

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
APRIL 23, 2013**

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

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

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

PLEDGE OF ALLEGIANCE

ADEQUATE NOTICE: Mrs. Potter 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 3, 2013; Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

RECOGNIZE NEW SENIOR FIREFIGHTER – Warren Gisser
Chief Peter Staples introduced Mr. Gisser, who is also the Chief of Mt. Freedom Fire department.

PROCLAMATION – Community of Saint John Baptist One Hundredth Anniversary
Mayor Merkt read the proclamation and called for a motion. Mr. Tolley so moved. Mr. Strobel seconded. All members voted to approve.

PRESENTATION

Bronze Certification Plaque – Sustainable Jersey
Associate Director Renee Haider presented the plaque and noted that only 20 percent of municipalities received the award. She encouraged the Township to strive for the silver award.

APPROVAL OF MINUTES

Mayor Merkt called for a motion to move the regular meeting minutes from April 8, 2013. Mr. Tolley so moved. Mrs. Thomas seconded. All members voted to approve.

The Committee acknowledged receipt of the bid opening minutes from April 18, 2013.

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DISCUSSION

- Land Disturbance Ordinance Proposal – Paul Ferriero

Mr. Ferriero reviewed the changes. Mr. Tolley stated that 1,000 square feet was too small of an area to require a permit. Regarding tree removal, he stated that 10 trees should be contiguous in order to require a permit. Mr. Ferriero said that the requirements can be adjusted. Mr. Tolley recommended increasing the disturbance to 2,500 square feet and removing the reference to tree removal.

Mayor Merkt suggested that timing should also be considered. The loop hole may allow residents to space out tree cutting over several weeks in order to avoid obtaining a permit. There was discussion regarding sediment and run-off control. It was verified that the ordinance applies to driveways over 1,000 square feet.

It was noted that there is an existing Land Use Ordinance that divides applications into minor and major disturbances. Mr. Mountain stated that the Township is aware of between eight and 10 projects in 2012 that would have triggered the process. He suggested exempting driveways from the process.

Mr. Ferriero stated that he is not seeking to prohibit residents; however, wants to ensure that work is completed properly. He noted that residents can request a permit waiver. There was a brief discussion regarding fees. There was consensus to move forward with changes to the ordinance.

- Traffic Control – Woodland Road/ Post Office Parking Lot

Mr. Mountain stated that drivers often cut the corner near the post office, which is dangerous for pedestrians. There was discussion regarding possible solutions and Mr. Ferriero suggested using markers. Mr. Mountain recommended finding an immediate solution and eventually installing a more permanent structure.

Police Chief Steve Crawford recommended using fog lines to delineate the travel pattern. Traffic on the road is primarily residential and drivers may need to be reminded of the traffic patterns. The Township will move forward with Chief Crawford's recommendation.

- Review of Planning Board Comments of Proposed Land-Use Ordinances
 - o Sign Ordinance

Mr. Mills stated that he supported the changes, which simplify the conditions while still addressing the issues. Regarding signs that denote the architect, engineer, contractor or tradesman, Mr. Mills suggested reducing the size of the sign to not exceed four square feet and requiring removal within 60 days.

There was discussion regarding possible effects on homeowners' associations. Mrs. Thomas stated that she did not support lighted signs; however, it was clarified that it refers to churches having spotlights on the signs. She stated that business signs often become permanent fixtures

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and noted signs left around the Community Club. Mr. Mills noted that signs advertising commercial events will be prohibited.

Mr. Strobel recommended changes to the structure of the ordinance. He stated that permits should not be needed for nameplate signs and felt that street numbers and street names should be permitted on such signs.

The changes will be sent to the Planning Board for review.

- Building Height Ordinance

Mr. Strobel noted that an accessory structure cannot be closer than 10 feet to any building and questioned why a resident is restricted from placing a building close to their own house. Mr. Tolley stated that it creates a clear line of distinction between adding an accessory structure versus an addition to a residence.

Mrs. Thomas stated that driveway pillars should be wide enough to accommodate emergency vehicles and Mr. Mills noted that such an ordinance already exists.

The ordinance will be prepared for introduction at the May 13, 2013 meeting.

- Draft Regional School Study Mission Statement

Mayor Merkt stated that each municipality should equally contribute \$10,000.00 rather than the suggested \$7,500.00. Mr. Strobel agreed, adding that a study derived from an unequal formula should not start off with unequal funding. He stated that an analysis of the impact on state and federal aid should be included in the statement.

Mrs. Thomas agreed with contributing \$10,000.00 and supported school involvement. Mr. Strobel wanted to insure that the statement does not prohibit the utilization of private funds. Mr. Mills agreed to include that the statement does not preclude the use of private funding toward the commitment.

COMMITTEE REPORTS

Mr. Strobel noted several Borough/Township events, including the 7th Annual Joint Fishing Contest on May 5, 2013 and Electronic Recycling Day on May 11, 2013. He stated that the Environmental Committee is seeking Adopt a Byway volunteers.

Mrs. Thomas stated that the 200 Club is recognizing Patrolman James Arnesen, Sargent Ross Johnson, Detective Daniel Taquinto and Patrolman Scott Weaver for responding to a fatal accident during Superstorm Sandy. Patrolman Ambrosi is being honored by Mothers Against Drunk Driving and Detective Taquinto is being recognized by the Morris County Detective Association. Mrs. Thomas commended and thanked the Township police department.

Mr. Tolley stated that construction on the Route 24 Bridge will begin this summer. A public hearing will be scheduled regarding the Brookside bridge replacement.

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Mr. Baumann stated that Brookside Beach membership applications are now being accepted. He strongly encouraged residents to visit the website to view recreation events.

HEARING PERSONS PRESENT

Pat Zimmerman, West Main Street

Ms. Zimmerman questioned when the School Study resolution will be available to the public and Mr. Mills stated that he will prepare a final version by Friday.

Brian Cavanaugh, 610 Cherry Lane

Mr. Cavanaugh encouraged the Committee to commit \$15,000.00 since they stand to gain the most savings. He didn't believe even contribution was fair to all towns. Mr. Cavanaugh worried about timing and stated that he desired to have the study completed by July in order to be placed on the November ballot. He offered a draft Request for Proposal for the Committee's review.

Mayor Merkt stated that Mendham Borough was very specific about having equal contributions from each party. He said that agreeing to uneven funding is not the direction the Committee wishes to take. He added that equal contribution of funds will demonstrate the partnership between towns. After changes are made the document will be distributed to the towns and schools boards in order to clearly define what options the Township wishes to explore.

There being no further comments hearing persons present was closed.

ANNOUNCEMENTS

Mayor Merkt noted that the County honored the police department, fire department and OEM for helping the family affected by the fatal accident caused by Superstorm Sandy. He stated that the Township was recognized for having one of New Jersey's best websites. Mayor Merkt will be in attendance this weekend as The Convent of Saint John Baptist celebrate 100 years.

Mr. Strobel stated that the Washington Post, which uses the IB program as a metric, ranked Mendham High School 10th in the State.

OLD BUSINESS

Ordinance Public Hearing

ORDINANCE 2013-04

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,218,000 THEREFOR, INCLUDING \$250,000 EXPECTED TO BE RECEIVED AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, \$82,000 RECEIVED FROM CONTRIBUTIONS, \$56,350 AS THE DOWN PAYMENT FROM THE CAPITAL IMPROVEMENT FUND AND \$81,000 AVAILABLE FROM THE CAPITAL

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IMPROVEMENT FUND, AND AUTHORIZING THE ISSUANCE OF \$748,650 BONDS
OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Mayor Merkt read the ordinance by title and called for a motion. Mrs. Thomas so moved. Mr. Baumann seconded. The meeting was opened to public hearing. There being no comments, public hearing was closed. All members voted to approve.

ORDINANCE 2013-05

EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
& ESTABLISH A CAP BANK

Mayor Merkt read the ordinance by title and called for a motion. Mrs. Thomas so moved. Mr. Strobel seconded. The meeting was opened to public hearing. There being no comments, public hearing was closed. All members voted to approve.

NEW BUSINESS

Resolutions

RESOLUTION 2013-60

AUTHORIZING PAYMENT OF BILLS

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

RESOLUTION 2013-61

AWARD OF CONTRACT –

BROOKSIDE POND DOCK REPLACEMENT PROJECT

Mayor Merkt read the resolution by title and called for a motion. Mrs. Thomas so moved. Mr. Tolley seconded. Mr. Mountain stated that two bids were received and Custom Dock, Inc. had the lowest bid of \$58,695.00. It was the recommendation of Mr. Mountain and the Township Engineer to award the contract. All members voted to approve.

RESOLUTION 2013-62

AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

Matters pertaining to:

Personnel - Finance/ Public Works

Litigation

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

DISCUSSION

Mr. Mountain stated that he was contacted by the mortgage firm regarding the clean up on Tingley Road. The firm indicated that they will pay the fee and continue upkeep in the future.

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HEARING PERSONS PRESENT

Norm Preston, West Main Street

Mr. Preston thanked the Committee for moving forward with the funding formula mission statement and questioned who will complete the study. Mayor Merkt stated that the process will be retained by public officials and there must be a consensus among the towns. Mr. Preston supported equal contributions from each entity.

EXECUTIVE SESSION

Upon motion duly made the Committee entered executive session at 9:30 p.m.

The Committee returned from executive session at 9:45 p.m.

ADJOURN

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

Respectfully submitted,

Kathleen Potter, Township Clerk