

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
AUGUST 28, 2012**

Mayor Tolley called the meeting to order at 7:30 p.m. Township Hall, Brookside, New Jersey.

ROLL CALL:	Mr. Cioppettini	Present
	Mr. Merkt	Present
	Mr. Strobel	Present
	Mrs. Thomas	Present
	Mayor Tolley	Present

Also Present: John M. Mills, III, Esq., Township Attorney
Stephen Mountain, Township Administrator
Kathleen Potter, Township Clerk

Mayor Tolley led the Pledge of Allegiance and read the following statement: 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 Star Ledger, Observer Tribune and the Daily Record on January 5, 2012; Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

APPROVAL OF MINUTES

Mayor Tolley called for a motion to approve the regular meeting minutes from August 13, 2012. Mr. Strobel so moved. Mr. Merkt seconded. All members voted to approve, except Mrs. Thomas abstained.

Mayor Tolley called for a motion to approve the executive session meeting minutes from August 13, 2012. Mr. Merkt so moved. Mrs. Thomas seconded. All members voted to approve, except Mrs. Thomas abstained.

Jersey Central Power & Light Representative John Anderson was present to introduce new representative Michael O'Bremski. Mr. Anderson reviewed improvements made since last year's storm activity. There was discussion regarding JCP&L's call back system. Mr. O'Bremski also provided a brief overview of various company changes.

Mr. Cioppettini felt these changes were minuscule. He asked for a report within three months regarding what has been done to the infrastructure to reduce the number of power outages in the Township. Mr. O'Bremski and Mr. Anderson were asked to return and make a presentation by November.

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DISCUSSION

a. Mosle Field Temporary Lighting

Bruce Sullivan, president of the West Morris Soccer Club, requested the use of temporary lighting at Mosle Field in order to schedule two practice sessions during the week. The lights would be utilized between September 24 and November 18 from dusk to 8 p.m. Mr. Sullivan stated there were no incidents last year and there is no cost to the Township.

After reviewing the Township Ordinance regarding parks it was established that the lights were a violation of the Ordinance, which prohibits "any activity whatsoever in any Township park during the period commencing one-half hour after sunset on any day". There was a brief discussion regarding the lights being utilized last season.

Mr. Sullivan stated that, while he has not approached the neighbors regarding the lights, he has never received any complaints or comments.

Mr. Cioppettini stated that during property acquisition the Township Committee assured the neighbors that there would be no activity conducted at night. Mr. Merkt questioned if the Ordinance would require amendment to allow the lights and Mr. Mills stated that the Committee can allow for a temporary departure from the Ordinance, if desired. Mrs. Thomas voiced her concern of setting precedence for other fields and noted that the issue opens further discussion on how to operate Township fields.

Mr. Sullivan stated that the group properly reserves the fields; however, they would be willing to share the costs if other organizations showed interest.

Chief Crawford agreed that the lights violate the Township Ordinance and urged the Committee to proceed cautiously with a decision.

The meeting was opened to hearing persons present.

Russ McCabe, 16 Carriage Hill

Mr. McCabe stated that, as a resident living at the intersection of Mosle Field, he is concerned with non-Township commuters entering into the neighborhood. He noted that a summer league attracts people from out of State. He recommended moving such events to the school where there is existing lighting and adequate parking.

After further discussion Mayor Tolley stated that the Committee would have to hear positive support from the Recreation Committee and neighbors in order to allow the lighting. He stated that the Township would like to work with the soccer club to find a solution, but agreed that a field with better lighting and easier traffic flow may serve as a better practice area.

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- b. Draft Ordinance – Amending Chapter 5 Animal Control : Dogs & Dog Establishments

Mr. Mills explained that the draft defines a kennel, which consists of more than 10 dogs on the premises. There was discussion regarding verbiage and the definition of a home occupation. Mr. Merkt stated that the ordinance was a positive and reasonable way to deal with the issue, noting that a resident has the opportunity to request exemption from the Township Committee. The Ordinance was placed on the next agenda for first reading.

The September 10, 2012 Township Committee meeting was canceled.

Mr. Cioppettini noted a Daily Record article and asked for more discreetness. He recommended that the Police Committee meet with the Police Chief to discuss keeping similar stories out of the hands of the press. Mr. Cioppettini noted an article regarding the new high school superintendent commenting on the school's declining test scores. He also noted that West Morris Mendham fell to 45th in a "New Jersey Monthly" magazine ranking.

COMMITTEE REPORTS

None

ANNOUNCEMENTS

Mayor Tolley announced that the Brookside Fire Company is currently selling tickets for the September 8th Clam Bake.

HEARING PERSONS PRESENT

Michael Merritt, Mountainside Road

Mr. Merritt stated that the Township Committee cannot determine what information appears in the newspapers. Regarding the draft animal control Ordinance, Mr. Merritt stated that individual hobbies should not be targeted. Problems of noise and commercial traffic should be addressed under a general nuisance Ordinance and residents should not have their hobbies restricted if they are not negatively affecting their neighbors.

Christine Meyers, 27 Walsingham Road

Ms. Meyers stated that she was present at Superintendent Pendergrast's presentation and felt she took away a different opinion from what was reported in the papers. She noted that he has an aggressive agenda for improving the school and recommended that the Township Committee invite Mr. Pendergrast to speak directly to the Township population. Mayor Tolley agreed to reach out to Mr. Pendergrast.

Diana Brown, Ironia Road

Ms. Brown thanked the Committee for the newly paved Ironia and Roxiticus roads.

There being no further comment, hearing persons present was closed.

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OLD BUSINESS

**Ordinance Public Hearing
ORDINANCE 2012-07**

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM CREATING A NEW CHAPTER
65: PROPERTY MAINTENANCE REQUIREMENTS**

Mayor Tolley read the ordinance by title and called for a motion. Mr. Strobel so moved. Mr. Merkt seconded. It was clarified for Mrs. Thomas that the Ordinance affects only abandoned properties. Mr. Cioppettini showed concern over the development of an Ordinance due to one problematic property.

The meeting was opened to hearing persons present.

Tim Timpson, 22 East Main Street

Mr. Timpson noted that “any abandon well that has not been sealed” may also include many historic sites. Mr. Timpson recommended preserving historic wells while also maintaining a safe environment. The Committee agreed and Mr. Mills stated that he would add language that would exclude historically recognized properties.

Dennis Deegan, 12 Summit Road

Mr. Deegan stated that the Ordinance provided enough flexibility to not be cumbersome to residents.

Michael Merritt, Mountainside Road

Mr. Merritt questioned who will render judgment regarding mulch piles on residents’ lawns. It was clarified for Mr. Merritt that the Ordinance affected only abandoned properties.

There being no further comment, hearing persons present was closed.

Mr. Merkt questioned the number of occurrences. Mr. Mountain stated that three to four properties were problematic this year, adding that there are usually a few overgrown properties every year. There was discussion regarding a sunset provision.

Mr. Merkt questioned if having the Ordinance in place will make enforcement easier. Mr. Mountain stated that the Ordinance would have granted him the ability to take immediate action while still following up with the appropriate authority.

Mr. Strobel voted to amend the Ordinance with public hearing scheduled for September 25, 2012. Mr. Merkt seconded. All members voted to approve the amendment.

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NEW BUSINESS

Resolutions

RESOLUTION 2012-137

AUTHORIZING PAYMENT OF BILLS

Mayor Tolley read the resolution by title and called for a motion. Mr. Cioppettini so moved. Mr. Merkt seconded. All members voted to approve, except Mrs. Thomas abstained.

RESOLUTION 2012-138

AUTHORIZING SERVICE AGREEMENT

WHITEWATER, INC. - OPERATION OF MENDHAM EAST AND WEST WASTEWATER TREATMENT FACILITIES

Mayor Tolley read the resolution by title and called for a motion. Mr. Cioppettini so moved. Mr. Merkt seconded. Mr. Mountain noted a correction to the resolution. Mr. Strobel recommended adding wording that the company would be responsible for hazardous material if they breach the agreement. All members voted to approve.

RESOLUTION 2012-139

APPOINTING EMPLOYEE TO THE DEPARTMENT OF PUBLIC WORKS

Mayor Tolley read the resolution by title and called for a motion. Mr. Merkt so moved. Mr. Cioppettini seconded. All members voted to approve.

RESOLUTION 2012-140

APPOINTING SEASONAL EMPLOYEE TO THE DEPARTMENT OF PUBLIC WORKS

Mayor Tolley read the resolution by title and called for a motion. Mr. Merkt so moved. Mr. Cioppettini seconded. There was a brief discussion on the employee's salary cap. All members voted to approve.

RESOLUTION 2012-141

AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

Matters pertaining to:

- Contract – Banking Proposals
- Regional School Contract
- Rental of Buildings
- Personnel

Mayor Tolley read the resolution by title and called for a motion. Mr. Merkt so moved. Mrs. Thomas seconded. All members voted to approve.

DISCUSSION

Mayor Tolley noted a letter from Diane Tolley regarding the Farmers Market Budget. Mrs. Tolley requested an increase in next year's budget as well as a reimbursement of \$250.00 to cover the expense of the banner.

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Mr. Mountain noted that the Township has applied for a grant that could replenish and supplement the funds. Mr Cioppettini stated that the Township runs the risk of serious financial issues if organizations continue to spend more than the allotted budget. It was decided to hold the decision to next meeting when the status of the grant is known.

HEARING PERSONS PRESENT

There being no comments, hearing persons present was closed.

EXECUTIVE SESSION

Upon motion duly made the Committee entered executive session at 9:15 p.m.

The Committee returned from executive session at 9:40 p.m.

ADJOURN

Upon a motion made and seconded the meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Kathleen Potter, Township Clerk