towards the township's match for the funding that we can potentially receive from the grant which is what has caused the delay.

Thomas Baio – 21 Northgate Road – asked if ordinance 09-2019 covers detached garages on a property which are effectively abandoned or unoccupied. Mr. Moench noted that the ordinance would not cover detached garages and it is not intended to be a property maintenance ordinance. The ordinance is geared towards a property where an occupant is no longer present on the property.

Kimberly Gavagan – 10 Kennaday Road - expressed disappointment that the committee did not consider passing a proclamation for Pride month. She noted that there have been similar proclamations passed for things like Autism Awareness and Stigma-Free and she thinks those steps are very important towards showing leadership and showing support to the people in our community who are facing challenges associated with types of issues. She feels that it is a missed opportunity.

Motion to closed public comment was moved by Ms. Neibart and seconded by Mr. Monaghan.

Roll call vote: All members present voted to approve.

DISCUSSION

Mayor Gisser noted that the Department of Public Works is working on the Ralston Field parking lot and the concerns should be addressed by the fall season. He also noted that before we address road conditions, there are some items that need to be addressed with residents before the township takes actions.

Ms. Duarte appreciates the remarks that were made by the resident around Pride Month and she hopes that maybe next year we can do something around a proclamation. Ms. Duarte has received a few calls regarding the potholes on Kennaday Road. Mayor Gisser noted that Kennaday is a priority road. Ms. Duarte met with Board of Education President, Brian Jendryka, who mentioned doing a survey of new residents. They hope to establish a committee to get the survey moving forward. There is an opening on the Environmental Commission since Pamela Kenworthy was promoted to a regular member. She mentioned the Pitney Development and noted that the developer has put a plan to build five homes. Ms. Bonanno noted that the barn has been dismantled piece by piece which will be used as reclaimed wood. Ms. Duarte also noted that the Construction Code Official has been directed to notify the chairperson of the Historic Preservation if there is something that is deemed to be distinctive structures of a historical significance. Ms. Duarte asked about the Cider Mill lease which will be discussed in Executive Session.

Ms. Neibart and Mr. Monaghan met with the Morris County Freeholders and a number of issues were brought up like the Cider Mill Lease and Emerald Ash Borer. Ms. Neibart noted that the Freeholders presented the Township with a proclamation thanking the Township for allowing them to use the facilities. They also discussed shared services and future consolidation efforts by the state.

Mr. Monaghan expressed that the Freeholders’ meeting was great since they got to discuss local issues. He also noted that the Cider Mill lease is also important to the Freeholders because we provided a historical preservation deed to the Cider Mill and there were some concerns with the sublease clause.

MAYOR’S APPOINTMENT – FOR INFORMATIONAL PURPOSES *

***ENVIRONMENTAL COMMISSION**

Pamela Kenworthy Newly appointed unexpired term N. Syed 12/31/2020
(Regular Member)

The Township Committee entered into Executive Session at 9:20 pm.

ADJOURN

Motioned by Ms. Duarte and seconded by Ms. Neibart.

All members voted to adjourn at 10:30PM.

Respectfully submitted,

Maria F. Coppinger
Township Clerk

Distributed: 07/03/2019
Amended: 07/08/2019
Approved: 07/08/2019