



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
July 28, 2015 - 7:30 p.m.**

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

ROLL CALL:

Mr. Cioppettini	Present
Mrs. Orban Brown	Present
Mrs. Thomas	Present
Mr. Tolley	Present
Mayor Baumann	Present

Also Present: John M. Mills, III, Esq., Township Attorney
Mary Beth Zichelli, 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 Daily Record, Observer Tribune and the Star Ledger on January 6, 2015. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

Official action may be taken.

PRESENTATION

Kathy Mantell and Man Lee, our Auditors gave a brief overview of our Audit for 2014. A copy of the Audit is available in the Clerk's office.

RECAP ON POST EXECUTIVE SESSION-Mayor Baumann stated that there was no action taken at the July 13, 2015 meeting.

HEARING PERSONS PRESENT

Peter Dwyer, Brookside Engine Co. inquired about the funding for a new utility truck, the possibility of auctioning off an old truck and requested a joint meeting with the Ralston Fire Chief. The Mayor said he would arrange that.

Rick Monahan, 20 West Main Street, asked what our budget and debt was. He was told the budget is \$9 million and debt was \$16 million. Mr. Monahan asked our plan for hiring an Administrator. The Mayor said the CFO is their focus first, then they will address the Administrator after that.

Cecelia Donato, Ironia Road, asked why she has not received agendas through email and is concerned about filling positions with incapable people. Mr. Cioppettini assured Her that they are all capable people.

Sam Fairchild, 7 Cherry Lane, asked if he is exposed to the sewer debt even if he was not in those developments. He was told he was responsible.

ORDINANCES ON FOR SECOND READING

ORDINANCE 8-2015

Ordinance 8-2015 was introduced and passed on first reading on July 13th

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL OBLIGATION BONDS OF THE TOWNSHIP, CONSISTING OF OPEN SPACE BONDS, DATED SEPTEMBER 1, 2002, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,285,000, AND/OR ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL OBLIGATION BONDS OF THE TOWNSHIP, DATED SEPTEMBER 29, 2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,210,500 TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, AND/OR ALL OR A PORTION OF THE OUTSTANDING CALLABLE GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP, DATED JUNE 18, 2009, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$10,000,000, APPROPRIATING NOT TO EXCEED \$8,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,750,000 REFUNDING BONDS TO PROVIDE FOR SUCH REFUNDING

Mayor Baumann opened the Ordinance for discussion and public comment. Seeing no one wished to speak, Mayor Baumann called for a motion.

Mr. Tolley explained that they had detailed discussion and explanation from Bond Counsel and feels confident in supporting this.

Mr. Tolley moved to adopt ordinance 2-2015 on second reading, seconded by Mrs. Thomas.

A roll call vote was taken:

Ayes: Orban Brown, Thomas, Tolley, Baumann

Nays: Cioppettini

Abstain: none

Absent: none

Ordinance 6-2015

Ordinance 6-2015 was introduced and passed on First Reading on June 23, 2015, then sent to the Planning Board for review and recommendation.

ORDINANCE 6-2015 AN ORDINANCE OF THE TOWNSHIP OF MENDHAM AMENDING CHAPTER 21 SECTION 2.2 'ZONING MAP'

Mayor Baumann opened the Ordinance for discussion and public comment:

The following residents all object to this Ordinance and gave various reasons. Their notes are attached.

Omie Ryan, David Zimmerman, Peter Dumovic, Brian Hayes, Susan Browse, Cecelia Donato, Teresa Finlay, Brian Boden, John Greenbaum, Katie Porter, Kristen Scarcello, Bob Donaldson, Eric Slatlyn, Sam Fairchild, Jane MacNeil, Caroline Jacobus, Warren Geizer, Pat Maynard

Mrs. Orban Brown explained that she cannot support the Ordinance although she voted for it on the first reading. She has since listened to what the Planning Board and others have explained.

Mr. Tolley stated that he believes it is in accordance with the Master Plan and he feels that they have waited too long to let Friends of Pitney raise money to restore the property.

Mr. Cioppettini stated he listened to the Planning Board and Mr. Mills and feels it is extremely difficult to decide what side of the fence to be on, but he will be supporting the Ordinance.

Mrs. Thomas talked about the pros and cons of the Pitney rezoning. She commented on all the Grants and ideas that Friends of Pitney have suggested to pay for Pitney, but feels it is irresponsible of the Committee to let the Friends buy it. Mrs. Thomas also assured all that their new plan does not preclude Friends of Pitney from still buying the land.

Mr. Cioppettini moved to adopt ordinance 2-2015 on second reading, seconded by Mrs. Orban Brown

A roll call vote was taken:

Ayes: Cioppettini, Thomas, Tolley, Baumann

Nays: Orban Brown

Abstain: none

Absent: none

Mr. Cioppettini asked the Mayor if he could make a motion to present a proposal regarding a win-win plan for Pitney. Mrs. Orban Brown seconded this. All voted yes.

Mr. Cioppettini read the proposal (attached) which he said he had sent to all of his colleagues.

Mr. Tolley stated that the entire committee had not had time to discuss this and said this proposal was brought up in an inappropriate way.

Mrs. Thomas said she had never received an email regarding this and thought this needed discussion.

RESOLUTION 2015-99

SETTING FORTH REASONS SUPPORTING THE REZONING OF LOT 1, BLOCK 131.01 (THE PITNEY PROPERTY) FROM THE R-2 RESIDENTIAL ZONE TO THE R RESIDENTIAL ZONE

Mrs. Thomas motioned that the resolution be approved, seconded by Mr. Cioppettini.

A roll call vote was taken:

Ayes: Cioppettini, Thomas, Tolley, Baumann

Nays: Orban Brown

Abstain: none

Absent: none

Resolutions

RESOLUTION 2015-90 This was tabled at the July 13, 2015 meeting FOR CERTIFICATION OF ANNUAL AUDIT

Mrs. Orban Brown motioned that the resolution be approved, seconded by Mr. Tolley.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nays: none

Abstain: none

Absent: none

RESOLUTION 2015-97

TO APPROVE SETTLEMENTS OF REAL PROPERTY TAX APPEALS

Mr. Tolley motioned that the resolution be approved, seconded by Mrs. Thomas.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nays: none

Abstain: none

Absent: none

RESOLUTION 2015-98

ESTABLISHING A DEDICATED-BY-RIDER TO RECEIVE DONATIONS FOR THE REPLACEMENT OF THE RALSTON PLAYGROUND AT WYSONG PARK

Mrs. Thomas motioned that the resolution be approved, seconded by Mr. Cioppettini.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes:

Abstain: none

Absent: none

RESOLUTION 2015-100

ESTABLISHING ADDITIONAL SALARY FOR BROOKSIDE BEACH STAFF FOR 2015

Mrs. Orban Brown motioned that the resolution be approved, seconded by Mr.

Cioppettini

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes:

Abstain: none

Absent: none

RESOLUTION 2015-101

APPOINTING REBECCA ROTH AS A PART TIME TAX COLLECTOR

Mr. Tolley motioned that the resolution be approved, seconded by Mrs. Orban Brown

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes:

Abstain: none

Absent: none

TO BE AMENDED TO REFLECT "PRO RATED"

RESOLUTION 2015-102

OFFICE STAFF HIRES

Mrs. Thomas motioned that the resolution be approved, seconded by Mrs. Orban Brown

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes: none

Abstain: none

Absent: none

TO BE AMENDED BY MR. MILLS

RESOLUTION 2015-103

APPOINTING MARY BETH ZICHELLI ACTING CHIEF FINANCIAL OFFICER

Mrs. Orban Brown motioned that the resolution be approved, seconded by Mr. Cioppettini.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes: none

Abstain: none

Absent: none

TO BE AMENDED TO REFLECT "NO ADDITIONAL COMPENSATION"

RESOLUTION 2015-104

APPOINTING NEW CUSTODIAN TO THE TOWNSHIP CLERKS PETTY CASH FUND

Mr. Tolley motioned that the resolution be approved, seconded by Mrs. Thomas

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nays: none

Abstain: none

Absent: none

RESOLUTION 2015-105

DESIGNATING DEPOSITORIES FOR TOWNSHIP AND AUTHORIZING SIGNATURES ON TOWNSHIP AND PAYROLL CHECKS

Mrs. Orban Brown motioned that the resolution be approved, seconded by Mr. Cioppettini

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nays: none

Abstain: none

Absent: none

RESOLUTION 2015-106

SALARY INCREASES

Mr. Tolley motioned that the resolution be approved, seconded by Mrs. Orban Brown .

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nays: none

Abstain: none

Absent: none

It was suggested that in the future, any salary increase should have a separate resolution for each employee. In this case, it was voted on July 16, 2015 and this resolution was memorializing that action taken.

RESOLUTION 2015-107

APPOINTING THE TOWNSHIP'S FUND COMMISSIONER TO THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

Mrs. Orban Brown motioned that the resolution be approved, seconded by Mr. Cioppettini.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nays: none

Abstain: none

Absent: none

Mrs. Thomas expressed concern that the Clerk was taking on too many responsibilities. Mrs. Zichelli stated she would ask for help if this became too much for her.

RESOLUTION 2015-108

EXTENDING THE CONTRACT BETWEEN WHITEWATER, INC. AND THE TOWNSHIP OF MENDHAM FOR THE OPERATION OF MENDHAM EAST AND WEST WASTEWATER TREATMENT FACILITIES FOR A ONE YEAR PERIOD AUGUST 1, 2015 THROUGH JULY 31, 2016

Mrs. Thomas motioned that the resolution be approved, seconded by Mr. Tolley

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes: none

Abstain: none

Absent: none

RESOLUTION 2015-109

ESTABLISHING DATES FOR HUNTING FROM TREE STANDS ON TOWNSHIP OWNED NATURAL AREAS

Mr. Tolley motioned that the resolution be approved, seconded by Mrs. Thomas

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes: none

Abstain: none

Absent: none

RESOLUTION 2015-110

AUTHORIZING THE PAYMENT OF BILLS

Mrs. Thomas motioned that the resolution be approved, seconded by Mr. Cioppettini.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nayes: none

Abstain: none

Absent: none

DISCUSSION

PD leasing cars – Mr. Tolley brought it to the Township's attention that certain departments have been purchasing without the proper procedure. He asked that departments are reminded of the proper procedure.

Retreat – Mr. Cioppettini confirmed that we agreed to pay Mr. Sadloch \$250 for the Saturday Retreat and so moved to do this, with a second by Mrs. Orban Brown.

There was some discussion as to who approved this, since some committee members did not realize he was charging them. Mrs. Orban Brown explained that this was a last minute replacement and when she emailed the TC with the fee, there was no argument.

A motion was made by Mr. Cioppettini to pay Mr. Sadloch

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Tolley, Baumann

Nayes: Thomas

Abstain: none

Absent: none

Committee Meetings- Mayor Baumann suggested doing away with committee meetings with only the chairs, but have all the TC present.

Mrs. Thomas expressed her disagreement with this, since she travels for work and it is hard enough to get to the meetings they are obligated to.

Mr. Tolley agreed with Mrs. Thomas and also stated the Administrative position and CFO must be the priority.

Mr. Cioppettini agrees with the Mayor and at this time and state of office, all hands on deck is necessary.

Mrs. Thomas suggested a temporary Administrator is more important than a CFO and start searching and made the point that getting two people together rather than five to discuss important matters is much easier.

Mr. Tolley would like to consider another way to find a CFO if the TC has not found someone by August 10th.

Mrs. Orban Brown objected to the term "weak CFO".

HEARING PERSONS PRESENT

Mr. Konidavis, 6 Ballentine Road, asked that the TC respects the Transparency of government

Warren Geizer, is concerned about the proposal handed to the residents. There was no conversation before the proposal was given and so the Finance committee does not know if the figures are realistic. Mr. Tolley suggested that further discussion should be at the next Finance Committee meeting on August 10th.

Sam Fairchild, suggested a state website that facilitates looking for a CFO or Manager. He also expressed his concern about the proposal and misunderstanding this may have caused to the public.

A decision was made to start at 5:30 on August 10, 2015 for department heads, and continue after that with the Finance Committee, mainly to discuss the Pitney Proposal.

RESOLUTION 2015-111

AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

Mrs. Orban Brown motioned that the resolution be approved, seconded by Mr. Cioppettini.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Thomas, Tolley, Baumann

Nays: none

Abstain: none

Absent: none

EXECUTIVE SESSION

Personnel

Litigation

ADJOURNMENT

The Township Committee meeting went into Executive Session at 11:50, which then recessed back to open session at 12:15 PM, whereupon Mrs. Orban Brown made a motion to adjourn seconded by Mr. Cioppettini.

A roll call vote was taken:

Ayes: Orban Brown, Cioppettini, Baumann, Thomas, Tolley

Nays: none

Abstain: none

Absent: none

A motion to adjourn was passed at 12:20 PM.

Respectfully Submitted,


Mary Beth Zichelli