

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
SPECIAL MEETING**

DATE: Monday, December 4, 2023
TIME: 6:00 PM
LOCATION: **Emergency Services Building**
1 Cherry Lane, 2nd Floor, Brookside, NJ, 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
Karen Orgera, Acting Township Clerk
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 November 22, 2023. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

Peter Banos, 47 Ironia Road, Mendham NJ, commented on his OPRA request regarding the proposed Backer Brewery as a follow up for the November 27, 2023 Township Committee meeting. Mr. Banos is unhappy that he still has not received a response. Mr. Banos was advised that there is 2.5 years of documents to go through. A response will be provided per the extension as soon as records that are responsive are available.

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.

REGULAR AGENDA – RESOLUTIONS

2023-189 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING AN APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE FY 2023 PRESIDENTIAL RESIDENCE PROTECTION ASSISTANCE GRANT PROGRAM FOR HAZARD MITIGATION FOR THE DRAINAGE EASEMENT LOCATED AT 5 BUTTERNUT DRIVE

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

2023-190 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE FY 2024 AMERICAN RESCUE FIREFIGHTERS GRANT (ARPFPG)

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

2022-191 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		
Ms. Spirig		X	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. Spirig. A voice vote was taken with all members voting in favor, no one opposed.

The Mayor and Township Committee convened into Executive Session at 6:15 PM.

#

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

DISCUSSION

The Township Committee and the Acting Township Clerk discussed the 2024 Township Committee meeting dates. Meeting dates were established and will be passed by resolution at the Township Re-organization meeting on January 4, 2024.

ADJOURN

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

The regular meeting of the Mendham Township Committee was adjourned at 9:18 P.M.

Respectfully submitted,

Karen Orgera
Acting Township Clerk
TOWNSHIP OF MENDHAM

Distributed: 12/06/2023
Approved: 12/11/2023

RESOLUTION 2023-189

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING AN APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE FY 2023 PRESIDENTIAL RESIDENCE PROTECTION ASSISTANCE GRANT PROGRAM FOR HAZARD MITIGATION FOR THE DRAINAGE EASEMENT LOCATED AT 5 BUTTERNUT DRIVE

WHEREAS, the drainage easement at 5 Butternut Drive is in disrepair leading to flooding and erosion on the neighbor's property and will take a considerable investment of resources to repair; and

WHEREAS, the repair of this area meets the criteria outlined in the Presidential Residence Protection Assistance Grant Program; and

WHEREAS, the Township Administrator is recommending that an application be filed for the necessary repairs to the drainage easement located at 5 Butternut Drive for a grant through the Presidential Residence Protection Assistance Grant Program.

NOW, THEREFORE, BE IT RESOLVED that Township Administrator is authorized to submit a grant application to the Division of Local Government Services to FEMA for the Presidential Residence Protection Assistance Grant Program.

Adopted December 4, 2023

RESOLUTION 2023-190

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE FY 2024 AMERICAN RESCUE FIREFIGHTERS GRANT (ARPFPG)

WHEREAS, The New Jersey Department of Community Affairs Division of Local Government Services has made available grant funds available through the American Rescue Firefighters Grant program for the FY 2024; and

WHEREAS, the Mendham Township Fire Department is in need of various protective and cleaning equipment; and;

WHEREAS, the Township Administrator is recommending that an application be filed for the purchase of personal protective fire equipment for the Brookside Engine Company # 1 and Ralston Engine Company no to exceed \$75,000.00.

NOW, THEREFORE, BE IT RESOLVED that Township Administrator is authorized to submit a grant application to the Division of Local Government Services for Personal Protective Equipment for the Mendham Township Fire Departments under the ARPFPG program.

Adopted December 4, 2023

RESOLUTION 2023-191
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.

2024 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 4, 2023 at 6:00 P.M.** in the Emergency Services Building, 1 Cherry Lane, 2nd 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 4, 2023