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**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM**

**July 8, 2019**

**Regular Session Minutes 7:30 PM**

**ROLL CALL:**

Mr. Diegnan	Present
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.

**OATH OF OFFICE**

Matthew Moench, Township Attorney - Ms. Coppinger administered the oath of office to Mr. Moench.

**ANNOUNCEMENTS/REPORTS**

Mayor Gisser thanked the Community Club for organizing the Fourth of July Parade. Mayor Gisser met with Eric Schmidt (Rita Schmidt's husband) and a date will be arranged for the family to be presented with a proclamation for Rita's service. The bid opening for garbage collection is scheduled for July 9<sup>th</sup>. Backer Farm will host a Farm to Fork Pizza Night on July 13<sup>th</sup>. Family Day at Brookside Beach is scheduled for Sunday, July 21<sup>st</sup>. Race Day at Brookside Beach is scheduled for Sunday, July 28<sup>th</sup>.

Mr. Diegnan noted that the Wildlife Management Committee will meet on July 10<sup>th</sup> to prepare for the Fall season.

Ms. Duarte noted that Mendham TV has posted new videos online as part of the summer series and partnership with Nature Conservancy and, in addition, there are highlights from the Patriots 5K Race and Kids Fun Run. Schiff Nature Preserve will host a full moon hike on July 17<sup>th</sup> and a 2 mile Puppy Trek on July 18<sup>th</sup>. The Ralston Cider Mill will continue its speaker series on July 10<sup>th</sup> with Master Craftsman Peter Krickler, who has helped restore dozen of historic barns, mills, ships, lighthouses and more. Ms. Duarte thanked the Community Club for a fabulous Fourth of July Parade along with all of the festivities.

Mr. Monaghan expressed his appreciation for the Fourth of July Parade which was a great event.

## **OPEN TO THE PUBLIC**

**Ms. Neibart moved. Ms. Duarte seconded the motion to open the meeting to the public.**

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

There were no comments from the public.

**Ms. Neibart moved. Ms. Duarte seconded the motion to close the meeting to the public.**

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

## **APPROVAL OF MINUTES**

Executive Session Meeting Minutes of June 10, 2019

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

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

Regular Meeting Minutes of June 25, 2019

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

**Roll call vote: All members present voted to approve except for Mr. Diegnan who abstained.**

Executive Session Meeting Minutes of June 25, 2019

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

**Roll call vote: All members present voted to approve except for Mr. Diegnan who abstained.**

## **RESOLUTIONS**

**2019–108** Resolution of the Township Committee of the Township of Mendham Approving Issuance of Social Affair Permit for Brookside Engine Company No. 1

**Mr. Diegnan moved. Ms. Duarte seconded.**

**Roll call vote: All members present voted to approve except for Mayor Gisser who abstained.**

**2019–109** Resolution of the Township Committee of the Township of Mendham Amending 2019 Budget Insertion of Special Item of Revenue For “Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund”

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

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

**2019–110** Resolution of the Township Committee of the Township of Mendham Amending 2019 Budget Insertion of Special Item of Revenue For “2019 Clean Communities Grant”

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

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

**2019–111** Resolution of the Township Committee of the Township of Mendham Cancellation of Unexpended Improvement Authorizations in Sewer Utility East and Sewer Utility West

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

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

**2019–112** Resolution of the Township Committee of the Township of Mendham Authorizing the Participation In and Execution of a Cooperative Pricing Program/Agreement between the Township of Mendham and Educational Services Commission of New Jersey

**Ms. Duarte moved. Mr. Diegnan seconded.**

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

**2019–113** Resolution of the Township Committee of the Township of Mendham Staff Appointments for the Department of Recreation Summer Season

**Mr. Diegnan moved. Ms. Duarte seconded.**

**Roll call vote: All members present voted to approve except for Mr. Diegnan who abstained.**

**2019–114** Resolution of the Township Committee of the Township of Mendham Authorizing the Appointment of Charles Brandon Metz to the Position of Foreman of Buildings and Grounds Including Responsibilities of Animal Control Officer and Recycling Coordinator

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

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

**2019–115** Resolution of the Township Committee of the Township of Mendham Authorizing the Appointment of Nicholas Rigas to the Position of Foreman of Roads

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

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

**2019–116** Resolution of the Township Committee of the Township of Mendham Authorizing the Appointment of Joe Guanill to the Position of Assistant Superintendent

**Mr. Diegnan moved. Ms. Neibart seconded.**

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

Mr. Monaghan exited the council chambers at 7:58PM to attend a squad call and did not vote on resolutions 2019-114 through 2019-120, Ordinance 11-2019 and Ordinances 06-2019 through 08-2019.

**2019–117** Resolution of the Township Committee of the Township of Mendham Authorizing Expenditures from the Capital Improvement Fund for Preliminary Expenses for Improvements and/or Construction of Municipal Facilities

**Ms. Neibart moved. Mr. Diegnan seconded.**

Mayor Gisser explained that this resolution is a direct result and part of the on-going follow up process from the town hall meeting that was held related to police services in Mendham Township. He expressed that the message was loud and clear from those in attendance and others that have approached him to express that they are very supportive of the Mendham Township Police Department as an agency. He noted that it falls upon us to come up with the best solution possible for the continued housing of the police department. Mayor Gisser made it clear that no decisions have been made however every reasonable option is being considered like using the existing facility for a 3-5 year window to be habitable and in compliance with the Department of Corrections, the use of municipal facilities that we currently have that can be used or expanded or building a new facility. This particular resolution establishes a \$15,000 fund, which is a transfer of money from the capital improvement fund, to be used for profession fees that are for the consideration of capital expenditures like the future housing of the police department.

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

**2019–118** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

**Mr. Diegnan moved. Ms. Duarte seconded.**

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

Mr. Moench requested a brief closed session at the end of the meeting to discuss contract negotiations and litigation. The closed session is expected to be short.

Mayor Gisser noted that prior to adopting a resolution to enter into closed session; he would like to introduce a resolution to appoint Trishna Goswami to the Board of Health.

Ms. Neibart exited the council chambers at 8:08 PM and did not vote on resolutions 2019-119 and 2019-120.

**2019-119** Resolution of the Township Committee of the Township of Mendham Appointing Member(s) to the Board of Health - Trishna Goswami

**Mr. Diegnan moved. Ms. Duarte seconded.**

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

**2019-120** Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public

**Ms. Duarte moved. Ms. Diegnan seconded.**

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

Ms. Neibart returned to the council chambers at 8:13PM.

**ORDINANCE FOR INTRODUCTION** *(Second Reading and Public Hearing Scheduled for 7/23/19)*

**11-2019** Amending Ordinance No. 22-2018 Titled Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey

**Ms. Duarte moved. Mr. Diegnan seconded.**

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

**ORDINANCE FOR SECOND READING / PUBLIC HEARING** *(Ordinances were introduced at the 6/25/19 regular meeting)*

**06-2019** Providing Various Capital Improvements to Sewer East Utility Appropriating \$10,000 Therefore, from the Mendham East Capital Improvement Fund

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

**Motion to open public hearing made by Ms. Duarte and seconded by Ms. Neibart. All members present voted to open public hearing on Ordinance 06-2019.**

**No comments from the public were presented.**

**Motion to close public hearing made by Ms. Duarte and seconded by Ms. Neibart. All members present voted to close public hearing on Ordinance 06-2019.**

**Roll call vote: All members present voted to approve except Mr. Diegnan abstained.**

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**07-2019** Providing Various Capital Improvements to Sewer West Utility Appropriating \$20,000 Therefore, from the Mendham West Capital Improvement Fund

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

**Motion to open public hearing made by Ms. Duarte and seconded by Mr. Diegnan. All members present voted to open public hearing on Ordinance 07-2019.**

**No comments from the public were presented.**

**Motion to close public hearing made by Mr. Diegnan and seconded by Ms. Duarte. All members present voted to close public hearing on Ordinance 07-2019.**

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

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**08-2019** Amending and Supplementing Chapter 272 Entitled Sewers Article IV Use of Public Sewers

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

**Motion to open public hearing made by Mr. Diegnan and seconded by Ms. Duarte. All members present voted to open public hearing on Ordinance 08-2019.**

**No comments from the public were presented.**

**Motion to close public hearing made by Mr. Diegnan and seconded by Ms. Duarte. All members present voted to close public hearing on Ordinance 08-2019.**

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

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**09-2019** Amending the Code of the Township of Mendham by the Addition of a New Chapter (Chapter 259) to be Entitled "Vacant And Abandoned Properties" Providing for Registration of Vacant and Abandoned Properties, Creditor Responsibilities and Municipal Powers to Rehabilitate

**Mr. Diegnan moved. Ms. Duarte seconded.**

Mayor Gisser explained that there was a concern raised by the Chief of Police regarding Section 5, Paragraph 1 (page 4) related to the requirement for a sign to be placed at the vacant/abandoned property which effectively advertises a vacant home to potential squatters or to whoever may go by the property. Discussion took place on the language to be considered for this section and the township attorney advised that any significant change would require a re-notice of the ordinance and public hearing. The Township Committee suggested that Section 5, Paragraph 1 (page 4) be amended to reflect that the Township "may" require a sign to be affixed to the property.

**Motion to amend Section 5, Paragraph 1 was made by Mr. Diegnan and seconded by Ms. Duarte.**

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

**Motion to open public hearing made by Ms. Duarte and seconded by Mr. Diegnan. All members present voted to open public hearing on Ordinance 09-2019.**

**Barrett Kolton** – 3 North Gate Road – Mr. Kolton wanted to know if the ordinance only addressed vacant properties and not occupied properties. It was clarified that the ordinance is for vacant and abandoned properties, it is not a property maintenance ordinance. He made the Township Committee aware of the property at 4 Oak Knoll Road that has been an eye sore for 20 years. He noted that the residents in Oak Knoll have tried to get that house repaired and upgraded however the owner has refused. He noted that realtors have expressed that homes in this area do not sell or sell for a lower price due to the condition of this property. He asked the Township Committee to consider expanding the ordinance to include homes that are in blighted conditions like the one at 4 Oak Knoll. He noted that word "blight" should be used in the ordinance because it has a very specific definition and there is no room for interpretation.

Mr. Moench explained that this ordinance (09-2019) would not be the place to address property maintenance concerns for occupied properties.

Ms. Bonanno noted that progress has been made on the property in reference to its condition. The resident disagreed with the Ms. Bonanno statement that progress has been made. Ms. Duarte noted that the Township received a petition regarding the property and she was under the impression that the town was being proactive in trying to work with homeowner. It was noted that there has been a lot of contact between the township and homeowner. Ms. Duarte also agreed with Mayor Gisser that we do not want to dictate taste.

Mayor Gisser noted that, historically, balancing property owner rights and neighbors' views of taste have been an issue in this town. He noted that if there is a way to create a bright line that has a very specific

legal definition around it and does not become “we are the arbiters of taste” because we would not want to put a town employee in the position of debating between two neighbors on how a property should be maintained. Mayor Gisser also agreed that there are homes in the town that may not be vacant but do reach the critical point of being unsightly and problematic for a neighborhood.

**Motion to close public hearing made by Mr. Diegnan and seconded by Ms. Duarte. All members present voted to close public hearing on Ordinance 09-2019.**

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

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**10-2019** Amending Chapter 7 “Traffic” Section 12 “Parking Prohibited at all times on Certain Streets”

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

**Motion to open public hearing made by Ms. Duarte and seconded by Ms. Neibart. All members present voted to open public hearing on Ordinance 10-2019.**

**No comments from the public were presented.**

**Motion to close public hearing made by Ms. Duarte and seconded by Ms. Neibart. All members present voted to close public hearing on Ordinance 10-2019.**

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

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**OPEN TO THE PUBLIC**

Ms. Duarte made a motion to open to the public. Mr. Diegnan seconded.

**Thomas Baio** – 21 North Gate Road – wanted to know why a management level position, specifically the foreman’s position, would be subject to overtime. Ms. Bonanno clarified that the foreman’s position is not a management position and/or union position. She also noted that it has been traditionally offered and the salaries that were offered were based on that. Mr. Baio supports the formal process for the police station but pointed out that these things take time and as a candidate they are looking into so many options.

**Motion to closed public comment was moved by Mr. Diegnan and seconded by Ms. Neibart.**

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

**DISCUSSION**

Mayor Gisser noted that we are six months into the year and thanked the Township Committee and staff for all the work that has occurred.

Mr. Monaghan asked for an update on the nitrate study which Mayor Gisser noted that it is moving forward and a purchase order has been issued. Mr. Monaghan made a request on May 28<sup>th</sup> for the Recreation Director and Recreation Committee to put together goals and ways to achieve those goals for Brookside Beach. Ms. Duarte noted that the Recreation Committee will meet this week and the request can be brought up to the committee’s attention.

David Guida commented that his goal for the beach is to bring more party rentals, visitors during the weekend and to also focus on adding more events which generates excitement. Mr. Guida also noted that there have been improvements to the equipment like new Adirondack chairs, grills, etc. He also mentioned that next year he would like to reach out to the senior citizens and have the seniors come down to the beach. Mayor Gisser noted that the Township Committee is supportive of the asset to the extent that there is utility there and the indications are that the utility is increasing. A report was requested from Mr. Guida outlining the department’s goals.

Mr. Diegnan had the opportunity to take a chaperoned trip of youth from Mendham Township and surrounding areas to Kentucky for the Appalachia Service Trip which is sponsored by St. Joseph. He expressed that it was a great opportunity and it really is a testament to the teachers and the community leaders as well as the youth that gave up a week of their summer to build/repair homes for the working poor.

Ms. Duarte will work with Ms. Bonanno on the upcoming appointments for the student representatives. Ms. Duarte noted that Morris Township recently changed the way they do their public hearing on ordinances. The change permits for the public to comment at the introduction of the ordinance and not just the adoption. Mayor Gisser noted that the current agenda provides the public opportunities at the beginning and end of a meeting to ask any questions; he will make an effort to remind the public of this opportunity. Ms. Duarte asked if there is interest in re-visiting the creation of a Communications Committee. Mayor Gisser expressed that there is significant and regular communications with the public. Mr. Monaghan expressed his concern with having a group of people that are not employees, putting things (communication) together on behalf of the township. Mr. Monaghan also expressed that communication is the responsibility of this committee and administration. Mr. Monaghan would be interested in looking into something that is more formal, with rules and regulations. Ms. Duarte will re-circulate the ordinance to Mr. Monaghan, which defines that the committee would have a definite focus. Ms. Duarte asked for an update on Energy Aggregation which Ms. Bonanno noted that it is on the list of things to do.

***MAYOR'S APPOINTMENT - FOR INFORMATIONAL PURPOSES \****

**\*ENVIRONMENTAL COMMISSION**

*Heather Tokarz                  Newly appointed                  unexpired term (Kenworthy)                  12/31/2019*  
*(Alternate)*

Motion made to adjourn into Executive Session by Mr. Diegnan and seconded by Ms. Neibart.  
The Township Committee entered into Executive Session at 9:27 pm.

**ADJOURN**

**Motion by Ms. Duarte and seconded by Ms. Neibart.**

**All members voted to adjourn at 9:55 PM.**

Respectfully submitted,

Maria F. Coppinger  
Township Clerk

Distributed: 07/19/2019  
Approved: 07/23/2019