



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
November 12, 2018
Regular Session 7:30 PM
Minutes**

1. ROLL CALL:

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

Also present:

John M. Mills, III, Esq., Township Attorney
Deborah Bonanno, Administrator
Maria Coppinger, Township Clerk

In Mayor Diegnan's absence, Deputy Mayor Gisser presided over the meeting.

SALUTE TO THE FLAG

2. 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 4, 2018. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

3. ANNOUNCEMENTS/REPORTS

Warren Gisser made the following announcement

- Congratulated the community for an outstanding turnout in the general election and thanked everyone associated with both campaigns.
- Attended a birthday celebration for Township Resident, Anna Mae Atkins, and presented her with a proclamation for celebrating her 100th Birthday.
- Thanked the community and staff and wished everyone a Happy Thanksgiving

Frank Cioppettini made the following announcements:

- Thanked and honored all the veterans who have served and expressed that "we do remember"
- Congratulated Mr. Monaghan and Ms. Neibart on the elections and thanked everyone involved with both campaigns

Amalia Duarte made the following announcements:

- The Friends of the Randolph Regional Animal Shelter will host a Pet and Family Photo Session on Sunday, November 18th in Rockaway
- Township website has been updated with a new look and it is mobile friendly. Thanked the Ad Hoc Communication Committee and the staff, in particular, Melanie Politi for their work on this project
- Thanked Brookside Engine Company for their Open House
- Ralston Playground is now open and congratulated the Recreation Committee and Director for their efforts

- Congratulated Nick Monaghan and Sarah Neibart for their successful election and looks forward to working with both of them on the Township Committee, next year
- Acknowledged Candidates Trish O'Brien and Brenda Grant for all of their hard work during their campaigns and she hopes they continue to stay involved or volunteer in some capacity
- Congratulated the candidates of the school board who were elected

4. OPEN TO THE PUBLIC ON AGENDA ITEMS

Nancy Wilson – 27 Brockden Drive – She is very impressed that we have a lot of volunteers that want to be a part of the Communication Committee and expressed that she likes the new website and its new look.

5. APPROVAL OF MINUTES

Regular Meeting of September 11, 2018

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

Regular Meeting of September 25, 2018

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

6. RESOLUTIONS

2018-176 Resolution of the Township Committee of the Township of Mendham Approving Settlement of Real Property Tax Appeal

Mr. Cioppettini moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

2018-177 Resolution of the Township Committee of the Township of Mendham Appointing Terry Gogerty to the Recreation Advisory Committee

Ms. Neibart moved. Ms. Duarte seconded.

Mr. Goherty is being appointed to an unexpired term

Roll call vote: All members present voted to approve.

2018-178 Resolution of the Township Committee of the Township of Mendham Awarding A Contract Between Landworks Landscape Design, LLC and The Township of Mendham For Snow Plowing Services

Mr. Cioppettini moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

2018-179 Resolution of the Township Committee of the Township of Mendham Authorizing 2018 Budget Appropriation

Mr. Cioppettini moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

2018-180 Resolution for the Township Committee of the Township of Mendham Authorizing the Payment of Bills

Mr. Cioppettini moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

Mr. Gisser recused himself during the introduction/first reading of Ordinance 19-2018. Mr. Gisser stepped out of the room. Mr. Cioppettini chaired the meeting in Mr. Gisser's absence.

7. ORDINANCE FOR INTRODUCTION

19-2018 An Ordinance of the Township Committee of the Township of Mendham Adopting Chapter 170 (Repealing Chapter 10, Article VI, 10-29) Entitled "Fire Department" of the Mendham Township General Ordinances

Second Reading / Public Hearing scheduled for November 27, 2018

Ms. Duarte moved. Ms. Neibart seconded.

Ms. Duarte explained that the Ad Hoc Facility Committee recommended that the fire dept. ordinance be updated. She noted that there are more specifics in the language around a number of various items including the chain of command, the 2016 mutual aid agreement from the county, more rigorous background checks, more details around on how to handle hearing in cases of disciplinary action and requiring a contract. She also thanked the fire chiefs and officers who were involved with the very lengthy process and appreciates the efforts of the past mayor. Thanked Debbie Bonanno for her assistance.

Ms. Bonanno expressed her appreciation for the volunteers that assisted in developing the ordinance which has been a process.

Ms. Neibart expressed that the ordinance has been a process that many people have reviewed and she is comfortable with voting on the ordinance.

Mr. Cioppettini offered two modifications to the fire department ordinance. The first modification would be to Section 170-9b. Use of Fire Apparatus outside Township limits. which currently reads as follows:

Apparatus participation at all non-emergency events which are outside the mutual aid area, require the consent of the Township Administrator and the Township Fire Chief.

Mr. Cioppettini made a motion to modify to above section to read:

Apparatus participation at all non-emergency events ~~which are outside the mutual aid area~~ require the consent of the Township Administrator and the Township Fire Chief.

Ms. Neibart seconded the motion offering the above modification.

Ms. Duarte, Mr. Cioppettini and Ms. Neibart continued a discussion on the modification noted above.

Ms. Neibart made a secondary motion to amend Mr. Cioppettini's modifications:

Apparatus participation at all non-emergency events, require the consent of the Township Fire Chief who will give notice to the Township Administrator prior to the non-emergency event occurring.

There was no second to Ms. Neibart's secondary motion.

Mr. Cioppettini noted that he could not vote on Ms. Neibart's amendment because it takes away consent from the township administrator.

Mr. Cioppettini asked for a roll call vote on his original motion to amend the ordinance to read:

Apparatus participation at all non-emergency events require the consent of the Township Administrator and the Township Fire Chief.

Mr. Cioppettini voted yes, Ms. Duarte voted no, Ms. Neibart voted no.

Motion to amend the fire ordinance to read "Apparatus participation at all non-emergency events require the consent of the Township Administrator and the Township Fire Chief" did not pass.

Mr. Cioppettini made a second modification to include in Ordinance 19-2018 which shall read as follows:

"All fire apparatus that is donated or paid for with Township funds shall be titled and held in the name of the Township of Mendham."

The addition to the ordinance was moved by Mr. Cioppettini. Seconded by Ms. Neibart-which is now up for introduction as amended

Ms. Duarte expressed that this ordinance was kicked around for over a year. While she appreciates the amendments tonight, it might have been more productive to have these discussions with the volunteers prior to tonight's meeting. She does not feel comfortable adding the amendments because she does not have feedback from the members of the fire department.

Ms. Duarte hopes that in 2019 the Township Committee would consider having workshop meeting to hold discussions on ordinances and ideas instead of waiting to the last minute. Mr. Cioppettini disagreed.

Introduction of the ordinance with the one modification to include "All fire apparatus that is donated or paid for with Township funds shall be titled and held in the name of the Township of Mendham."

Moved by Mr. Cioppettini. Second by Ms. Neibart. All members present voted to approve.

Mr. Gisser returned to the dais at approximately 8:15 PM.

20-2018 An Ordinance of the Township Committee of the Township of Mendham Providing for the Milling and Paving of Corey Lane and Appropriating \$320,000 Therefore, Including \$265,000 from the State of New Jersey Department of Transportation and \$55,000 from the Capital Improvement Fund

Second Reading / Public Hearing scheduled for November 27, 2018

Ms. Duarte asked if a list could be posted on the website of the streets that will be paved. Mr. Gisser noted that the list of streets is in the budget document. Ms. Bonanno noted that the milling and paving of Corey Lane was an application to the Department of Transportation and a grant was received for \$265,000 which the works needs to be completed in a certain time frame.

Ms. Duarte moved. Ms. Neibart seconded. All members present voted to approve.

21-2018 An Ordinance of the Township Committee of the Township of Mendham Authorizing the Creation of a Communications Advisory Committee

Second Reading / Public Hearing scheduled for November 27, 2018

Ms. Duarte moved. Ms. Neibart seconded.

Ms. Duarte explained that the Ad Hoc Communication Committee made several recommendations including establishing a permanent Communication Advisory Committee that will periodically take a look at the various communication channels. It is purely advisory in nature and the requirement is for the committee to meet four times a year.

Mr. Cioppettini is personally against the ordinance not for what it is trying to accomplish but because an ordinance is not required. He explained that if the Township Committee feels that it needs a committee, it can form a committee at any time and for any purpose. He expressed that by making the ordinance law, every year the Township Committee has to fulfil the obligations of the law which creates more work for the staff.

Ms. Neibart has a philosophical issue with creating more government when you do not need too. She expressed that the recommendations from the Ad Hoc Communication Committee have been beneficial. She noted that the number of members should be re-evaluated to increase the membership. She has an issue creating the Communication Committee by an ordinance and feels that it should be created by a resolution.

Attorney Mills explained that difference between an ordinance and a resolution.

Ms. Duarte expressed that the ordinance was drafted several times with the attorney's assistance. She took the recommendation of Mayor Diegan to make the committee smaller and an ordinance can be amended if it does not work.

Ordinance 21-20108 - Ms. Duarte voted to approve, Mr. Cioppettini voted to not approve, Ms. Neibart voted to not approve, Mr. Gisser voted to approve. The motion failed to carry.

8. ORDINANCES FOR ADOPTION

18-2018 An Ordinance of the Township Committee of the Township of Mendham Amending Chapter 7 "Traffic" Section 29 "Speed Limits"
Introduction /First Reading was held on October 23, 2018

Deputy Mayor Gisser opened the meeting to the public on Ordinance 18-2018.

Diana Orban Brown – Ironia Road – she approves decreasing the speed limit on Cold Hill Road especially because a park will be opening, next year, on the seven acres of Pitney Farm property.

Seeing no hands and hearing no voices, Deputy Mayor Gisser asked for a motion to close the public comment section on Ordinance 18-2018.

Moved by Ms. Duarte. Seconded by Mr. Cioppettini. All members present voted to approve.

9. DISCUSSION/PRESENTATIONS

Best Practice Inventory

Ms. Bonnano noted that the inventory was a series of questions that was sent out by the state. In the past, it was used to determine whether you lost state aid. This year the township scored above the threshold and no state aid will be lost.

Mr. Gisser provided an update on the dredging on the Brookside Beach noting that we are awaiting the results of the sampling.

Ms. Duarte asked if the names of the student representatives could be added to the website. She also expressed that the student representatives are working out really well and thanked the committee for their support on the idea.

Mr. Cioppettini announced the budget meeting dates.

Ms. Neibart noted that the shared services committee will meet in December and the five towns will be adopting a shared services agreement. Ms. Neibart will meet with the Mayor of Randolph Township to discuss animal shelters and pound services.

10. EXECUTIVE SESSION

2018-181 Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public - Pending Litigation, Personnel, Preservation of Municipal Property – Pitney Property

Mr. Cioppettini moved. Ms. Duarte second.

All members present voted to approve.

11. OPEN TO THE PUBLIC

Diana Orban Brown – Ironia Road – She has some concerns regarding the fire department ordinance. She expressed that the administrator really should know where the equipment is, not just the fire chief. She would like to see a procedure, regulations or policy memorialized, in some fashion, for the junior firefighters. It was noted that the fire departments do have some sort of policy for junior firefighters. She asked if the fire chief could provide an update at the next meeting. She commented that when we have volunteers committees, it is usually assumed that they are going to do things that are going to relieve the burden from paid staff. She commented that volunteers should be hands-on instead of making recommendations and reviewing what staff should be doing. She asked for clarification on the reason to enter into executive session which was clarified by the township attorney.

Collin Orban – commented on the ordinance to establish a communications committee noting that it should be more of an open process instead of appointment which would result in a diverse group ranging from teens to elders.

Mike Brown – Ironia Road – He expressed that it is a wonderful thing that the township is trying to get more people involve. However, in the midst of all this, he hopes that the Township Committee would take some time to maybe enlist some of the local residents who are experienced in fundraising to move forward in getting a new police station, that is decent and a safe place for our professional police officers to work in.

Nancy Wilson - Brockden Drive – She expressed that the public was misinformed by a committee member who mentioned that there is no League of Women Voters. She clarified that there is a League of Women Voters in Morris County.

The Township Committee entered into executive session at approximately 9:10PM to 10:42PM. The meeting was opened into regular session.

Adjourned at 10:45pm

Respectfully Submitted,

Maria Coppinger, Township Clerk

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Approved: 01/09/2019