

**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
 And via the Zoom communications platform (referenced herein as “Zoom”)

ROLL CALL

Ms. Duarte	Present
Ms. Moreen	Present-arrived after roll call
Ms. Neibart	Present
Ms. Spirig	Present
Mayor Monaghan	Present

Also, present:
 Mr. Jason Gabloff, Township Administrator
 Mr. John M. Mills, Esq.

SALUTE TO THE FLAG- LED BY MAYOR MONAGHAN

STATEMENT OF ADEQUATE NOTICE-READ BY MAYOR MONAGHAN

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)-READ BY MAYOR MONAGHAN

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.

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**

TOWNSHIP COMMITTEE	MOTION	SECOND	VOICE VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen					
Ms. Neibart		X	X		
Ms. Spirig			X		
Mayor Monaghan			X		

EXECUTIVE SESSION

Will not be a public session. Executive session only

A motion to enter executive session was made by Ms. Duarte; seconded by Ms. Neibart. A roll call vote was taken with all members voting in favor, no one opposed.

The Mayor and Township Committee convened into Executive Session at 6:30 PM.

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A motion to reconvene into open session was made by Ms. Duarte and seconded by Ms. Neibart. A voice vote was taken will all members voting in favor, no one opposed.

The Mayor and Township Committee reconvened into Open Session at 7:30 PM.

PRESENTATION

NONE

ANNOUNCEMENTS

Mayor Monaghan had the following announcements:

- 1. Brookside Community Clubs 100th birthday party on October 27, 2023, at 6pm. Signs are around town to purchase a ticket.

Deputy Mayor Neibart had the following announcements:

- 1. Brian Kirk and the Jirks concert is rescheduled for October 17, 2023, from 5:30-7:30pm
- 2. Haunted Hike is October 20, 2023
- 3. The Halloween party is October 29, 2023, starting at noon at Brookside field.
- 4. Senior luncheon was October 10, 2023, and was enjoyed by the seniors. Next luncheon will be around Thanksgiving.
- 5. OEM, Mr. Thomas, and I met with the State Police on potential disaster funding. Hoping to do another blood drive in December.

Ms. Spirig had the following announcements:

- 1. Historic Preservation Committee has started the initial planning stages on Mendham Townships 275th birthday in 2024. Details to follow.

Ms. Duarte had the following announcements:

- 1. Mendham Rotary Club will have its meeting October 11, 2023, at 6:30pm at Dantes. RVSP to aduarte@mendhamtownship.org
- 2. Congratulated the Environmental on being recognized in the New Jersey Audubon Magazine for their Native Plant Sale.
- 3. October 10, 2023, is Mental Health Day. Encouraged residents to visit the Stigma Free webpage on Mendham Townships website.
- 4. Hike for Hope was a great success.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

George Koenig, 13 North Gate Road, Mendham, NJ commented that he and a few residents will be inviting the proposed Backer Brewery applicant to sit down and discuss a fair solution on the project. He further commented on the health and safety of the community. Mr. Koenig was supportive of the Open Space funds being used to remove dangerous trees. Mr. Koenig further commented on the Township being eligible for another liquor license.

Bernadette Koenig, 13 North Gate Road, Mendham, NJ inquired on the public hearing for the proposed Backer Brewery and inquired about what the parameters will be for the hearing.

Peter Banos, 47 Ironia Road, Mendham, NJ inquired if Mr. Keenan, Township Engineer had a chance to review the proposed Backer Brewery project and it being a major development. Mr. Banos strongly opposes the project.

Seeing and hearing no one else wishing to be heard, Mayor Monaghan asked for a motion to close public comments.

Ms. Duarte made a motion to close the public comment period seconded by Ms. Neibart. A voice vote was taken with all members present voting in favor, no one opposed.

APPROVAL OF MEETING MINUTES-

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

MOVED AS ONE VOTE

TOWNSHIP COMMITTEE	MOTION	SECOND	VOICE VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart			X		
Ms. Spirig		X	X		
Mayor Monaghan			X		

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

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X	X	X		
Ms. Moreen				X	
Ms. Neibart			X		
Ms. Spirig		X	X		
Mayor Monaghan			X		

The Township Committee had a discussion on the language within the Ordinance.

- Ms. Moreen made suggestions on language and suggested a dollar amount be capped and ultimately be done by referendum.
- Ms. Duarte further agreed that a dollar amount should be put in the ordinance and brought to the public by referendum. Ms. Duarte further commented that the Open Space Committee should be reactivated.
- Deputy Mayor Neibart further agreed to the statements of the other Committee members and provided the language to change.
- Ms. Spirig commented that the cap on the amount will be tied to what will get accomplished and the manpower to get the work done.
- Mayor Monaghan commented that 6 months will be a challenge to accomplish what work needs to be done. Mayor Monaghan commented that the conservative view would be closer to \$250,000- \$300,000 in tree work to remedy the issue.

A motion to make the following amendments was made by Ms. Duarte and seconded by Ms. Spirig. A voice vote was taken with all members present voting in favor, no one opposed.

1. In the 8th WHEREAS strike the word literally
2. Change Silver Ash Borer to Emerald Ash Borer
3. Dollar amount not to exceed \$150,000 and be used for the sole purpose of cutting dangerous trees (remove the sentence removal or otherwise making safe) those areas of open) remove the s) space
4. Change warnings to notice.
5. Capitalize the P in parks and R in recreation.

REGULAR AGENDA RESOLUTIONS

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

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart		X	X		
Ms. Spirig			X		
Mayor Monaghan			X		

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

TOWNSHIP COMMITTEE	MOTION	SECOND	VOICE VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart					X
Ms. Spirig		X	X		
Mayor Monaghan			X		

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

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart			X		
Ms. Spirig		X	X		
Mayor Monaghan			X		

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

George Koenig, 13 North Gate Road, Mendham, NJ commented that over the years the Township has not allowed any commercial development of any size in Mendham Township. Mr. Koenig requested that the current Township Committee consider that in regard to the proposed Backer Brewery.

Kim Hart, 17 North Gate Road, Mendham, NJ participated via Zoom commented that she provided an email to the Township Committee members regarding the proposed Backer Brewery public session. Ms. Hart further questioned the date and time allowed to speak at the public session.

Seeing and hearing no one else wishing to be heard, Mayor Monaghan asked for a motion to close public comments.

Ms. Duarte made a motion to close the public comment period seconded by Ms. Neibart. A voice vote was taken with all members present voting in favor, no one opposed.

DISCUSSION

Town Hall Renovation Update

Jason Gabloff, Township Administrator provided an update on the Town Hall renovation project. Footings have been poured for the elevator, septic line on second floor was removed and replaced, other footings are being poured. Project is moving along.

Public Hearing-Backer Brewery

Mayor Monaghan discussed the public session for the proposed Backer Brewery. The session will be the second public hearing part of the meeting on October 23, 2023. Comments will not be taken from Zoom only those people attending in person at the Middle School. Ms. Duarte suggested a shorter time frame than 10 minutes. Mayor Monaghan suggested 6 minutes to each person on each topic with no time extensions.

Professionals to submit their reports in writing and topics they will talk about and the clients they are representing prior to the public session. Clients of the Attorney that is representing will not allowed to be able to comment. Professionals/Attorney's will be given 15 minutes on each topic.

Open Space Committee/other boards and committees

Ms. Duarte revisited moving forward appointing members to the Open Space Committee. Mayor Monaghan requested that the Municipal Clerk send out notifications that the Township is seeking resumes for the 2024 Boards and Committees and Commissions. The Township Committee would like to interview potential volunteers. Interviews will be done based on what is received and on a need to basis for each volunteer.

Deputy Mayor commented that the volunteer reception date is December 11, 2023, and would like to publicize that date to all the volunteers. The Mosle working group met on October 3, 2023, and was productive.

ADJOURN

Having no further business to conduct, a motion to adjourn was made by Ms. Duarte and seconded by Ms. Spirig, with all members present voting in favor, no one opposed.

The regular meeting of the Mendham Township Committee was adjourned at 9:00 P.M.

Respectfully submitted,

Distributed: 10/19/2023

Approved: 10/23/2023

Karen Orgera
Acting Township Clerk
TOWNSHIP OF MENDHAM

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"

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:

<u>DEPARTMENT OF PUBLIC WORKS</u>		
JOSEPH KEUSCHER	Laborer	\$15/hour

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