



**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
December 9, 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  
Matthew Moench, Township Attorney  
Maria Coppinger, Township Clerk

**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.

**ANNOUNCEMENTS/REPORTS**

Mayor Gisser acknowledged the passing of Gerard Terry Clearly, a local philanthropist who was responsible for many things that people in Mendham Township touched most notably the Mendham Area Senior Transportation (MAST). He announced that the Menorah Lighting will be held on December 22<sup>nd</sup> at the Mendham Borough Fields.

Ms. Duarte announced several upcoming events like Mendham Gets Fit for the winter, Ski Club, free senior lunch on December 17<sup>th</sup>. On behalf of the Brookside Engine Company, Ms. Duarte thanked the community for coming out to the Santa Claus event, last night. In turn, Ms. Duarte thanked Brookside Engine Company and the Ladies Auxiliary for putting on a really nice event for the families in town. She congratulated Aura Dunn on the Assembly position. Ms. Duarte's last office hours of the year will be held on Friday, December 13<sup>th</sup> from 11am to noon.

**OPEN TO THE PUBLIC**

**Ms. Neibart moved. Ms. Duarte seconded the motion to open the meeting to the public.  
All members present voted to open the meeting to the public.**

There were no comments from the public.

**Ms. Neibart moved. Ms. Duarte seconded the motion to close the meeting to the public.  
All members present voted to close the public session**

Mayor Gisser reminded the public that as it's almost year-end, for those that have charitable inclinations, there are many organizations within Mendham Township that count on those contributions (donations).

Mayor Gisser noted that the December 19<sup>th</sup> Township Committee meeting will start at 6PM with the Finance Committee meeting at 5PM.

## **APPROVAL OF MINUTES**

Executive Session Minutes of October 7, 2019

**Ms. Neibart moved. Ms. Duarte seconded.**

**Roll call vote: All members present voted to approve.**

Regular Meeting Minutes of November 11, 2019

**Ms. Duarte moved. Ms. Neibart seconded.**

**Roll call vote: All members present voted to approve.**

## **RESOLUTIONS**

**2019-175** Resolution of the Township Committee of the Township of Mendham Amending 2019 Budget Insertion of Special Item of Revenue for "State of New Jersey – Radon Awareness Program"

**Ms. Duarte moved. Ms. Neibart seconded.**

**Roll call vote: All members present voted to approve.**

**2019-176** Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of 2019 Taxes

**Ms. Duarte moved. Ms. Neibart seconded.**

**Roll call vote: All members present voted to approve.**

**2019-177** Resolution of the Township Committee of the Township of Mendham Recognizing The Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020-June 2025

**Ms. Duarte moved. Ms. Neibart seconded.**

**Roll call vote: All members present voted to approve.**

**2019-178** Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public

**Ms. Neibart moved. Ms. Duarte seconded.**

Ms. Neibart requested that liaison appointments be included in the topic for discussion under appointments. Mr. Moench explained that liaison appointments can be discussed generally but the Township Committee as a group cannot make decisions in closed session.

Ms. Duarte expressed that in the past, liaisons appointments have been discussed in open session. Ms. Duarte was open to having a discussion in closed session but also expressed that it's important for the community to understand how the Township Committee decides on the liaison commitments for next year. She clarified that she would prefer to discuss the liaison appointments in open session.

Ms. Neibart expressed that she is personally prepared to discuss preliminary appointments in closed session and at the start of next year the appointments will be voted on in open session.

Mr. Monaghan expressed that he doesn't remember any committee ever discussing liaisons appointments in open session. He also noted that while at the League of Municipalities during a session on "open public meetings and the use of closed session" he specifically asked, if it was permissible to discuss (volunteer) board appointments in closed session and the three attorneys hosting the session, unanimously agreed that it's a personnel matter and it can be discussed in closed sessions.

Ms. Duarte agreed that the volunteer appointments should be discussed in closed session however she was talking about liaison appointments. She reviewed past meeting minutes and there were some discussion in open session. She expressed that it's better to have transparency and liaison appointments should be discussed in open session. She suggested that going forward the Township Committee can do things with more transparency and more collaboration.

Ms. Neibart feels that it's appropriate to have transparency and feels that the committee has shown a great deal of transparency over the last couple of years. She expressed that it's important to have the conversation before going into 2020 and it's important to have those conversation in closed session.

Mr. Monaghan expressed that the Township Committee has an obligation to organize the government and does not believe it's necessarily done in open session. He commented that decisions get discussed in closed session and voted on in public session.

Mayor Gisser expressed that the matter pertaining to liaison appointment is clarified in the e-code (online database ordinances).

Mayor Gisser clarified that the vote is enter into executive session to discuss personnel matters, contract negotiations and reorganization related issues not for purpose of making decisions.

**Motion to amend resolution to include transition related discussion under personnel (appointments) made by Mr. Monaghan and second by Ms. Neibart.**

**Roll call vote: All members present voted to approve except for Ms. Duarte who voted no.**

**Motion to introduce Resolution 2019-178 as amended made by Ms. Neibart and second by Mr. Monaghan.**

**Roll call vote: All members present voted to approve except for Ms. Duarte who voted no.**

**2019-179** 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.**

**2019-180** Resolution of the Township Committee of the Township of Mendham Ratifying a Certain Memorandum of Agreement between the Township of Mendham and PBA Local 402

**Ms. Neibart moved. Mr. Monaghan seconded.**

Ms. Bonanno commented that the main item in negotiations for the new contract was the salary increases going forward. She commented that it's a five-year agreement and with the advice of the labor attorney the township added language regarding personnel days. The Chief Financial Officer also requested that for budgeting purposes the finance department be made aware of any college credit payment before an officer is enrolled. Ms. Bonanno also noted that language was added to include the length of time (up to five years) an officer would need to be employed with the township to avoid any reimbursement for the classes the township reimbursed them. Current overtime and schedule practices were also clarified since previously the practices were not in writing.

**Roll call vote: All members present voted to approve.**

**ORDINANCE FOR FIRST READING - Second Reading and Public Hearing Scheduled for December 19, 2019**

**13-2019** An Ordinance Amending the Code of the Township of Mendham by Amending Chapter 93, Article 1, Entitled "Licensing and Control Of Animals" to Codify Specific Penalties for Failing to License Dogs or Cats

**Mr. Monaghan moved. Ms. Neibart seconded.**

Mr. Moench reminded the committee and the public that the issue was prompted by the court administrator which indicated that Mendham Township has several ordinances on file with penalties that required court appearances. Mendham Township's ordinance on file has no specific penalty provision attached to the ordinance instead it just relates to the general penalty provision which is very broad (\$100-\$2,000 for general offenses with up to 90 days in jail) and up to the judge to decide the fee. There were some concerns with the way the initial ordinance was written which resulted in the ordinance being tabled. Mr. Moench spoke with the court administrator and she suggested using Chester Township's ordinance which has worked really well so ordinance 13-2019 is similar to Chester.

Mr. Moench noted that after the ordinance is adopted, a resolution be introduced to ask the administrative office of the courts to add a \$35 minimum offense for unlicensed dogs and unlicensed cats and add any additional animal offenses which then it can be added to "payable offenses."

**Roll call vote: All members present voted to approve.**

### **OPEN TO THE PUBLIC**

**Motion to open public comment was moved by Ms. Duarte and seconded by Ms. Neibart.  
All members present voted to open the meeting to the public.**

There were no comments from the public.

**Motion to closed public comment was moved by Ms. Neibart and seconded by Ms. Duarte.  
All members present voted to close public session.**

### **DISCUSSION**

Mayor Gisser has a presentation scheduled for Wednesday evening with the residents of the Drakewick Community to give another opportunity for members of the public to see the presentation related to police headquarter- everyone is welcomed.

Mayor Gisser commented that a few municipalities adopted resolutions encouraging the state government to take a look at the Open Public Record Act (OPRA) process because it has become a major work flow issue in town halls. In the last two years, Mendham Township had 207 OPRA requests for 2018 and so far 355 for 2019. The Township Clerk provided a brief description on what it takes to satisfy an OPRA. Mayor Gisser asked that the Township Committee consider the OPRA resolution in the new year which was circulated in the communications packet.

Mayor Gisser provided a finance report noting that tax payments are pretty much on target and there are no surprises on the expense and revenue side.

Mr. Monaghan noted that that building department report can be found in the communications packet which shows some pretty good information on trends. He is starting a project with Kevin Giordano and Steven Herbes (Planning Board and Zoning Board) to update the fee schedules for permits (professional fees and escrow) which apparently have not been looked at in about 13 years.

Ms. Neibart commented that finance committee meeting December 19<sup>th</sup> at 5PM is open to the public. The presentation will show every budget request from every department and volunteer organization. She expressed that the budget process is much better than in years past but there are some outstanding items that the Township Committee will have to make some difficult decisions on. She expressed that it's very important that every member of the Township Committee take a very active role in the finance committee. She asked that the liaisons work directly with the department heads on their budget request. Ms. Neibart is very interested in charitable contributions to the town like the Pitney project and expressed that it's very important to fundraise for those purposes.

Ms. Duarte requested a year-end report from the Recreation Director about the different activities that took place in 2019 as well as an update on Brookside Beach. She commented that new signs have been ordered to replace the existing historic district signs. She agrees that we should do have some fundraising (Pitney) efforts for the upcoming projects and expressed that it's important to create a subcommittee to oversee the project and grant. She also believes it's a great idea for the entire committee to be involved with the budget process.

### **RECESSED TO EXECUTIVE SESSION**

Motion by Ms. Neibart and seconded by Mr. Monaghan

All members voted to adjourn at 8:40 PM and resume into Executive Session at approximately 9:00PM

### **RETURNED FROM EXECUTIVE SESSION**

### **ADJOURN**

Motion made by Ms. Duarte and second by Ms. Neibart.

All members present voted in favor.

Respectfully submitted,

Distributed: 01/24/2020

Approved: 02/10/2020

Maria F. Coppinger  
Township Clerk