



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
August 13, 2018
Minutes of Regular Session 7:30 PM**

1. ROLL CALL:

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

Also present:

Ms. Bonanno, Township Administrator
Maria Coppinger, Township Clerk

2. SALUTE TO THE FLAG

3. 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.

4. PROCLAMATION

None

5. ANNOUNCEMENTS/REPORTS

Mayor Diegnan made the following announcements:

- The Department of Public Works (DPW) is accepting electronic waste. Radon kits are available in the lobby.

Mr. Cioppettini made the following announcements:

- The Mendham Rotary Club is collecting items for Africa Surgery.

Ms. Duarte made the following announcements:

- The First Aid Squad can coordinate CPR training classes for groups of up to 10 people.
- Opioid Crisis workshop will be held at Christ Church in Rockaway.
- Videos from the July 4th Parade and the Patriots Race are available on Mendham TV
- Steve Ryan is the new principal at the high school

- Encouraged young students to apply for the student representative position on various town committees/commissions
- Office hours scheduled for Friday

Mr. Gisser publicly wishes Ms. Rita from the post office well on her recovery.

6. OPEN TO THE PUBLIC ON AGENDA ITEMS

Mayor Diegnan opened the meeting to the public. No comments were made from the public.

7. APPROVAL OF MINUTES

Regular Meeting of June 26, 2018

Ms. Duarte moved. Ms. Neibart seconded

Roll call vote: All members present voted to approve.

Regular Meeting of July 9, 2018

Mr. Cioppettini moved. Mr. Gisser seconded

Ms. Neibart provided an amendment to the minutes which were inserted prior to the meeting.

Roll call vote: All members present voted to approve.

Regular Meeting of July 24, 2018

Ms. Duarte moved. Ms. Neibart seconded

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

8. RESOLUTIONS

2018-135 Resolution of the Township Committee of the Township of Mendham Appointing Members to Township Boards, Committees and Commissions

Mr. Gisser moved. Ms. Duarte seconded

Ms. Duarte thanked the volunteers for stepping up.

Roll call vote: All members present voted to approve.

2018-136 Resolution of the Township Committee of the Township of Mendham Establishing Dates for Hunting from Tree Stands on Township Owned Natural Areas

Mr. Cioppettini moved. Ms. Neibart seconded

Mayor Diegnan noted that Youth Day is the only addition to the dates. Dates are communicated through various outlets and signs are posted at each park.

Roll call vote: All members present voted to approve.

2018-137 Resolution of the Township Committee of the Township of Mendham Appointing Members to the Pitney Farm Seven Acre Task Force Committee

Mr. Cioppettini moved. Ms. Gisser seconded

Mayor Diegnan explained that the resolution forms a task force to work on the seven (7) acres that the township will be retaining. The task force is comprised of residents with different backgrounds and experiences.

Ms. Duarte is excited to see the formation of the task force moving forward. She had a couple of thoughts on the resolution which include updating item #2 to include the recreation director and chief financial officer. It was noted that it will be updated to reflect, "...and any other municipal resources as deemed necessary shall be available to assist with the Task Force." She also asked if "through meetings and town halls" could be added to Item #4. Ms. Duarte made a motion to include the second change to the resolution. There was no second to her motion.

Ms. Duarte commented that the task force includes a terrific group of residents; however, there was an additional resident that was interested. She expressed that the resident is a young millennial mom and believes the task force is missing this demographic. Ms. Duarte made a motion to include Taylor Buonocore on the Task Force. Mr. Cioppettini explained that these committees are at the privilege of the Mayor. Attorney Mills noted that the resolution speaks to the “township” desires to appoint so following the format it should be a committee action. There was no second made to Ms. Duarte’s motion.

Mayor Diegnan noted that there are parents with young children on the task force which meets the demographic of millennials.

Roll call vote: All members present voted to approve.

2018-138 Resolution of the Township Committee of the Township of Mendham Authorizing Release of Performance Bond and Accepting the Maintenance Bond and Environmental Maintenance Bond for the Mendham East Wastewater Treatment Facility

Mr. Gisser moved. Ms. Neibart seconded

Ms. Bonanno provided an explanation on the process to release and accept bonds. Mr. Gisser added that the plant project is complete and the maintenance bond will provide a one year guarantee on the project.

Roll call vote: All members present voted to approve.

2018-139 Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment for 2018 Taxes

Mr. Gisser moved. Mr. Cioppettini seconded

Roll call vote: All members present voted to approve.

2018-140 Resolution of the Township Committee of the Township of Mendham Granting New Jersey Invasive Species Strike Team (NJISST) Permission to Perform Work at Mosle Preserve

Mr. Gisser moved. Ms. Duarte seconded

Mayor Diegnan provided background information on the resolution. Mr. Gisser added that the team will perform short term work and a ten year maintenance plan will be developed. Mr. Cioppettini expressed that the Victoria Foundation, which does a tremendous amount of work with the children from Newark, will fund the project. Ms. Duarte noted that the Environmental Commission is excited about the idea.

Roll call vote: All members present voted to approve.

2018-141 Resolution for the Township Committee of the Township of Mendham Accepting the Sum of \$2,002.63 from the Mendham Chester Flag Football

Mr. Cioppettini moved. Ms. Duarte seconded

Ms. Duarte asked for clarification on the process to accept donations by resolution. It was noted that the previous donation from the Women’s League was accepted by resolution. Mayor Diegnan asked Ms. Bonanno to set up a plan with Mr. Eisenstein on the acceptance of future donations and fundraising efforts.

Roll call vote: All members present voted to approve.

2018-142 Resolution for the Township Committee of the Township of Mendham Approving Issuance of Social Affair Permit for Brookside Engine Company #1

Ms. Duarte moved. Ms. Neibart seconded

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

2018-143 Resolution for the Township Committee of the Township of Mendham Authorizing the Payment of Bills

Mr. Cioppettini moved. Mr. Gisser seconded

Ms. Duarte asked about the refunds for the Teen Adventures Program. Mr. Gisser commented that the program went well and the reason could be that residents signed up early and then chose another program which resulted in a refund.

Roll call vote: All members present voted to approve.

9. ORDINANCES FOR INTRODUCTION

14-2018 An Ordinance of the Township of Mendham Amending Chapter 21 Section 2.2 'Zoning Map'

Mr. Gisser moved. Ms. Duarte seconded

Mayor Diegnan and Mr. Gisser met with Mr. Buzak (Planning Board Attorney), Mr. Tolley and Mr. Giordano with respect to the re-zoning of certain properties, including the Pitney Property and Shores Road, and if it would implicate spot zoning. Mayor Diegnan expressed that he received legal advice from Mr. Buzak indicating that those types of changes would not be considered spot zoning and the reason being would be that the re-zoning (R-1 to CR-2) would be consistent with the surrounding zoning; this would be considered an expansion of one of the other zones and not spot zoning.

The appraiser advised Mayor Diegnan that to maximize the value of the property, it would be best accomplished by changing the zone to a CR-2 zone which would be consistent with the properties surrounding Pitney Farm.

A timeline was provided on how the ordinances would be processed with regards to notifying the Planning Board and residents. Mayor Diegnan announced that the second reading / public hearing will be held on October 9, 2018 for Ordinance 14-2018 and Ordinance 15-2018.

Ms. Duarte asked for clarification on the reason to re-zone the entire 12 acres versus the 5 acres. Mr. Mills added that the sub-division is not perfected at the present time; we still have a few conditions that need to be addressed. Mr. Mills noted that it did not seem to make sense to distinguish between the open space protected and the for sale piece in terms of the zoning since it is all, currently, one tract.

Ms. Duarte agrees we want to maximize the benefit to the community but we need to be cautious because we need to make it in keeping with the developments.

Discussion continued on the several (development) scenarios that could possibly come out of the bidding process and on the timeline regarding notice to the planning board and residents.

Roll call vote: All members present voted to approve.

10. DISCUSSION

Mayor Diegnan commented on the following:

- Advice was sought from Mr. Buzak on the re-zoning process, who felt that it was very appropriate for the Township Committee to take on re-zoning in this way; it goes through a public process and then to the planning board for comments. Mayor Diegnan also noted that Mr. Buzak recommended that these types of zoning ordinances could start at the Township Committee level. Mayor Diegnan commented that the Township Committee received positive feedback with respect to Shores Road and the developer has formally requested that the Township Committee take action on his request to re-zone the Shores Road tract from R-3 to an R-1 zone. Ms. Duarte wanted to know the steps the developer would need to take if the Township Committee did not take action on the request to re-zoning of Shores Road. It was noted that, if that was the case, the developer would need to proceed to the Board of Adjustment to obtain a use variance which could be very difficult. It was also expressed that re-zoning is better done by ordinance instead of use variance. Mr. Gisser addressed several concerns from the public which include the difficulty of selling homes in Mendham Township and the assessed value in Mendham Township. The

Township Committee expressed that they would like the ordinance to move forward to the August 28th agenda which would include input from the public.

Ms. Duarte commented on the following:

- Ad Hoc Communication Committee recommended creating a permanent communication committee. Ms. Duarte will research the process.
- Will attend the upcoming Stigma Free Initiative meeting and hopes to bring back some ideas.
- The Township Committee was provided a memo, drafted by the CFO, which includes information on the remaining funds that were not used at the time the Recreation Commission was dissolved. The Township Committee discussed the process on how to disburse those funds and it was recommended the finance committee take a look at those funds and propose a plan to the committee.
- Ms. Duarte commented on the memo that Ms. Bonanno circulated regarding a recent court case on social media accounts; which it recommended that towns come up with a social media policy.

Ms. Neibart commented on the following:

- Ad Hoc Share Services Committee met to discuss the Public Works Department. They discussed the creation of a policy about informal shared services agreements, intra-municipality paving crew and intra-municipality purchasing.
- Articles have been published on the elimination of school districts and Senator Sweeney's working group proposal which Ms. Neibart reviewed and noted that they are just recommendations.
- Tree Committee presentation (right of way inventory) will be conducted at the next Township Committee meeting by Brian Hays.

Ms. Gisser commented on the following

- Currently waiting on information from the Tax Assessors regarding a plan on how to address assessments
- Even though, it is a bit early Mr. Gisser and Mr. Cioppettini may start taking a look at budgeting

Mr. Diegnan commented on the following:

- The playground should be complete by the end of week, weather permitting. Tentative date for the grand opening of the playground is scheduled for September 15th.
- Encouraged the members of the township committee, in their liaison assignments, to have each department develop a one-page flyer to be included in the library's welcome kit for new residents.

11. OPEN TO THE PUBLIC

James Zemaitis – read a statement that he drafted, with the support of all of the members of the Historic Preservation Committee (HPC), regarding the Pitney Farm Properties. In this statement, the HPC proposed including language in any application to be provided to the interested developers of the 5 acres which would instruct the applicants to consider preserving parts of the original buildings in their proposal and offering the services of the HPC to provide advice on which structures are worth preserving. It was expressed that consideration should be given to a proposal which is sympathetic to the history of Pitney and ideally includes partial preservation and restoration of the house and out buildings as part of a residential development. They encouraged the community to assist with the clean of the 7 public areas.

Erik Sletteland – 385 Cowperthwaite Road, Bedminster - provided the Township Committee with artifacts from the Pitney Farm Properties. Ms. Sletteland sought clarification on the release date of the bids to the public –it was confirmed that the Township Committees hopes to have the bids available for the public by September 1st however dates are being reviewed according to state statute. He asked if it would be the preference of the board to see historic preservation versus the removal of the buildings and 4 houses, as it was suggested, to be built. The committee was not in a position to answer the question. Ms. Duarte expressed that she would like to see some preservation but would also like to see something that would benefit the whole community - she is looking for the creative solution.

Michael Merritt – Mountainside Road – thanked the committee for their approval of the social affairs for the annual clam bake which is scheduled for September 8, 2018. He thanked the committee for working with experts to understand the appropriate process to follow when dealing with the re-zoning of properties and for also sharing the comments that were expressed in those meetings. (Referring to Mayor Diegnan’s comments in the discussion portion)

Vanessa Brown – 2 Shores Road – commended the committee for running a very straight meeting and for also including the public. She asked for clarification on the welcome packets. Ms. O’Brien (resident in the public) provided information on the welcome packet.

Anastasio Konidaris – 6 Ballantine Road - expressed that any conversation regarding the Pitney Farm property should be balanced. He mentioned that at one time the gardens were beautiful and expressed that they can be beautiful one more time especially since they are located in open space which has never been up for development. He also expressed that consideration should be given to historical preservation and it is wonderful to see the (Pitney) family offer to donate funds for the preservation of the gardens.

Susan Browse – 13 Cooper Road - thanked the committee for putting together the task force for the gardens and mentioned that the Friends of Pitney Farms are willing to provide assistance/information with the gardens. She is in support of Ms. Duarte’s recommendation to add another member, a young mother with children under 5 years of age), to the task force and is disappointed that the recommendation was not taken up by the rest of the committee. She expressed that that statement from the Historic Preservation Committee that was read by Mr. Zemaitis was eloquently written and hopes the committee takes the comments into consideration. She believes it would good to hear from the task force on the garden before a final decision is made on the disposition of the property.

Mayor Diegnan noted that there are fathers with young children on the task force and believes that category is represented.

Vanessa Brown – 2 Shores Road – provided the committee with a copy of the Verizon (poles) study.

Peter Dumovic – 3 Shelton Road – great to hear that other groups want to participate in the welcome kit which is being prepared by the Library and welcomes everyone to attend future Library meetings. He believes the welcome kit is a good idea.

Motion to close the public comment section was moved by Ms. Neibart and second by Mr. Cioppettini. All members present voted to close the public comment section.

- 12. 2018-134** Resolution for the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public – Personnel Matters (*amended to include contract issues*)
Ms. Duarte moved. Ms. Neibart seconded
Roll call vote: All members present voted to approve.

13. ADJOURN

Respectfully Submitted,

Maria Coppinger
Township Clerk
Mendham Township