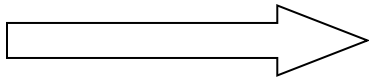


\*To the extent known  
as of 9/5/20\*



**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
September 8, 2020**



**IN-PERSON & REMOTE VIA ZOOM  
ACCESS INFORMATION TO ZOOM - PAGE 18**

**6:00 PM EXECUTIVE SESSION  
7:30 PM REGULAR MEETING**

**ROLL CALL**

Mr. Baio  
Ms. Duarte  
Mr. Monaghan  
Mr. Orlins  
Mayor Neibart

**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 3, 2020. The notice of change in meeting format was given to Star Ledger and Daily Record on September 1, 2020. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**SALUTE TO THE FLAG**

**EXECUTIVE SESSION**

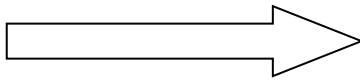
**2020-173** Resolution of the Township Committee of the Township of Mendham Authorizing Discussion Without the Presence of the Public – Contract Negotiations, Personnel Matters and Matters falling within the Attorney-Client Privilege

**ADJOURN TO EXECUTIVE SESSION (CLOSED)**

**REGUAR MEETING STARTS AT 7:30PM**

\*To the extent known  
as of 9/9/20\*

**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
September 8, 2020**



**IN-PERSON & REMOTE VIA ZOOM  
ACCESS INFORMATION TO ZOOM - PAGE 18  
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**SALUTE TO THE FLAG**

**PROCLAMATION**

- **September as Suicide Prevention Awareness Month** - Dawn Doherty, Executive Director of the Society for the Prevention of Teen Suicide – Presented by Committee Member Amalia Duarte

**COVID-19 UPDATE**

**ANNOUNCEMENTS**

**OPEN TO THE PUBLIC**

*Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.*

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial \*9** to raise your hand.*

**REGULAR AGENDA - RESOLUTIONS**

- 2020-174** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract to Deandrea Land and Stone, LLC for Snow Plowing Services
- 2020-175** Resolution of the Township Committee of the Township of Mendham Urging Jersey Central Power and Light (JCP&L) to take Actions due to the Real Failures By JCP&L Relative To Tropical Storm Isaias

- 2020-176** Resolution of the Township Committee of the Township of Mendham Accepting Responsibility for Hamilton Drive (**PENDING**)
  
- 2020-177** Resolution of the Township Committee of the Township of Mendham Authorizing the Extension of a Non-Fair and Open Contract for Professional Architect Services with Cornerstone Architectural Group for Additional Services Relative to the Town Hall Feasibility Study
  
- 2020-178** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

**ORDINANCE FOR SECOND READING / PUBLIC HEARING**

- 09-2020** An Ordinance to Amend Chapter 7, Traffic, Section 7-14, Parking Prohibited During Certain Hours on Certain Streets to Include Cramer Lane and Combs Hollow Road  
***Ordinance was introduced on August 25, 2020***
  
- 10-2020** An Ordinance Amending and Supplementing Chapter 245, Parks and Recreation Facilities, of the Code of Ordinances of the Township of Mendham to Provide for a New Section Entitled: Criminal History Background Check of Employees and Volunteers of Non-Profit and Youth Serving Organizations  
***Ordinance was introduced on August 25, 2020***

**OPEN TO THE PUBLIC**

*Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.*

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial \*9** to raise your hand.*

**DISCUSSION**

- Bus Route - Roxiticus Road
- Department of Public Works
- Building Project Update
- Buttermilk Falls
  
- **Administration**
  - Emergency Repairs to the Town Hall Roof
  - Amending Renewal Fee for a Plenary Retail Consumption License
  
- **Liaison Reports**

<ul style="list-style-type: none"> <li>○ Construction</li> <li>○ Communication Committee, Marketing</li> <li>○ Department of Public Works</li> <li>○ Environmental Commission</li> <li>○ Health Department</li> <li>○ Finance Committee</li> <li>○ Fire Department</li> </ul>	<ul style="list-style-type: none"> <li>○ Planning Board</li> <li>○ Police</li> <li>○ Pitney Park</li> <li>○ Recreation Committee</li> <li>○ Regional School District</li> <li>○ Shared Court</li> <li>○ Stigma-Free Initiative</li> </ul>
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- First Aid Squad
- Historic Preservation
- Library
- Mendham Sewer East & West
- Mendham Township School District
- Mendham TV
- Surrounding Town Outreach
- Tax Assessor
- Tree Committee
- Wildlife Management
- Zoning Board

**ADJOURN**

**RESOLUTION 2020-173**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC**

**WHEREAS**, the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Township Committee wishes to discuss without the presence of the public the following:

**N.J.S.A. 10:4-12.b (4) – Teamsters**

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; and

**N.J.S.A. 10:4-12.b (7) – Matters Falling within Attorney-Client Privilege – Sewer East System & Contract Negotiation - Building Cleaning Contract**

Pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or 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; and

**N.J.S.A. 10:4-12.b (8) – Personnel Matter – Administrator Position**

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 rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

**BE IT FURTHER RESOLVED**, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

Adopted: September 8, 2020

Attest:

TOWNSHIP OF MENDHAM,  
IN THE COUNTY OF MORRIS

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

\_\_\_\_\_  
Sarah Neibart, Mayor

**RESOLUTION 2020-174**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO DEANDREA LAND AND STONE, LLC FOR SNOW PLOWING SERVICES**

**WHEREAS**, the Township of Mendham advertised on July 27, 2020 for the receipt of sealed competitive bids to be received on August 19, 2020 at 10:00 am for Snow Plowing Services as per the bid specifications; and

**WHEREAS**, the Township of Mendham sent the bid notice to nine vendors and received two bids for this contract; and

**WHEREAS**, said bids have been duly reviewed and analyzed by the Mendham Interim Administrator, the Qualified Purchasing Agent, and the Township Attorney; and

**WHEREAS**, the bid received from the low bidder, Deandrea Land and Stone, LLC, has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from accounts numbered 0-01-26-291-155 – Snow Plowing Contract

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows:

1. The Township Committee hereby awards a contract to Deandrea Land and Stone, LLC of Brookside, New Jersey in an amount of \$135 per hour per truck – 2 trucks included in bid.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Deandrea Land and Stone, LLC, in accordance with its bid for said Snow Plowing Services.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 8, 2020

Attest:

TOWNSHIP OF MENDHAM,  
IN THE COUNTY OF MORRIS

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

\_\_\_\_\_  
Sarah Neibart, Mayor

## RESOLUTION 2020-175

### RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM URGING JERSEY CENTRAL POWER AND LIGHT (JCP&L) TO TAKE ACTIONS DUE TO THE REAL FAILURES BY JCP&L RELATIVE TO TROPICAL STORM ISAIAS

**WHEREAS**, Tropical Storm Isaias arrived in Morris County, New Jersey on August 4, 2020, leaving 500,000 Jersey Central Power and Light (JCP&L) customers without electricity, of which 150,000 reside in Morris County; and

**WHEREAS**, at the height of the Tropical Storm, 99% of Mendham Township homes were without power; and

**WHEREAS**, five days after the tropical storm departed, 31,000 JCP&L customers were still without power and 100% of Mendham Township households did not regain power until seven days after the storm; and

**WHEREAS**, JCP&L failed to adequately communicate with its customers and local officials; and

**WHEREAS**, this duration of power loss is unacceptable and potentially life-threatening to individuals who rely on electricity to operate life-sustaining medical equipment and access water from their wells; and

**WHEREAS**, untold amounts of food and medicine spoiled and were wasted, both of which were purchased with peoples' hard-earned wages that are threatened more than ever in these times of COVID-19; and

**WHEREAS**, in other parts of the region where Public Service Electric and Gas (PSE&G) and Con Edison are the electric utility providers, ratepayers may be reimbursed for medications and food that spoiled during the excessive power outage; and

**WHEREAS**, JCP&L, a subsidiary of First Energy Corp., has clearly not invested sufficiently in infrastructure in Mendham Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham in the State of New Jersey prescribe the following actions due to the real failures by JCP&L relative to Tropical Storm Isaias to fulfill their requirements as a utility provider in the State of New Jersey:

1. JCP&L ratepayers in Mendham Township be refunded their August electric bills;
2. JCP&L ratepayers be reimbursed for the cost of medications and food lost during the power outage; and
3. BPU mandate JCP&L invest substantially in electricity infrastructure in Mendham Township and the surrounding Morris County towns to strengthen the network and in turn eliminate extended power outages.

**BE IT FURTHER RESOLVED** the Township Committee of the Township of Mendham is following up on Mayor Neibart's recommendations/request to JCP&L for future storms;

1. Expect to see forestry trucks in town and personnel working no later than 12 hours after the end of a storm.
2. Require that JCP&L check on live wires, so that the township Department of Public Works can help clear the roads.
3. In advance of storms, require that JCP&L accelerate tree removal and trimming.
4. Provide the town with additional generators.
5. Create a Mendham Township map that lists all circuits running through the town and indicates how neighborhoods/roads are connected to each circuit.

6. Provide a clear explanation as why certain neighborhoods always lose power and/or are the last to have power restored.
7. Within the next 45 days, JCP&L must lead a "Power Outage/Generator Town Hall/Information Session" for residents.

**BE IT FINALLY RESOLVED** that the Mendham Township Clerk forward a certified copy of this resolution to BPU President Joseph L. Fiordaliso, First Energy Corp. Chief Executive Officer Charles E. Jones, JCP&L President James V. Fakult, the Governor of the State of New Jersey, and the Morris County Legislative Delegation.

Adopted: September 8, 2020

Attest:

TOWNSHIP OF MENDHAM,  
IN THE COUNTY OF MORRIS

---

Maria F. Coppinger, Township Clerk

---

Sarah Neibart, Mayor



**2020-176** Resolution of the Township Committee of the Township of Mendham Accepting Responsibility for Hamilton Drive (***PENDING***)

**RESOLUTION 2020-177**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE EXTENSION OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ARCHITECT SERVICES WITH CORNERSTONE ARCHITECTURAL GROUP FOR ADDITIONAL SERVICES RELATIVE TO THE TOWN HALL FEASIBILITY STUDY**

**WHEREAS**, the Township Committee authorized the award of a non-fair and open contract to Cornerstone Architectural Group to perform a Feasibility Study on Town Hall via resolution 2020-089 on May 11, 2020 not to exceed \$22,000; and

**WHEREAS**, the Township of Mendham via resolution 2020-153 extended this contract by an additional \$10,000 for the preparation of plans for submitting a New Jersey Library Construction Bond Act Application for the renovation and/or construction of the Mendham Township Library; and

**WHEREAS**, the Township of Mendham via resolution 2020-168 extended this contract by an additional \$11,050 for plans that were outside the scope of the original project but necessary if the Township was to receive the total information necessary for a full analysis of the alternates available to the Township; and

**WHEREAS**, the Township Committee has raised questions that required the Architect to recalculate the detailed estimate previously supplied to the Township and Cornerstone Architectural has agreed to do this work at a cost not to exceed \$2,500; and

**WHEREAS**, the Township Committee of the Township of Mendham wishes to extend Cornerstone's current non fair and open contract to include the preparation of these alternate solutions; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds not to exceed \$2,500 to be encumbered from account 0-01-20-100-028 for preparation of alternate solutions.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham authorizes the Mayor and Township Clerk to extend the current contract with Cornerstone Architectural Group not to exceed \$45,550 total as described herein.

Adopted: September 8, 2020

Attest:

TOWNSHIP OF MENDHAM,  
IN THE COUNTY OF MORRIS

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

\_\_\_\_\_  
Sarah Neibart, Mayor

**RESOLUTION 2020-178  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM  
AUTHORIZING THE PAYMENT OF BILLS**

**BE IT RESOLVED**, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the Chief Financial Officer be and hereby is authorized to pay current bills as attached hereto and made a part hereof, contingent upon the approval of the Finance Committee.

Adopted: September 8, 2020

Attest:

TOWNSHIP OF MENDHAM,  
IN THE COUNTY OF MORRIS

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

\_\_\_\_\_  
Sarah Neibart, Mayor

***Bills list can be found on the township website under the agenda & minutes tab. Locate the meeting date and click on "other docs."***

**TOWNSHIP OF MENDHAM  
MORRIS COUNTY – NEW JERSEY  
ORDINANCE 09-2020**

**AN ORDINANCE TO AMEND CHAPTER 7, TRAFFIC, SECTION 7-14, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS TO INCLUDE CRAMER LANE AND COMBS HOLLOW ROAD**

**WHEREAS**, the Township Police Chief has recommended parking restrictions on selected streets to promote the public safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY THAT:**

**SECTION 1.** Section 7.14 entitled “Parking Prohibited during certain hours on certain Streets” at stated times on certain Streets is hereby supplemented by the inclusion of the following:

<b>Name of Street</b>	<b>Side</b>	<b>Hours and Days</b>	<b>Location</b>
Cramer Lane	Both	8:00 a.m. to 6:00 p.m.	Entire Length
Combs Hollow Road	Both	8:00 a.m. to 6:00 p.m.	Entire Length

**SECTION 2.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

**SECTION 3.** All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect after final passage and publication pursuant to law.

INTRODUCED: 8/25/2020

ADVERTISED: 8/27/2020

PUBLIC HEARING: 9/8/2020

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM,  
IN THE COUNTY OF MORRIS

\_\_\_\_\_  
Maria Coppinger, Township Clerk

\_\_\_\_\_  
Sarah Neibart, Mayor

**TOWNSHIP OF MENDHAM  
MORRIS COUNTY – NEW JERSEY  
ORDINANCE 10-2020**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 245, PARKS AND RECREATION FACILITIES, OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF MENDHAM TO PROVIDE FOR A NEW SECTION ENTITLED: CRIMINAL HISTORY BACKGROUND CHECK OF EMPLOYEES AND VOLUNTEERS OF NON-PROFIT AND YOUTH SERVING ORGANIZATIONS.**

**WHEREAS**, the Township Recreation Director, Administrator, and Attorney recommend that the Township establish formal regulations governing to insure that those volunteers and employees who have unsupervised access to youth in the municipality be subject to a criminal background check prior to this involvement to insure that these volunteers and employees do not constitute a hazard to the youth of the municipality.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NJ THAT CHAPTER 245, PARKS AND RECREATION FACILITIES IS HEREBY SUPPLEMENTED BY THE FOLLOWING NEW SECTION: CRIMINAL BACKGROUND CHECKS.**

**SUBSECTION 1. DEFINITIONS.**

As used in this article, the following terms shall have the meanings indicated:

**CRIMINAL HISTORY RECORD BACKGROUND CHECK**

A determination of whether a person has a criminal record by cross-referencing that person's individual data with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification of the Division of State Police or a comparable data base approved by the Township Police Chief.

**EMPLOYEES**

All full-time, part-time and seasonal individual employed by the Mendham Township and assigned to the Parks and Recreation Program.

**SPONSORED PROGRAM**

Recreation programs run directly and jointly by the Township, including oversight, control and/or fiscal contribution.

**STATE BUREAU OF IDENTIFICATION**

The entity located within the New Jersey State Police responsible for retrieving criminal background information on individuals as requested by state, local or private entities.

**VOLUNTEER**

A person who has direct, non-supervised and ongoing interaction in the course of his/her service with minors. This includes, but is not limited to, a coach, assistant coach and manager of a team.

**VOLUNTEER REVIEW OPERATION (VRO)**

The unit located within the State Bureau of Identification that is responsible for administering criminal background checks for volunteer coaches as specified in this article or a similar

agency approved by the Township Police Chief who is under contract with the Township of Mendham to provide criminal background checks.

#### **YOUTH-SERVING ORGANIZATION**

Any corporation, association or other organization which provides recreational, cultural, charitable and social activities for persons younger than 18 years of age.

#### **SUBSECTION 2. REQUEST FOR CRIMINAL BACKGROUND CHECKS.**

A. The Township of Mendham requires that all employees and volunteers of youth-serving organizations involved in sponsored programs and/or utilizing the Township's recreational facilities request through the Mendham Township Department of Recreation that a criminal history background check on each prospective and current coach of nonprofit youth-serving organizations be performed. No person will be permitted to act as an employee or volunteer until the results of the background checks have been received and reviewed by the Administrator of the Township or his designee. Said background check will be in accordance with:

- A. The State Bureau of Identification, in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO; or
- B. An agency approved by the Township Police Chief which conducts an internet-based search of relevant databases which would indicate all criminal history for an individual comparable to the information obtained from the State Bureau of Identification.

B. The Mendham Township Department of Recreation shall conduct the criminal history record background check(s) only upon receipt of the written consent to the check(s) from the prospective or current employee or volunteer or from the organization itself and the provision of required personal identification.

C. The VRO or the approved internet-based provider shall advise the Township Department of Recreation of the eligibility of the prospective or current coach. Any information received by the Township shall be confidential.

D. The organization or the participating volunteer or employee shall bear the costs for conducting such checks for prospective or current coaches participating in cosponsored programs in accordance with the regulations established by the VRO or approved internet-based agency.

#### **SUBSECTION 3. CONDITIONS UNDER WHICH PERSON IS DISQUALIFIED FROM SERVICE.**

A. A person may be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

- (1) In New Jersey, any crime or disorderly persons offense:
  - (a) involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1 et seq., such as criminal homicide; N.J.S.A. 2C:12-1 et seq., such as

assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S.A. 2C:14-1 et seq., such as sexual assault; or N.J.S.A. 2C:15-1 et seq., such as robbery;

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child.

(c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes.

(d) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except Paragraph (4) of Subsection (a) of N.J.S.A. 2C:35-10.

(2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection A(1) of this section.

B. In addition, a person may be disqualified from serving as an employee or volunteer of a nonprofit youth-serving organization if such individual fails to consent to submit to a criminal history record background check pursuant to this article.

#### **SUBSECTION 4. SUBMISSIONS; EXCHANGE OF BACKGROUND CHECK INFORMATION.**

A. Prospective or current employees and volunteers of youth-serving organizations for sponsored programs and/or for utilizing Township recreational facilities shall submit their names, addresses, fingerprints, written consent, and any other necessary information to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the Mendham Township Department of Recreation, which shall coordinate the background check and refer the information to the State Bureau of Investigation or approved internet-based agency for the background check. Thereafter, the Township shall conduct periodic background checks after the date of the initial background check, but not less than every 36 months.

B. The Mendham Township Police Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this article.

#### **SUBSECTION 5. LIMITATIONS ON ACCESS AND USE OF CRIMINAL HISTORY RECORD INFORMATION.**

A. Access to criminal history record information for non-criminal-justice purposes, including licensing and employment, is restricted to authorized personnel of the youth-serving organization, on a need-to-know basis, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this article.

B. Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Any person violating the federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**SUBSECTION 6. DETERMINATION BY POLICE DEPARTMENT; APPEAL PROCESS.**

A. The VRO or approved internet-based agency shall make a recommendation based on the provisions of N.J.S.A. 15A:3A-1 et seq. as to whether the prospective or current volunteer coach is being recommended. The VRO or approved internet-based agency will provide the Mendham Township Recreation Department with a letter of recommendation or non-recommendation for each individual for whom the VRO or approved internet-based agency completed a background check.

B. The Department of Recreation shall promptly notify a prospective or current employee or volunteer who receives a letter of non-recommendation from the VRO or approved internet-based agency. Individuals who receive a letter of non-recommendation from the VRO or approved internet-based agency will not be permitted to participate as an employee or volunteer. Such individuals may obtain a copy of their criminal history record by contacting the VRO or approved internet-based agency in writing. The individuals shall then have 30 days from the receipt of notification from the Mendham Township Department of Recreation to petition the Appeals Committee, consisting of the Director of the Township Recreation Department, the Township Administrator and the Township Police Chief, for a review and to cite reasons substantiating the review.

C. Individuals who receive a letter of non-recommendation from the VRO or approved internet-based agency may be permitted to serve as an employee or volunteer if they affirmatively demonstrate rehabilitation to the Appeals Committee or they can demonstrate that the information supplied by the VRO or approved internet-based agency is incorrect. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the Appeals Committee may consider the following factors in conjunction with the provisions of N.J.S.A. 15A:3A-1 et seq.:

- (1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
- (2) The nature and seriousness of the offense;
- (3) The circumstance under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the person when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense; and
- (8) Any evidence of rehabilitation, including good conduct in prison or the community,

counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision.

D. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record. However, the Township Appeals agency shall make the final determination of the relevance of the contested information.



E. In all instances, the final determination of whether an individual will be permitted to serve as an employee or volunteer utilizing the Township's recreational facilities will lie in the sole discretion of the Appeals Committee, which must vote unanimously.

F. The Appeals Committee shall promptly advise the prospective or current employee or volunteer whether he or she is qualified.

G. When the Township Department of Recreation receives a letter of non-recommendation from the VRO or approved internet-based agency, the Department of Recreation shall file that letter within its Department, and it shall keep the written notification on file for three years from the date it was issued. That letter and all related information shall not be available for public disclosure

H. The Department of Recreation may request the Police Department to review its files to determine if there is written notification on file stating whether a criminal history record background check of a current or prospective employee or volunteer reveals a disqualifying offense or stating that the person has affirmatively demonstrated rehabilitation under this article.

#### **SUBSECTION 7. EXEMPTIONS.**

The Township shall only permit the following exemptions under this article:

A. Any person who, by virtue of his or her occupation, is required by statute to undergo a federal and state criminal history record background check similar in nature to the requirements contained herein, and who can provide proof of the results of such background check, is exempt from the requirement hereunder if such check was conducted within the past year. The Township Police Chief shall be the approval agency for this exemption. After such demonstration of proof of compliance, such individual shall then be subject to subsequent checks pursuant to this ordinance

B. If the organization already utilizes a different means for obtaining criminal history record background checks, such as Little League Baseball, then such organization may annually submit its own certification certifying the names of the individual employees and/or volunteers and providing proof that such criminal history record background check was performed for that year. In addition, the organization must also submit to the Department of Recreation and the Township Police Chief the guidelines and parameters of such independent background check company for the conducting of its background checks. In the event the Police Chief determines that the independent background check company's guidelines and parameters are insufficient, then the Township reserves the right to not grant the exemption under this subsection to the organization.

#### **SUBSECTION 8. REMEDIES FOR BREACH BY YOUTH-SERVING ORGANIZATIONS.**

Any violation of this article by a youth-serving organization is considered a serious threat to the health and life of the youth of the Township. As a result, upon violation, the Township may suspend or terminate use of Township facilities, and the youth-service organization and the officer who executed the affidavit shall be subject to fines and other penalties. In determining the remedy such factors as whether the breach was intentional, the severity of the noncompliance, and the good-faith steps taken to cure the violation should be considered.

INTRODUCED: 8/25/2020

ADVERTISED: 8/27/2020

PUBLIC HEARING: 9/8/2020

The Township Committee meeting will be held in-person at Town Hall, 2 West Main Street, Brookside. The meeting room will be arranged to comply with the 6 feet social distancing requirement. ***Masks are required to enter the municipal building.***

**The public is welcome to join in-person or remote via Zoom.**

The Township Committee will continue to host the meetings remotely via the Zoom platform. Kindly note the access information below:

**When:** September 8, 2020

**Time:** Executive Session starts at 6:00 PM

Regular Session starts at 7:30PM

**Topic:** Township Committee Meeting

**Please click the link below to join the webinar:**

<https://us02web.zoom.us/j/82406873442?pwd=cmVTNndlY3R4TzFEUUhqdHpHcXRDU09>

**Passcode: 021071**

**Or Telephone:**

Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592

or +1 312 626 6799

or +1 646 558 8656

or +1 253 215 8782

or +1 346 248 7799

or +1 669 900 9128

Webinar ID: 824 0687 3442

Passcode: 021071

International numbers available: <https://us02web.zoom.us/j/kc573c0BDp>