



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
April 24, 2018
Regular Session 7:30 PM**

1. ROLL CALL:

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

Also Present:
Deborah Bonanno, Administrator
Beth Foley, Land Use Secretary

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

Recognizing April 2018 as **NATIONAL AUTISM AWARENESS MONTH**, Ms. Dannah Asrejadid accepted the proclamation on behalf of all families in Mendham Township affected by autism and expressed gratitude for the inclusive environment that the Township provided for her autistic son while he was growing up in the community. She encouraged residents to continue to teach their children to reach out and include autistic children in their daily lives.

5. ANNOUNCEMENTS

Mayor Diegnan made the following announcements:

The Mendham Township Police Department is a designated drop off site for National Drug Take Back Day, Saturday April 28th. Unused medications or drugs can be brought to Police Headquarters from 10 a.m. through 2 p.m. Syringes are not accepted and liquids need to be put in a sealed container. Disposal is completely confidential.

The Eleventh Annual Mendham Township and Mendham Borough Police Department Fishing Derby will take place on Saturday May 12th from 10 a.m. through 1 p.m. at the Mud Hole in Mendham Borough. The event is free, and all are welcome.

Mendham Township and Mendham Borough Police Departments will host a Cops, Kids, and Cones event in mid to late May, from 5 p.m. through 8 p.m. on a weeknight during Little League season. Further details are forthcoming and will be posted on the Township website.

The Volunteer Ad Hoc Communications Committee has created a survey in order to gain feedback from the community and establish effective communication. Residents who complete the survey will be eligible to win a \$25 gift card to a local restaurant.

The Department of Public Works continues to pick up brush. Branches should be placed with the cut side at the curb, and limbs are to be cut in 6-foot lengths no wider than 12 inches in diameter. Stumps are not accepted.

Teen Adventures Summer Program is sponsored by the Recreation Committee for students in 7th through 10th grades. The program offers participants the opportunity to attend a chaperoned trip three times a week over the summer and destinations will include Dorney Park, Hershey Park, Great Adventure, Hurricane Harbor, Waterworks, I Play America, Whitewater Rafting, a baseball game, and Dave and Busters Arcade.

A beautiful, child friendly design has been chosen for the Ralston Playground. Phase I will break ground in late spring and completion is anticipated for this summer. Residents can sponsor or donate specific parts of the playground, and photos are on the Township website.

Mendham Township Library will sponsor Wine with Friends benefit on Friday May 4th from 7:30-9:30 pm featuring selections from 56 Degrees Wine and music by Dave Elgart. Tickets are \$60 and \$70 at the door, and all proceeds will benefit the library.

Shredder Day Fundraiser will be held on Saturday May 5th from 8:30 – 12 pm in the Town Hall parking lot. Fees are \$5.00 per grocery bag, \$10.00 per banker's box, and proceeds will benefit the library.

Mayor Diegnan attended an event with Governor Murphy and other Morris County mayors on April 23rd, which afforded the mayors an opportunity to discuss concerns, primarily regarding the topic of utilities and responsiveness to past storms. The Governor assured the group that the Board of Public Utilities Task Force is working to ensure that utility companies fulfill their commitment to reinvest in the infrastructure of the state's utilities.

Ms. Duarte's stated that her office hours will be on Friday from 12:00 noon – 1:00 pm.

The high school is having a Health, Wellness and Safety Panel on Wednesday April 25th at 6:45 pm in the school's auditorium.

Ms. Duarte clarified that she alone is not the sponsor of the communications survey, but that the entire Township Committee is sponsoring that effort. She also mentioned that registrations and sponsors are still being accepted for the Patriots Race on Saturday June 16th and that the Community Church is co-sponsoring an event with the Raptor's Trust on Friday, April 27th.

6. OPEN TO THE PUBLIC ON AGENDA ITEMS

Michael Merritt, Mountainside Road – with reference to ordinance 7-2018, Mr. Merritt questioned the amount of money being borrowed to pave the roads when this was discouraged last year. Ms. Fornaro explained that Resolution 5-2018 includes cash for seal coating and that the paving in the Township will continue by using debt until the plan allows otherwise. Mr. Gisser added that the objective, in time, is to pay cash; however, this year the Township continues to use debt on this item. Mr. Cioppettini commented that there is a transition period during which the Township continues to borrow; however, the intent is to borrow less as time goes on.

Diana Orban Brown, Ironia Road - with reference to Resolution 2018-67 appointing Phoenix Consulting Group to assist with respect to an interim Municipal Clerk, Ms. Brown commented that the resolution lacks details. Ms. Brown requested that the minutes should memorialize such information as hourly fees, length of employment and exactly what the consulting group's responsibilities will be.

7. APPROVAL OF MINUTES

April 9, 2018, Regular Session

Mayor Diegnan entertained a motion to adopt. Ms. Duarte asked to have her comment on Page 3 changed because it incorrectly states that she questioned how students should navigate the new high school lobby. It should read that she questioned how 'students and guests' would navigate the new high school lobby.

Mayor Diegnan entertained a motion to approve the April 9th minutes with Ms. Duarte's amendment. Mr. Gisser moved. Mr. Cioppettini seconded. Upon roll call vote, all the members approved.

April 9, 2018, Executive Session

Mayor Diegnan entertained a motion to adopt. Ms. Neibart moved. Ms. Duarte seconded. Upon roll call vote, all the members approved.

ADOPTION OF 2018 MUNICIPAL BUDGET

2018-66 A RESOLUTION TO ADOPT THE 2018 BUDGET

Mayor Diegnan read the resolution verbatim as required according to the statute.

Mayor Diegnan entertained a motion to adopt. Mr. Gisser moved. Mr. Cioppettini seconded.

Mayor Diegnan entertained a motion to open a discussion to the public. Ms. Duarte moved. Ms. Neibart seconded. Upon roll call all agreed.

DISCUSSION

Michael Merritt, Mountainside Road - Mr. Merritt commented that the prospect of hiring a full time employee such as the Recreation Director has long term consequences and that he hoped the decision-making process in such a hire would be available for public comment.

Bob Wowk, 12 Cooper Road- Mr. Wowk inquired whether the budget included plans for home reassessment. Mr. Gisser answered that reassessment is not part of this year's budget; however, this item is on the Committee's task list.

Mayor Diegnan entertained a motion to close the public session. Ms. Duarte moved. Ms. Neibart seconded. Upon roll call vote, all agreed.

Mayor Diegnan invited Mr. Cioppettini and Mr. Gisser to explain the rationale behind the budget to the public. Mr. Cioppettini commented that the goal of the Committee was to avoid increasing taxes; however, due to unforeseen circumstances, it was not possible to meet this goal. He added that all department requests for funding were met and that the municipal tax increase was approximately 1.4%. Mr. Gisser recognized that this is the last budget cycle that Mr. Cioppettini will be involved in, and he thanked Mr. Cioppettini and everyone involved in the budget process for their participation in what has been a challenging year in stewardship of public funds. Mr. Gisser commented that the Committee takes stewardship seriously, and they will continue to balance the issue of raising the tax rate with the ability to deliver services and amenities that contribute to the quality of life that is offered in Mendham Township.

Mr. Cioppettini thanked Ms. Kathy Mantell and Ms. Karen Fornaro for preparing the budget report, and he reiterated that the modest increase in the tax rate is important to maintain the quality of

life in Mendham Township and that once the debt is paid off, the tax rate should decrease in the next few years. Mr. Cioppettini also thanked the Township Departments for their cooperation and to the public for their input.

Ms. Duarte offered her appreciation to her colleagues and the Township staff for maintaining an open process and the fact that the budget allows for investment in Recreation will continue to attract and keep families in the community.

Ms. Neibart expressed her thanks to the CFO, Township Administrator and Finance Committee for their efforts with regards to the budget, and she explained that she opposes the budget because she is committed to lowering property taxes, which she commented was not made enough of a priority through the budgeting process.

Mayor Diegnan also thanked everyone involved in the budget process. As a follow-up to Mr. Merritt's question about the full time position, he explained that after the budget is passed, there is a deliberative process that will be followed. Items targeted for spending are passed through an ordinance or resolution, and the Committee will evaluate the need and set spending goals before voting to proceed.

Upon roll call:

AYES: Mr. Cioppettini, Ms. Duarte, Mr. Gisser, Mayor Diegnan

NAYES: Ms. Neibart

8. RESOLUTIONS

2018-59 Approval of the LOSAP Qualification List for – The Ralston Engine Company No.1, Brookside Engine Company No. 1 and Mendham Township First Aid Squad.

Mayor Diegnan explained that LOSAP is a Length of Service Award Program that is to reward members who volunteer for the Mendham Township Fire Department and First Aid Squad. Those receiving awards need to meet certain requirements, and Ms. Bonanno and Ms. Fornaro confirmed to the public that those members receiving the award are in fact eligible.

Mayor Diegnan entertained a motion to adopt. Ms. Neibart moved. Mr. Cioppettini seconded.

Discussion: Mr. Cioppettini inquired about Mr. Wiczak's first name, and Mr. Gisser confirmed that his legal name is Stanley although he uses the name Nick informally. Mr. Cioppettini asked for confirmation that although some members are listed in more than one department that they are only eligible to receive one LOSAP payment. The Committee confirmed this.

Upon roll call:

AYES: Mr. Cioppettini, Ms. Duarte, Ms. Neibart, Mayor Diegnan

ABSTAIN: Mr. Gisser

2018-60 Establishing Salaries for Certain Employees of the Township for the Year 2018.

Mayor Diegnan entertained a motion to adopt. Ms. Duarte moved. Mr. Cioppettini seconded. Upon roll call all the members approved.

2018-61 A Resolution Appointing the Township's Fund Commissioner and Alternate.

Mayor Diegnan entertained a motion to adopt. Mr. Gisser moved. Ms. Neibart seconded.

Discussion: Mr. Cioppettini asked for clarification of these titles. Ms. Bonanno explained that the Township is required to have an alternate appointed to the JIF, the Joint Insurance Fund, and that Ms. Fornaro is the Township representative for JIF.

Upon roll call vote, all the members approved.

2018-62 - Resolution of the Township Committee of the Township of Mendham Self-Examination of Budget.

Ms. Bonanno explained that this examination occurs on a three-year cycle. This year the Township performed their own reexamination and that last year the state performed the examination. Mr. Gisser added that the self-examination certifies that the Township is following all of the state guidelines. Past budgets for the Township were guided by outside consultants; however, this past year was accomplished 100% internally by the Township. Mr. Cioppettini credited Ms. Fornaro for her superb accomplishments in working through the budget and that she is very, very capable as the Township's CFO. There were other accolades from the other Committee members in praise of Ms. Fornaro.

Upon roll call vote, all the members approved.

2018-63 - Resolution Appointing Deborah Bonanno Acting Township Clerk.

Mayor Diegnan entertained a motion to adopt. Ms. Neibart moved. Mr. Cioppettini seconded. Upon roll call vote, all the members approved.

2018-64 - Resolution to Approve Settlement of Real Property Tax Appeals.

Mayor Diegnan entertained a motion to adopt. Mr. Gisser moved. Ms. Duarte seconded. Upon roll call vote, all the members approved.

2018-65 - Resolution of the Township Committee Authorizing Tonnage Grant Application.

Mayor Diegnan entertained a motion to adopt. Mr. Gisser moved. Mr. Cioppettini seconded.

Ms. Bonanno explained that this grant has been received in previous years for the amount of millings, oil, or recycling, and Mr. Gisser added that this year there is a significant amount of debris from the DPW brush pickup project that will count toward the dollar amount the Township will receive.

Upon roll call vote, all the members approved.

2018-67 - Resolution for Professional Services Agreement for the Township of Mendham.
Mayor Diegnan entertained a motion to adopt. Ms. Duarte moved. Ms. Neibart seconded.

Mayor Diegnan responded to Ms. Orban Brown's previous question regarding details of this agreement. He reported that Phoenix Consulting charges \$95 per hour for the interim clerk and that the period covers April 1, 2018 through December 31, 2018 or until a successor is hired. Mr. Gisser commented that the Township is using this service efficiently. Mr. Cioppettini added that there are several applicants being considered for the Clerk position and that the process is moving forward.

Upon roll call vote, all the members approved.

2018-68 - Resolution Accepting the Resignation of the Municipal Clerk and Authorizing Execution of Separation Agreement.

Mayor Diegnan entertained a motion to adopt. Mr. Cioppettini moved. Ms. Duarte seconded. Mr. Cioppettini offered best wishes to Ms. Zichelli on behalf of the Committee.

Upon roll call vote, all the members voted to approve.

2018-70 - Resolution Authorizing the Payment of Bills.

Mayor Diegnan entertained a motion to adopt. Mr. Cioppettini moved. Ms. Neibart seconded. Upon roll call vote, all members voted to approve.

2018-71 Resolution of the Township Committee of the Township of Mendham Authorizing Change Order #5 with Coppola Services, Inc. Mendham East Wastewater Treatment Plant.

Mayor Diegnan entertained a motion to adopt. Mr. Gisser moved. Mr. Cioppettini seconded.

Mayor Diegnan reported that this is a 'minus' change order of a \$403,000 downward adjustment in the agreement cost. Mr. Gisser explained that this lower amount is due to the adjusted expense related to the septic field. Mr. Gisser added that some items still need to be addressed and that a wrap-up meeting will be scheduled.

Upon roll call:

AYES: Mr. Cioppettini, Ms. Duarte, Mr. Gisser, Ms. Neibart

ABSTAIN: Mayor Diegnan

9. ORDINANCES

5-2018

An Ordinance of the Township of Mendham Providing for Various Capital Improvements and Appropriating \$372, 000, therefore from the Capital Improvement Fund.

Mayor Diegnan entertained a motion to introduce. Mr. Cioppettini moved. Ms. Neibart seconded.

Mr. Mills noted that Ordinances 5, 6 and 7 will be further considered for public hearing and final passage on May 14th and that Ordinance 8 will be considered on May 22rd.

Mr. Cioppettini commented that a few partners in one of the Township properties will be asked to participate in the expense.

Ms. Duarte inquired about the process for spending the \$46,000 designated to the Recreation Department. Mayor Diegnan responded that this would need to be assessed prior to any decision.

Ms. Neibart questioned the process for line item spending as mentioned in the budget. Mr. Cioppettini explained that each line item is assessed for need prior to decisions made and that the budget as approved is a guideline. Ms. Neibart noted for the record that she will vote 'yes' on this ordinance even though she voted 'no' on the budget itself. The Township Committee as a whole approved the budget, and she approves the items that are being tagged.

Upon roll call vote, all the members voted to approve.

6-2018

An Ordinance of the Township of Mendham in the County of Morris and State of New Jersey amending various chapters and subsections of the township code pertaining to: Fees for Permits; and Penalties.

Mayor Diegnan explained that this amendment sets the price of mulch and woodchips for 2018 at \$10.00 per yard. Ms. Bonanno added that Chapter 160 Section 6 amends beach and recreation activity fees subject to the discretion of the business administrator, which is based on input from the Township Committee and Recreation Director. In the past, setting fees was cumbersome, and this amendment will make the process more efficient.

Mr. Cioppettini questioned whether the price for mulch and chips was set at 'yards' or 'cubic' yards, and Mr. Gisser clarified that the amendment should read 'cubic' yards. Mr. Mills inquired whether residents would be buying or delivering the mulch, and it was explained that both contractors and residents would be purchasing the mulch.

Upon roll call vote, all the members voted to approve.

BOND ORDINANCES FOR INTRODUCTION

7-2018

Bond Ordinance providing for various capital improvements in and by the Township of Mendham, in the County of Morris, New Jersey, appropriating \$1,060,000 therefor, including \$28,000 available from the Ralston Playground Trust, \$38,000 available from the Reserve for Building Repairs and \$70,000 expected to be received from the Junior Women's Group, and authorizing the issuance of \$840,000 bonds or notes of the Township to finance part of the cost

thereof. Mayor Diegnan entertained a motion to introduce. Mr. Gisser moved. Mr. Cioppettini seconded.

Ms. Duarte inquired as to whether there are provisions regarding accessibility for children in wheelchairs. Mayor Diegnan responded that provisions are in place and added that pathways are being designed to give children access to the swings along with other specific pieces designed for handicapped children as well. Mayor Diegnan has requested that the Recreation Director present Phase 1 details to the public at some point. Mayor Diegnan will confirm that the gazebo is being retained in the playground plans, and he will also clarify how the bricks initiative will be handled with reference to naming opportunities. Ms. Bonanno added that French and Parrello is working on the placement and design of the bricks. Ms. Duarte asked if there was an overall fundraising goal for the completion of the playground, and Ms. Bonanno responded that the cost for the proposal can be adjusted; however, the full amount projected is close to \$300,000.

Upon roll call vote, all the members voted to approve.

8-2018

Bond Ordinance providing for the acquisition of a pumper for the fire department in and by the Township of Mendham, in the County of Morris, New Jersey, appropriating \$350,000 therefor and authorizing the issuance of \$304,000 bonds or notes of the Township to finance part of the cost thereof.

Mayor Diegnan entertained a motion to introduce. Mr. Cioppettini moved. Ms. Duarte seconded.

Mr. Cioppettini explained that the pumper will not cost the taxpayers more than \$600,000. This pumper will go to Ralston Fire Company to replace an old one and that this is a life safety issue.

Mayor Diegnan confirmed with Mr. Mills that this ordinance will be further considered for adoption at the May 22nd meeting.

Ms. Duarte commented that as liaison to the fire departments, she is grateful that this investment is being made.

Upon roll call vote:

AYES: Mr. Cioppettini, Ms. Duarte, Ms. Neibart, Mayor Diegnan

ABSTAIN: Mr. Gisser

10. DISCUSSION

Mayor Diegnan explained that the Committee members had been tasked with a 'to do' list, which would be addressed in detail at the next meeting. He recounted the accomplishments of the Committee, Township employees, and the public regarding the budget and added that moving

forward with the resolutions adopted this evening benefits the community with respect to quality of life in Mendham Township.

Ms. Neibart reported that her liaison assignments are the Mendham Sewer East and West, Tree Committee, DPW, Zoning Board, Finance and Surrounding Town Outreach. The Outreach Committee will focus on communicating with 7 surrounding communities regarding shared services and best practices.

Mr. Gisser reported that a preliminary meeting is scheduled with the tax assessor on June 11th to discuss assessment as questioned by Mr. Wowk. Mr. Gisser distributed information regarding the Township fee structure for future discussion at the next meeting. He added that he would like to entertain working with the Board of Education to better coordinate meeting schedules since the Township and Board of Education meetings overlap.

Mr. Cioppettini reported that the Pitney Farm and Mosle properties and the Master Plan are high on his agenda, as well as developing a handbook for volunteers. Additionally, he suggests making sure all contracts and leases are on the calendar so that there is adequate time for bidding or negotiation.

Ms. Duarte reported that as liaison to the Fire Department, she attended the Ralston awards dinner, at which Louis Tremmel received an honor for 50 years of service, and Nate Ward, West Morris Mendham high school teacher, received the 2018 Community Service award. Additionally, in terms of her role as liaison, she mentioned that her committee is working on updating the ordinance for the Fire companies and that there will be some additional training. She reported that the Environmental Commission had very successful clean ups for Earth Day and for the trail stewardship pruning kick off. Ms. Duarte is also requesting a list from the Administrator of current Township Boards and Committee vacancies.

Mayor Diegnan commented that the structural engineer for the Pitney property has determined that nothing of historical value survived the fire. Therefore, he asked Mr. Mills and Ms. Bonanno for a resolution to demolish the Mosle structures and to evaluate whether a resolution is needed to authorize funding for engineering and land planning regarding the subdivision. Mr. Mills responded that he will report back to the Committee on this issue, and Ms. Bonanno mentioned that this will most likely have to go out to bid. Ms. Duarte questioned whether a walk-through should be done to determine if there is anything salvageable, and Mayor Diegnan responded that the original walk-through was performed by an expert and that unfortunately demolition is inevitable.

Mayor Diegnan entertained a motion to open to the public. Mr. Cioppettini moved. Mr. Gisser seconded. All agreed.

Diana Orban Brown, Ironia Road - Ms. Brown pointed out the amount of the total tax levies for both the Township and the Borough schools, and she requested that the Committee consider steps toward consolidation in order to achieve more efficiency.

Virginia Vogt, Martin Lane - Ms. Vogt memorialized Mr. Frederick Bartenstein who passed away a few weeks ago at the age of 100 and who, along with his wife, helped save a portion of the Township from a plan by the state to create a reservoir and as a result was able to preserve his property as open space. She also reported on the revolutionary history of the area.

Trish O'Brien, East Ridge Road – Ms. O'Brien objected to the fact that the Planning Board Master Plan meetings are closed to residents, and she pointed out that other towns, such as Summit, are open to the public. Mr. Cioppettini agreed that there is not enough diversity on the Planning Board and that he would pursue this with the Planning Board Chairman.

Rob Meyer, East Ridge Road - Mr. Meyer expressed his surprise that there was a 'no' vote on the budget because he realizes that good stewardship is not an easy task. He also expressed his personal gratitude for the Committee's hard work. In addition, Mr. Meyer was concerned that open permits for home improvement may impact tax re-evaluation. Mr. Gisser responded that there is an ongoing project to follow up on open permits.

Michael Merritt, Mountainside Road - Mr. Merritt reiterated his earlier concern that the details of hiring of a full time Recreation Director is not being made transparent to the public. Mr. Merritt expressed his appreciation for the Committee's task list discussion.

Mayor Diegnan entertained a motion to close the public session. Ms. Duarte moved. Ms. Neibart seconded.

Upon roll call all the members voted to approve.

Ms. Duarte thanked everyone who shared their thoughts and concerns for the historical information given by Ms. Vogt. She also agreed that shared services should be explored and that there be more transparency on the Master Plan Reexamination. Mr. Mills advised that a public hearing is required on the Master Plan, and Ms. Duarte responded that although she is aware of that fact that the process should be more inclusive of the community.

Ms. Neibart emphasized that with respect to the Ad Hoc Shared Services and Communications Committee everything will be on the table.

11. ADJOURNMENT

Mayor Diegnan entertained a motion to close the meeting and move to Executive session. Ms. Neibart moved. Mr. Cioppettini seconded.

Upon roll call vote all the members voted to approve.

Respectfully submitted,
Denise Bobinski
Mendham Township