

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
JANUARY 28, 2014**

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

<b>ROLL CALL:</b>	Mr. Baumann	Present
	Mr. Merkt	Present
	Mr. Strobel	Present
	Mr. Tolley	Present
	Mayor Thomas	Present

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

**SALUTE TO THE FLAG**

**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 7, 2014. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

**RECAP ON POST EXECUTIVE SESSION ACTIONS**

There were no actions to report of after executive session.

**POLICE PROMOTION**

**RESOLUTION 2014-21  
APPOINTING ROSS JOHNSON LIEUTENANT  
IN MENDHAM TOWNSHIP POLICE DEPARTMENT**

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

The oath of office given to Lieutenant Johnson by John Mills.

**PROCLAMATIONS**

Mayor Thomas presented the Proclamation to Kim Crumrine for her volunteer service on the Environmental Commission. The Proclamation for Bob Pierson was tabled until Mr. Pierson could be in attendance.

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**PRESENTATION**

Update on Pitney Farm Public Purpose Committee Activities

Chair Omie Ryan presented the progress of the Committee, summarized their current activities and outlined the Committee's next steps. The Committee is working hard and meeting regularly to meet their goals and deadlines. They have contacted relevant Township organizations and developed a list of questions to collect consistent information. They are still waiting for responses from several groups. An architect and civil engineer are working pro bono to examine the facilities and provide suggestions on how to transition the property from private to public use. The Committee has also started identifying non-municipal sources of funding.

Next, the Committee will develop a methodology for assessing all the collected information in order to move toward a recommendation. Funding efforts will extend beyond Township groups and organizations.

Ms. Ryan stated that, while the Committee is making solid progress, they are requesting a revised deadline for the end of April.

Mayor Thomas was reluctant to grant the full extension since she has received questions from residents looking for answers. Ms. Ryan noted that a conclusion cannot be reached until feedback is received from all Township groups. Mr. Tolley stated that he has also received questions and recommended having a public presentation if the extension is granted. Mr. Baumann agreed that it would be helpful to hear from interested residents.

Mr. Strobel suggested that the Committee reach out to those groups delaying responses. He acknowledged that there is concern on utilizing the property, but also wanted to ensure that the process is done right. He was not troubled by the deadline extension.

Mr. Merkt understood the feelings of the Committee; however, given the level of difficulty and complexity of the issue the extension was justifiable if it helped come to the correct decision. He noted that the property is currently self-sustaining. He emphasized that the Pitney Committee is doing selfless work and recommended giving them the opportunity to complete their task.

Mayor Thomas stated that the public desires a quick decision. She suggested that Ms. Ryan present a small presentation of the findings thus far at the end of February. Ms. Ryan questioned how much information should be presented and the feedback expected since there has already been two public sessions. She agreed that the public should be involved, but questioned if this was the appropriate time to hold a presentation.

Mayor Thomas recommended presenting a broad overview of the group's progress and intentions, which will answer many questions from the public. Ms. Ryan will present at the end of February.

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Mr. Tolley noted the unwelcoming sign and gate surrounding the Pitney property. He suggested that the gate and sign be removed so the public can have access, noting that it is inappropriate to have the space closed.

Mr. Mountain noted risk management concerns and said the decision should be balanced with the readiness of the property to be fully opened to the public. Currently, people can enter when the steward is present to guide them away from dangerous areas, such as the pool and barn. The property is not a natural area, but rather has physical structures that currently have no management purpose.

Mr. Tolley stated that the property consists of open space that should be accessible to public. He asked for a report at the next meeting demonstrating how the property can be open and more accessible to the public during the day. Mayor Thomas compared the property to the Seeing Eye property, adding that the gates should be open during the day and the sign should be removed.

Mr. Mountain once again noted that from a risk management standpoint they are not prepared to secure the property from unforeseen circumstances. Ms. Ryan noted that deer management must be considered in order to protect the gardens.

Mr. Strobel stated that the gardens and the barn need to be secured. He added that the area should be restricted since the barn is an attractive nuisance. There was a brief discussion regarding teenagers accessing the property.

There was consensus that the sign should be removed immediately and there will be a report by Mr. Mountain at the next meeting.

**APPROVAL OF MINUTES**

Mayor Thomas called for a motion to move the regular meeting minutes for January 13, 2014. Mr. Merkt so moved and Mr. Tolley seconded. All members voted to approve.

Mayor Thomas called for a motion to move the executive session meeting minutes for January 13, 2014. Mr. Merkt so moved and Mr. Tolley seconded. All members voted to approve.

**DISCUSSION**

Cell Tower Ordinance – John Mills

Mr. Mills stated that the proposed Ordinance removes the restrictive language that limits cell towers on municipally-owned property. After the language caused a judge to deem the ordinance invalid the Planning Board recommended removing the paragraph or setting guidelines. Mr. Mills verified that he examined recent cell tower ordinances to ensure that the rest of the ordinance is up to date.

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After a brief discussion the Committee asked for the Planning Board to review the ordinance before it is introduced.

Morris County Bridge Project Update – Steve Mountain

Mr. Mountain presented the following updates:

- Main Street Bridge – The County is finalizing plans, which will be submitted to the Department of Environmental Protection for approval. The start date is dependent on how quickly the DEP issues approval. If the DEP proceeds slowly then the project will be delayed to July 2015 due to the sensitivities of the community. If this is the case, repairs will need to be made. There has been positive discussion regarding underground utilities, but no decision has been reached.
- Route 24 – Anticipating end of March completion; however, the severe winter weather may delay completion.
- Union School House – Scheduled for an early June start date with a 12 month roadway closure. Discussions with the schools and emergency services regarding alternate routes are already underway. Mr. Baumann questioned if the unpaved roads through Schiff can be utilized and Mr. Mountain noted that they will only be used in an emergency.

**COMMITTEE REPORTS**

Mr. Merkt advised the Committee of Mendham Borough's plans to no longer have a joint OEM. No formal notice has been received. Mayor Thomas confirmed that the Borough has appointed a new OEM. She noted that the Emergency Management Plan must be revised, adding that this will also affect the partnership between the fire department and first aid squad.

Mayor Thomas stated that Borough Mayor Neil Henry claimed to see value in working together. She plans on meeting with him often to discuss possible shared services. She encouraged Borough residents to reach out to the Council.

Mr. Tolley reviewed budget meeting dates.

**HEARING PERSONS PRESENT**

Richard Cotter, 9 Cooper Lane

Mr. Cotter stated that the Borough's words may speak of shared services, but their actions say something different. Mr. Merkt agreed that the Borough's actions have been puzzling; however, they are their own community accountable to their people.

Jamie Kinsel, Combs Hallow

It was verified for Ms. Kinsel that there are no OEM budget implications due to the split. Regarding the cell tower ordinance, she recommended language requiring the party to remove the tower when they become obsolete.

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

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**ANNOUNCEMENTS**

None

**NEW BUSINESS**

**Resolutions**

**RESOLUTION 2014-22**

**AUTHORIZING PAYMENT OF BILLS**

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

**RESOLUTION 2014-23**

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

**RESOLUTION 2014-24**

**ESTABLISHING 2014 OFFICE HOURS AND HOLIDAY SCHEDULE**

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

**RESOLUTION 2014-25**

**APPOINTING MEMBERS TO TOWNSHIP BOARDS,  
COMMITTEES AND COMMISSIONS**

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

**RESOLUTION 2014-26**

**APPOINTING MEMBERS TO SUSTAINABLE JERSEY**

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

**RESOLUTION 2014-27**

**AUTHORIZING THE APPLICATION FOR FUNDING FOR THE JOINT  
MUNICIPAL ALLIANCE COMMITTEE OF THE TOWNSHIP OF MENDHAM  
AND THE BOROUGH OF MENDHAM**

Mayor Thomas read the resolution by title and called for a motion. Mr. Merkt so moved. Mr. Strobel seconded. Mr. Mountain confirmed that the alliance is a mechanism to receive grant funds from the State for drug and alcohol prevention. There was a brief discussion regarding the programs at the high school. All members voted to approve.

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**RESOLUTION 2014-28**

EXTENDING THE CONTRACT BETWEEN BLUE DIAMOND DISPOSAL  
AND THE TOWNSHIP OF MENDHAM FOR THE COLLECTION  
AND DISPOSAL OF SOLID WASTE FOR A ONE YEAR PERIOD  
JULY 1, 2014 THROUGH JUNE 30, 2015

Mayor Thomas read the resolution by title and called for a motion. Mr. Baumann so moved. Mr. Merkt seconded. It was noted that a new garbage contract will be bid in 2015. Mr. Mountain stated that Blue Diamond has a favorable rate and very good service. All members voted to approve.

**RESOLUTION 2014-29**

APPOINTING JOHN D. LINSON TO THE POSITION  
OF TREE CONSERVATION OFFICER

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

**RESOLUTION 2014-30**

2014 BUDGET APPROPRIATION TRANSFER

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

**RESOLUTION 2014-31**

AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

Matters pertaining to:

Litigation – Tax Appeal Settlements

Personnel – CFO Reappointment

OEM

Contract Negotiations - Pitney Rental Properties

School Study RFP

Police Contract

Establishing Township Depositories

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

**DISCUSSION**

Mayor Thomas noted her intentions to reach out to the Freeholders regarding utilizing open space grant money to maintain the Township's open space properties.

There was discussion regarding the Township's water bills. Mr. Baumann noted that personal water bills from Roxiticus Water Company are often as high as the bill for all Township-owned properties. He asked Mr. Mountain to compare the rates.

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**OPEN ITEMS**

Martirano Correspondence

Mr. Mountain stated that the Planning Board discussed Mr. Martirano's request. The matter was discussed with Mr. Martirano and he had retracted his request.

**HEARING PERSONS PRESENT**

Diana Brown, Ironia Road

Ms. Brown congratulated the mayor and deputy mayor on their nominations. She was gratified to hear about discussion regarding a possible merger with Mendham Borough. It was verified that placing a referendum on the ballot was no cost to the Township.

**Executive Session**

The Committee entered into executive session at 8:55 p.m.

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

**RESOLUTION 2014-32**

APPROVING SETTLEMENTS OF REAL PROPERTY TAX APPEALS

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

**RESOLUTION 2014-33**

AUTHORIZE PAYMENT TO OFFICE OF EMERGENCY MANAGEMENT (OEM)  
COORDINATOR EVAN THOMAS

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

**ADJOURN**

Upon a motion made and seconded the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Kathleen Potter, Township Clerk