

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE**

**SPECIAL MEETING**

**DATE:** December 20, 2022  
**TIME:** 5:00 PM  
**LOCATION:** Emergency Services Building, 1 Cherry Lane, 2<sup>nd</sup> Floor, Brookside NJ  
And via the Zoom communications platform (referenced herein as “Zoom”)

Mayor Monaghan called the Special Meeting of the Mendham Township Committee to order at 5:00 PM. The purpose of this Special Meeting is for the Township Committee to discuss board and committee appointments in advance of the Township’s 2023 Reorganization Meeting. The Township Committee’s discussion will take place in executive session as allowed by law.

**ROLL CALL:**

Mr. Baio	Present
Ms. Duarte	Present
Ms. Neibart	Present
Mr. Orlins	Present
Mayor Monaghan	Present

Also, present:

Ms. Lauren Spirig, Committeewoman-Elect  
Ms. Tracey Moreen, Committeewoman-Elect  
Mr. John M. Mills, Esq.  
Mr. Jason Gabloff, Township Administrator  
Ms. Maria Coppinger, Township Clerk  
Ms. Karen Orgera, Assistant Clerk

**SALUTE TO THE FLAG LED BY MAYOR MONAGHAN**

Mayor Monaghan led the assembled in the Pledge of Allegiance.

**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 Daily Record and Star Ledger on December 14, 2022. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**OPEN TO THE PUBLIC**

Before opening the meeting for public comments, Mayor Monaghan stated that, to be as inclusive as possible in allowing as many people to speak as time may allow, individuals wishing to make a public comment be limited to two minutes. He further suggested that public comments should be concluded by 7:00 p.m. so that the Township Committee may complete its scheduled discussion in Executive Session. Mayor Monaghan then requested a motion from the Committee.

**Motion:**

Ms. Duarte made a motion seeking to allow each speaker three minutes to make their comments and to allow expanding public comments past 7:00 p.m., by a motion from the Township Committee, should it be necessary at that time.

There was no second to Ms. Duarte’s motion and the motion died.

**Motion:**

Mayor Monaghan again asked for a motion to allow two minutes for each speaker and if there is a need to extend public comments past 7:00 p.m. that the Township Committee could entertain a motion at that time.

Said motion made by Mr. Orlins, seconded by Ms. Neibart. Mayor Monaghan opened the motion for Township Committee discussion.

**Discussion and vote on the motion:**

Ms. Duarte voiced her objection to limiting public comments to two minutes. Mayor Monaghan remarked that two minutes per speaker would accommodate more individuals to voice their comments. Ms. Neibart expressed her reservation of rights to make a motion to extend the two-minute limit on public comments should it be warranted. Public comments will be concluded by 7:00 p.m. unless extended by a motion from the Township Committee.

A voice vote was taken to approve the motion, with all members in favor, no one opposed, no one abstained.

Mayor Monaghan opened the public comment portion of the meeting.

Jane MacNeil, 31 East Main Street, Brookside, NJ commented that it is the right of any candidate to challenge a voter's residency qualifications and further voiced her concern that misrepresentations aimed at those seeking to ensure voting integrity only serve to incite divisiveness in the community.

Yael Bromberg, a New Jersey resident, participated via Zoom. She presented herself as a Constitutional Rights Attorney and an expert on the 26<sup>th</sup> Amendment of the U.S. Constitution. Ms. Bromberg commented that it is an infringement under the 26<sup>th</sup> Amendment of the U.S. Constitution to challenge Vote by Mail ballots strictly based on the age of a voter. She encouraged those who are singling out and challenging Vote by Mail ballots cast by young voters to reconsider their actions as age is a protected class under the 26<sup>th</sup> Amendment.

Diane Dinklage, 27 East Main Street, Brookside, NJ voiced her belief that the local Republican Party is attempting to disenfranchise young voters in Mendham Township by challenging Vote by Mail ballots.

Bernadette Koenig, 13 North Gate Road, Mendham, NJ commented that because it may be unclear to many voters how and where someone may vote and offered that instead of challenging a voter's Vote by Mail ballot, there should be more voting education.

Christine Blood, 32 Tingley Road, Mendham, NJ commented that New Jersey participates in the Electronic Registration Information Center (ERIC) which collects and updates voter lists and identification records every 60 days. Ms. Blood further commented that ERIC has failed to improve the integrity of voter rolls and promote voter confidence in the voting process.

Herb Tarbous, 411 New Market Road, Piscataway, NJ participated via Zoom. He advised he is the co-founder of the organization, Voter Choice New Jersey and further commented that the organization, Voters of Tomorrow, is broadcasting tonight's Mendham Township's Committee Meeting. Mr. Tarbous commented that ranked choice voting (RCV) would be a preferred voting system that ranks candidates or choices in a first, second, third, and so on, on a ballot. He encouraged the support of pending bills S-3369 and A-5039 in Trenton, which would allow municipalities to adopt ranked choice voting in local and school board elections.

Benjamin Wiseman, Boonton, NJ introduced himself as the newly elected Councilman in Boonton. He commented that when campaigning for office, more and more voters shared their concerns regarding voting integrity. He urged everyone involved to accept the results of the recount regarding local Township Committee and encouraged the public to continue attending public meetings.

T.C. McCourt, 32 Davis Avenue, Dover, NJ participated via Zoom. He advised that he is speaking in the capacity as president of Morris County Young Democrat organization regarding the lawsuit filed by Mr. Baio, which is believed to be politically motivated and encouraged Mr. Baio to concede the race.

Meredith Sahi, 16 Hilltop Circle, Mendham, NJ commented that as a former candidate in 2021 for local office, although she did not win the election, she congratulated the successful candidates and did not disrespect the electoral process. She further commented that the lawsuit filed by Mr. Baio likely will discourage voter participation by younger voters and encouraged Mr. Baio to concede the race.

George Koenig, 13 North Gate Road, Mendham, NJ participated via Zoom. He thanked the Township Committee for their service and commented that Mr. Baio has the right to contest the election and file a lawsuit in seeking judicial review to ensure that all legal votes are counted. He encouraged all to allow the legal process to take its course.

Christine Clarke, 24 Florida Avenue, Lake Hopatcong, NJ advised that she was a recent New Jersey Senate candidate and spoke in support of the comments made earlier by Yael Bromberg and Benjamin Wiseman and further added that Voting by Mail is a legitimate way to vote. Ms. Clarke further commented that the democratic process must be trusted and that the youth vote cannot be disenfranchised.

Victor Rivera, Peregrine Way, Burlington, NJ participated via Zoom. He advised he is the executive director of Voters of Tomorrow, an organization empowering the Gen-Z generation in politics. He commented that contesting the outcome of an open, fair and free election sets a dangerous precedent in the local democratic process. Mr. Rivera read a letter he said had been signed by several grassroots organizations and young advocates urging Mr. Baio to accept the results of the election. (Mayor Monaghan requested Mr. Rivera to email a copy of the referenced letter to the Township Clerk).

Tom Murphy, 13 Yardley Road, Mendham, NJ questioned when is it determined that a young voter no longer lives with their family where they were registered to vote? He acknowledged that any misrepresentation regarding one's eligibility to vote may be a legal question, however, he asked Mr. Baio to withdraw his lawsuit so that this matter does not cause further division in the township community.

Terrill Doyle, 5 Cross Way, Mendham, NJ participated via Zoom. She provided prior Township Committee candidate election results and commented that the democratic candidates did not contest the outcome when they lost their races. Ms. Doyle further commented that the national attention Mr. Baio's lawsuit has commanded depicts the township community as election deniers and inquired how the disputed 29 Vote by Mail ballots were identified.

Diana Orban Brown, 100 Ironia Rd, Mendham, NJ commented that the ongoing debate is about understanding the electoral process and fixing any failures or flaws that may be identified. She further commented that regardless of a voter's age, the law sets forth that once a voter moves and no longer lives in town, they should not be voting in that town. Ms. Orban Brown voiced her support for Vote by Mail voting and called upon election officials to review the election procedures so that everyone has faith in the outcome of any election.

Neil Mody, 6 Stone House Road, Mendham, NJ participated via Zoom. He commented that it is important for everyone to ensure that the process in challenging the results of the election is fair and even-handed. He questioned how and why after two election recounts were conducted that the 29 Vote by Mail ballots cast for the democrat candidates were culled and made subject to Mr. Baio's lawsuit. He encouraged officials to be proactive in addressing flaws that may be inherent in the election laws and not reactive based on whether one favors the outcome of an election or not.

Gary Colucci, 3 Williams Street, Mine Hill, NJ advised that he has been a candidate for elective office, winning some elections and losing some. He encouraged everyone to maintain their faith in the election process and accept the outcome of the election results. Win or lose, he encouraged every candidate and every voter to continue to participate in the democratic process.

Rich Rapp, 7 Schoolhouse Lane, Mendham, NJ participated via Zoom. He commented that he has seen Ms. Duarte's press release contending that republicans are against young people voting and stated this only serves to create discord and division. Mr. Rapp further commented that the only issue to be decided is whether a voter was eligible or ineligible to vote in Mendham Township, regardless of their age. He urged everyone to support election integrity, disqualify any illegal vote, and to prosecute those knowingly to have violated election laws.

Martin Slayne, 15 Indian Hollow Road, Mendham, NJ commented that he was a candidate in the recent Mendham Township Committee race and witnessed electioneering violations by Mr. Baio during his campaigning and asked Mr. Baio to concede the election.

Sam Barsa, participated via Zoom, but was unable to enable audio connection.

David Shalit, 63 Tempe Wick Road, Mendham, NJ encouraged township residents to attend Township Committee meetings in person. He questioned why Mr. Baio is determined to contest the outcome of the election to retain his Township Committee seat.

Matthew Messina, 22 Brockden Drive, Mendham, NJ participated via Zoom. He commented that Lauren Spirig had won the election, was certified as the winner by the Morris County Clerk, and asserted that she will be taking her seat on the Mendham Township Committee. Mr. Messina further commented that no one should prevent another from voting in their hometown, regardless of whether they may live in Boston or Nashville and asked that Mr. Baio concede the election and Republican officials withdraw their lawsuit.

Sam Barsa, attempted again to participate via Zoom, but was unable to enable an audio connection.

Donna Stefanelli, 1 Jay Drive, Mendham, NJ participate via Zoom. She commented that she left the Republican Party in 2021 when many republicans did not accept the outcome of the 2020 Presidential election. She further expressed her disappointment that republicans are not accepting the outcome of the Township Committee election and stated that Mr. Baio should concede the election so the community can once again come together.

Anthony Pettine, 24 Woodland Road, Mendham, NJ commented that he is disappointed in Mr. Baio filing his lawsuit and stated that Mr. Baio should concede the election.

Seeing and hearing no one else wishing to speak, Mayor Monaghan closed the public comment portion of the meeting.

Motion to close the public comment portion of the meeting was made by Mr. Orlins and seconded by Ms. Neibart, with all members present voting in favor of the motion, no one opposed, no one abstained.

Ms. Duarte thanked everyone for attending the meeting and encouraged everyone to continue participating in Township Committee meetings. She made a brief statement regarding the General election, advising that almost 700 Vote by Mail ballots were cast in Mendham Township, of which 29 Vote by Mail ballots are being disputed. Ms. Duarte reported that she had asked Mr. Baio to concede the election so that the township community can move on. She further voiced her concern that the lawsuit would continue on for the next few months, continuing to disrupt the community.

**RESOLUTION TO ENTER INTO EXECUTIVE SESSION**

**2022-180      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.**

Mr. Orlins made a motion to approve Resolution #2022-180, seconded by Mr. Baio. A voice vote was taken with all members voting in favor, no one opposed.

The Mayor and Committee convened into Executive Session at 6:03 p.m.

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The Mayor and Committee reconvened into public session at 7:33 p.m. only for purpose of adjourning the public meeting.

**ADJOURN**

Having no further business to conduct, Mayor Monaghan asked for a motion to adjourn.

Ms. Duarte made a motion to adjourn, seconded by Mr. Orlins. A voice vote was taken with all Committee members voting in favor, none opposed.

Meeting adjourned at 7:34 p.m.

Respectfully submitted,

Distributed:01/17/2023  
Approved: 01/23/2023

Karen Orgera  
Acting Township Clerk  
TOWNSHIP OF MENDHAM  
On behalf of former Township Clerk Maria F. Coppinger

**RESOLUTION 2022-180**  
**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 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.

**2023 BOARD AND COMMITTEE APPOINTMENTS**

- ☐ (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 **December 20, 2022 at 5:00 P.M.** in the Emergency Services Building, 1 Cherry Lane, 2<sup>nd</sup> Floor, 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: December 20, 2022