



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
June 11, 2018**

Regular Session 7:30 PM

1. ROLL CALL:

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

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. ANNOUNCEMENTS

Mayor Diegnan made the following announcement:

On or about Monday, June 11, the following roads will be milled: Ironia Road, Trimmingham Road, Timber Ridge Road, Westminster Drive, Winston Farm Lane, Browning Court, Cross Way, and Thackery Lane. These roads will be paved the week of June 18th. Residents should use caution on the roads while this work is being done.

Brookside Beach will be open from 10 am to 4pm from June 25th through August 12th. Township residents may visit the beach for free from Monday through Friday and for \$5 per person on the weekend.

Saturday June 16th is the Mendham Township Recreation's 10th Annual Patriot's Race. The 5K race kicks off at 9 am, and the Kids Fun Run starts at 9:45am. The race is followed by an awards ceremony, and throughout the day participants will enjoy live DJ entertainment, random prize drawings and post-race refreshments.

Congratulations to Mendham High School students who will be graduating on Tuesday afternoon.

There has been an increase in construction permitting activity in the Township. Year to date fees collected by the Township for permits is \$105,566 compared to last year's fees, which was \$67,130 at this time.

At the next Township Committee meeting on June 26th, a joint meeting with the Planning Board and Master Plan Committee will be proposed to discuss the Master Plan Reexamination during the second half of the meeting.

Ms. Duarte announced that Sunday June 10th marked the 50th anniversary of the founding of Mendham Township's First Aid Squad. This is an all-volunteer squad, and anyone interested in volunteering can send an email to membershipinfo@mtas.org.

Ms. Neibart announced that the first meeting of the Ad Hoc Shared Services Committee will take place on June 28th and that she will send out an email to the group. Also, June 14th is Blood Donor Day as well as Flag Day.

Mr. Gisser announced that as long as the weather cooperates, two resurfaced tennis courts will be open at the end of the week. Information will be posted on the website.

5. OPEN TO THE PUBLIC ON AGENDA ITEMS

No questions were posed by the public.

6. APPROVAL OF MINUTES

April 24, 2018, Regular Session

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

Roll call vote: All members present voted to approve.

May 14, 2018, Regular Session

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

Roll call vote: All members present voted to approve.

May 22, 2018 Regular Session

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

Mr. Gisser pointed out that the minutes reflect the zoning issue discussed previously both in the Executive and Public sessions.

Roll call vote: All members present voted to approve.

May 22, 2018, Executive Session

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

Ms. Duarte had a correction she would like brought up regarding a comment she made in Executive Session and asked for the minutes to be tabled.

7. RESOLUTIONS

2018-92 Resolution of the Township Committee of the Township of Mendham Awarding Campbell Foundry Company Through the State Contract #94205 Various Road Material Including But Not Limited to Catch Basin Castings, Inlets & Manholes

Cost is not to exceed \$60,000 and is for the Township's paving and seal coating this summer.

Mayor Diegnan entertained a motion.

Mr. Gisser moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

2018-93 Resolution Cancelling of Federal and State Grant Receivables and Reserves

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

Ms. Duarte requested an explanation. Ms. Bonanno explained that the Radon Awareness Grant and the 2017 Distracted Driving Grant unexpended balances were written off and that the New Jersey Highland Water Protection and Planning Council Grant was an old grant and that the books are being cleaned up.

Roll call vote: All members present voted to approve.

2018-94 Resolution of the Township Committee of the Township of Mendham Authorizing the Appointment of Andrew Waegener to the Position of Mechanic

Mayor Diegnan entertained a motion. Mr. Gisser moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

2018-95 Resolution Awarding the Contract Between R & R Pump & Control Services, LLC and the Township of Mendham for the Emergency Replacement of Soft Starts for Effluent Pumps with Variable Frequency Drives for Mendham Sewer West Treatment Plant

Mayor Diegnan entertained a motion. Mr. Gisser moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

2018-96 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

Mayor Diegnan entertained a motion. Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

2018-97 Resolution of the Township Committee Approving Raffle License-Brookside Engine Company #1

Mayor Diegnan entertained a motion. Mr. Cioppettini moved. Ms. Neibart seconded.
Roll call vote: All members present voted to approve, with the exception of Mr. Gisser, who abstained.

2018-98 Resolution of the Township Committee of the Township of Mendham For The Renewal of Plenary Retail Consumption Liquor License Sammy's Ye Old Cider Mill

Mayor Diegnan entertained a motion. Mr. Cioppettini moved. Mr. Gisser seconded.
Roll call vote: All members present voted to approve.

2018-99 Resolution of the Township Committee of the Township of Mendham for Renewal of Club Liquor License Mendham Golf and Tennis Club

Mayor Diegnan entertained a motion. Ms. Duarte moved. Ms. Neibart seconded.
Roll call vote: All members present voted to approve, with the exception of Mayor Diegnan, who abstained.

2018-100 Resolution Authorizing The Award of a Non-Fair and Open Contract for Tub-grinding Services to J. H. Reid

Mayor Diegnan entertained a motion. Mr. Gisser moved. Ms. Neibart seconded.
Mayor Diegnan noted that since the storms were deemed a disaster and noted in the online newspapers that there is a possibility the Township will receive FEMA funds for third party contractors. Mr. Gisser added that the output of the grinding will result in a product that the Township will be able to sell, which could offset some of the cost incurred. Ms. Bonanno commented that this cost will be charged to the storm trust and will not affect the operating budget.
Roll call vote: All members present voted to approve.

2018-101 Resolution Authorizing Change in Claimant Signature Requirement

Mayor Diegnan entertained a motion. Ms. Neibart moved. Ms. Duarte seconded.
Ms. Bonanno explained that a recent change no longer required some purchase orders to be signed by the vendor, except for advances or reimbursement of employee expenses. This will lower postage expenses and streamline the purchase order process.
Roll call vote: All members present voted to approve.

2018-102 Resolution of the Township Committee of the Township of Mendham Staff Appointments For the Department of Recreation – Summer Season

Mayor Diegnan entertained a motion. Ms. Duarte moved. Ms. Neibart seconded.
This is to hire lifeguards and chaperones for Brookside Beach and for the Teen Adventure program. Ms. Neibart questioned salaries to which Ms. Bonanno will follow up. Ms. Duarte commented that she had reviewed the names and there was only one she didn't recognize. She is hoping the Teen Adventures program gets off the ground this year. She added that it is good to see our young people getting jobs. For a lot of them, their first job is at the Beach.
Roll call vote: All members present voted to approve.

2018-103 Resolution of the Township Committee of the Township of Mendham Appointing Temporary Inspectors

Mayor Diegnan entertained a motion. Mr. Gisser moved. Mr. Cioppettini seconded. Mayor Diegnan stated that there is the need for temporary coverage. Roll call vote: All members present voted to approve.

2018-104 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

Mayor Diegnan entertained a motion. Mr. Gisser moved. Mr. Cioppettini seconded. Roll call vote: All members present voted to approve.

2018-106 Resolution of the Township Committee of the Township of Mendham authorizing the Administrator to Develop Bid Specifications and Solicit Bids for the Demolition of Certain Structures on the Pitney Property

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

Ms. Duarte requested clarification as to what the timeline would be to accept bids, make decisions, and possibly move forward with demolition. Mayor Diegnan explained that this is a dual path whereby the demolition is being authorized; however, bidders may buy the property with the buildings on it in its current state and raze the structures themselves, which could have a different effect on the bid price. Mr. Cioppettini further explained that this allows the Township to demolish sooner rather than later, if necessary. Mr. Gisser added that this resolution will allow evaluation of the merits of the bids received. Ms. Duarte then questioned whether the house in the front of the driveway (the boy's house) was included in the bid, and Ms. Bonanno explained that it is not intended to be part of the bid; however, the appendix states it is not limited to the buildings listed.

Mayor Diegnan added that if no bids are received, or they are inadequate, then the Township can move forward with demolition and keep the property for a later sale. Ms. Duarte explained that she had previously voted 'no' to this because it was not clear to her which buildings were being discussed; however, she now understands this information is necessary, and she inquired whether the Township would vote on bids for demolition. Mayor Diegnan explained that the Township would choose the bidder and move forward since this resolution authorizes the demolition. Ms. Neibart asked whether a vote on specific bid would need to be part of an open session to the public, and the Mayor clarified that there would be a vote but that the lowest bid is usually the one accepted.

Roll call vote: All members present voted to approve.

2018-107 Resolution Authorizing Refund of Overpayment of Taxes Due to NJ State Tax Court Judgement

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

This refund is a result of a tax appeal.
Roll call vote: All members present voted to approve.

**8. ORDINANCES FOR INTRODUCTION
10-2018**

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 entertained a motion. Mr. Gisser moved. Ms. Neibart seconded.

Mr. Gisser explained that this is an issue that has been looked at over multiple years by the Governing Body and for various reasons action had not been taken previously. The Township has not addressed fees for an extended period of time and that this ordinance addressing fee increases would bring the Township in line with surrounding communities and would also streamline the process. Most of the increases are in the areas of construction and code enforcement, and he stated that the Township has gone to a single rate structure as opposed to a gradual rate structure. Mr. Gisser stated that he realizes that these fees are a use tax, and it is the residents who will be pay these fees. Mr. Cioppettini asked for an example of an increase, and Mr. Gisser responded that pet neuter fees are increasing from \$12 to \$18 and that there is a 6% increase in building sub code fees (.034 cents per cubic foot to .036 cents per cubic foot), which will now be consistent with other towns such as Mendham Borough and Morris Township. More detail on fees is available for anyone who requests them.

Ms. Neibart expressed concern about the Emerald Ash problem and inquired whether the Township could help residents with the cost of the tree removal if the affected tree is on private property. Mr. Cioppettini recommend that Ms. Neibart meet with the Tree Committee in order to discuss a possible amendment that could be effected later whereby a fee could be waived, or some such change, if it was an Emerald Ash tree that needed to be removed. She could then report back to the Township Committee with a proposal to amend this portion of the ordinance. Mr. Gisser clarified that this is only a first reading and that this can easily be amended at the second reading.

Ms. Duarte commented that she feels that issuing pet licenses equates to taxing people who are doing the right thing and wondered if this portion of the ordinance could be tabled until it could be determined if the Community Pass software be utilized to eliminate paperwork at a cost savings. Mr. Cioppettini added that he would like to see some of the fees reduced, such as the pet licensing and construction fees, so as not to discourage property improvement by residents, particularly since there is an increase in construction activity in the Township. Mr. Gisser commented that these fees were increased at this time since they have not been for many years but that the fees can certainly be adjusted through discussion. Mr. Cioppettini agreed that a rate increase is timely; however he would prefer the cost not be overbearing. Ms. Duarte suggested that incentives be given to those who use the online tool for pet registration so that the fee remains the same.

Mr. Cioppettini made a motion to amend the ordinance whereby the fees in Section 1a & 1b be raised 25% rather than 50% (\$12 to \$15) and that the fees in Section 2a & 2b be set at .035 per cubic foot. Mayor Diegnan supported this suggestion. Ms. Duarte reiterated that she would prefer use of the online tool rather than raise pet fees. Mr. Cioppettini asked if she would object to \$15 to which she responded that she would like to keep the fee as is.

Ms. Neibart said she would second the motion but stated that she would like to entertain another motion. Mr. Gisser suggested that one motion be made with all the modifications, and he reviewed what the motion modifications would be:

- the Tree fee would not be increased from the current \$10 fee.
- the building sub code would be at .035 cents per cubic foot instead of .036 cents cubic foot.
- the neutered fees would be \$15 and non-neutered \$18, which is currently \$12 and \$15.

Ms. Duarte asked if the online tool could be part of the amendment, and Mr. Gisser responded that it is not relevant to the ordinance but that there are multiple ways to use Community Pass. This is a procedural issue and Community Pass could certainly be a useful tool in the future. Ms. Neibart commented that the Community Pass tool should be highlighted in communications with the public since she does not know how many residents even know about Community Pass. Also, training in how to use it is very important. Ms. Bonanno stated that Recreation Department just began using the program, which allows for online payments, and Mr. Cioppettini suggested that a Community Pass discussion be put on a future agenda for an information session in the coming months.

Mayor Diegnan stated the motion would be to amend 1a to \$15 and \$18 and 1b to \$15 and \$18, 2a and 2b to .035 cents per cubic foot and not increase the Tree Permit fee but keeping it at \$10.

Roll call vote: All members present voted to approve, with the exception of Ms. Duarte who voted 'no.'

Mayor Diegnan entertained a motion to adopt the ordinance, first reading. Mr. Cioppettini moved. Ms. Neibart seconded.

On June 26th there will be a second reading at which the public will have an opportunity to comment. Ms. Neibart asked whether it would be necessary to vote twice if the ordinance is amended further at the next meeting. Mr. Sateary explained that it will probably be amended at the second reading; however, if the change is significant, then the process must be redone; however, if it is a minor amendment such as one fee change, then it could still qualify as a second reading.

Roll call vote: All members present voted to approve with the exception of Ms. Duarte who voted 'no'.

11-2018

An Ordinance Authorizing the Sale of Certain Lands and Premises no Longer Needed for

Municipal Purposes (Land and Frontage situate on Ballantine Road Mendham Township, New Jersey- Pitney Property)

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

This ordinance establishes the bid for the sale of the five acres that are owned by the Township for public bidding on the Pitney property. This does not affect the additional 7 acres of open space, which will remain in perpetuity. It provides for three alternative bids for any perspective bidders, and a bidder may submit a bid for the property 'as is' with all the buildings in its current state. Another bid would allow for the property to be cleaned with all the buildings demolished, and thirdly, an alternate bid for all the buildings and structures removed at the expense of the Township with a zoning change to R-1, which is one-acre minimum lot size.

Ms. Neibart inquired as to what the submittal date would be for the bids, and Ms. Bonanno explained that details will be provided by resolution. Mr. Gisser commented that his preference with regards to bid #3 would be that the zoning be consistent with the surrounding area, which is CR-2 zone. Mayor Diegnan agreed that this should be amended. Mr. Cioppettini moved to amend 11-2018 to reflect CR-2 as the zone. Mayor Diegnan seconded the motion.

Ms. Duarte asked if an appraisal could be performed on the property so that the Committee can evaluate whether it is an appropriate bid in order to maximize the profitability of the property. Mr. Cioppettini responded that an appraisal could be done, which would be someone's evaluation of what the fair market value is for the property; however, the process will be driven by what the bidders are willing to pay under one of three bids. The town has the right to reject or accept the bids. He opined, however, that an appraisal would not be in the taxpayers' best interest and an unnecessary expense since regardless of the appraisal the Township would determine whether the bid would be in the best interest of the taxpayers. A bid could be accepted, if deemed appropriate, or rejected whereby another means would be pursued that would be most profitable for the town.

Ms. Neibart suggested that since an appraisal was done, although under different circumstances, that those figures can be reviewed in Executive session. Ms. Bonanno confirmed that the report cannot be released publicly but only to public officials. Mayor Diegnan stated that the appraisal, which was previously done, could be used as a guide. Ms. Duarte inquired as to what the previous appraisal consisted of, and Ms. Bonanno explained that the report indicated that the best use of the property was for residential purposes, what the zoning should be, and some hypotheticals such as allowing flag lots in that particular zone, which is not the case currently. Mr. Gisser recollected that this appraisal was done in 2016 and only for the 3 ½ acres. Mr. Gisser commented that the reason the document is confidential is to protect what the Township may think the value is from prospective bidders. Ms. Duarte thanked everyone involved over the years, including Mr. Cioppettini, with work done regarding this property, and she commented that there is still an opportunity to purchase the property 'as is'.

Mr. Cioppettini added that he felt that this is the best option for all parties concerned.

Roll call vote: All members present voted to approve the amended Ordinance 11-2018.
Second reading will be on July 9th.

Mayor Diegnan entertained a motion to adopt the amended Ordinance 11-2018. Mr. Gisser moved. Ms. Neibart seconded.
Roll call vote: All members present voted to approve.

9. ORDINANCES FOR ADOPTION

9-2018

An Ordinance of the Township of Mendham Providing for the Union Schoolhouse Resurfacing Project and Appropriating \$350,000 therefore, \$247,000 from New Jersey Department of Transportation and \$83,000 from Capital Fund Balance and \$20,000 from Capital Improvement Fund

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

Mayor Diegnan stated that the town received a \$247,000 grant from the New Jersey Department of Transportation and that these funds along with the other Township Capital Improvement Funds and other Capital Funds are being used for the resurfacing of Union Schoolhouse Road. Ms. Bonanno explained that this was originally proposed as reclamation to the state, which was not a viable project based on the configuration of the road. As a result, a scope modification was obtained, which was approved by the State, and the project can now move forward.

Mayor Diegnan stated that Bond Ordinance 9-2018 was introduced for first reading on May 14, 2018. All required advertising has been certified.

Open to the Public

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

Roll call vote: All members present voted to approve.

No public comments.

Mayor Diegnan entertained a motion to close. Ms. Neibart moved. All were in favor.

Roll call vote: All members voted to approve.

10. DISCUSSION/PRESENTATIONS

Mendham Township Newsletter Review

Ms. Neibart reported that the newsletter will be included with the property tax assessment mailing at the end of June and will highlight all of the volunteer opportunities that are available in the Township. Ms. Neibart will raise this topic up again at the next meeting; however, she mentioned that the volunteer opportunities are in the Fire Department, First Aid Squad, Planning Board, Board of Adjustment, Environmental Commission, Parks and Recreation, Board of Health, Tree Protection, Historic Preservation, Wildlife Management, and Mendham TV. She stated, however, that not all of

these committees have vacancies at this point in time. In August, another tax bill will be sent out, which will include highlights of other activities in the Township with volunteer opportunities. Since this information is being sent out with the tax bills, there will be no additional postage cost.

Mayor Diegnan and Ms. Duarte agreed that the newsletter is an excellent way to reach residents who may not use social media or who prefer paper news, without adding to the cost to residents. Ms. Duarte questioned whether this information could be put on a Google Doc so that Committee Members can take a look at it as she has some thoughts around the content and Ms. Neibart added that she will try to have the information on one page front and back. Ms. Neibart thanked Mr. Gisser for a collaborative effort, and she welcomed other suggestions.

Ms. Duarte added that the Ad Hoc Communications Committee will be presenting recommendations at the June 26th Township Committee meeting, and she thanked volunteers who helped in that effort and with the survey. Another project is the Volunteer Spotlight, which is a video segment on Mendham TV featuring the Mendham First Aid Squad. The Ralston Fire Department requested that she mention that they are in talks with apparatus manufacturers to buy the replacement for Engine #11 and that Lt. Jeff Betz is at the National Fire Protection Association Conference learning about storage systems for solar batteries as they relate to solar panels. Ms. Duarte is also moving forward with the Stigma Free Initiative, which she feels can be done across communities. She would also like to move forward with the idea of filling volunteer vacancies with high school students. The idea would be to add two high school students to the Recreation Committee, Historic Preservation Commission, and Environmental Commission. These volunteers would be non-voting members with a one-year appointment. Mayor Diegnan agreed that the Township Committee would be able to include this idea in a session. Ms. Neibart asked whether Ms. Duarte would consider volunteers ages 14 and older since that is the Fire Companies' practice. Ms. Duarte agreed.

Mr. Gisser announced that the meeting with the Tax Assessor has been moved prior to the June 26th meeting. Additionally, he mentioned that he and Ms. Neibart, Ms. Fornaro, and Ms. Bonanno toured the two Township Sewer utilities and will be updating everyone on its progress in the community.

Mr. Cioppettini referred to the map handouts and addressed the possibility of changing the zoning in three areas of the Township that will allow for smart growth and help raise new revenues. The first area for this possible zoning change would be the Pitney property. The zoning in this neighborhood is 20,000-square foot lots, where four or five homes rather than two homes could be planned. The second area considered is Shores Road near Woodland Road where the current zoning only allows for three homes. He opined that this could be rezoned to allow for one-acre zoning with six homes and some property left for open space. The third area that could be rezoned is Hardscrabble Road, which is currently 10-acre zoning. Over the past fifteen years only one house has been built in the neighborhood with only one lot sold, and it makes sense to return to 5-acre zoning, which would allow for the development of approximately 27 new homes as opposed to 16 homes under the 10-acre current zoning. He stated that these three neighborhoods would allow for some growth, which will not happen immediately and would take some time. Homes are not being

absorbed that quickly in Mendham Township. Mr. Cioppettini said the Township would benefit from the construction fees and assessments, and the schools would be able to absorb the enrollment without difficulty since the enrollment is down. The town could absorb a couple of houses a year for the next ten or fifteen years, which he believes that the town can absorb without any adverse effect and would add some smart growth.

Mayor Diegnan commented that this idea will be revisited with the Master Plan Committee. The next meeting will be an abbreviated Township Committee meeting starting at 7pm, followed by a joint meeting with the Planning Board and Master Plan Committee, which will begin approximately at 8:15 pm and will include discussions regarding the Master Plan Reexamination. If necessary, additional meetings can be scheduled.

Ms. Neibart announced that the Ad Hoc Shared Services Committee will meet on June 28th and that a time and location will be forthcoming. To date, she has commitments from Mendham Borough, Chester Township, and Bernardsville. She is waiting to hear back from Peapack Gladstone, Chester Borough, Far Hills and Harding. In addition, she encouraged everyone to touch base with Brian Hays of the Tree Protection Committee for information regarding the Emerald Ash Borer disease and its effects on the Ash trees. Ms. Duarte questioned if the Shared Services meeting was a closed session, and Ms. Neibart responded that it is an open session to the public.

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

Roll Call Vote: All members present voted to approve.

Rich Cotter, 9 Cooper Road - Mr. Cotter clarified that the Pitney property is in a CR-2 area. It is part of a formal LLC that was agreed to by the Pitney family and also the result of a court case. The CR-2 zone is the correct zone for the property, but there are other factors involved with the LLC as part of the CR-2 zone, and he wanted to make sure the Committee was aware of this.

Patricia Zimmerman, 3 West Main Street – Ms. Zimmerman referred to the three different options for bidders with the third option changing the zoning to CR-2 with the property cleared. She asked why the Pitney property is qualified for a CR-2 only if it is cleared and not “as is.” Mr. Cioppettini explained that a bidder is allowed to make his own bid on a piece of property, and if he so desires to have the zone changed, he can enter a separate bid. Three options are offered; however, there is flexibility and consideration of other types of bids. Ms. Zimmerman asked if the third option can be changed to bid ‘as is’ and ‘or’ if it was bid with the property cleaned. Mayor Diegan clarified that the bidder can bid using any specifications they so desire and that the Township Committee is not limited to the three types of bids suggested and that the bidder can be creative with their bid. Other alternative bids would certainly be considered.

Ms. Zimmerman then referred to the exhibit of weeds that she brought in from the front of Town Hall, and she stated that a landscaping company went to a great deal of expense improving the front of the building, and it is going to quickly deteriorate. The property should be taken care of in

honor of the individual who donated the landscaping. She opined that nothing is being done to maintain the property. Ms. Zimmerman left the exhibit on the table.

Peter Dumovic, 3 Shelton Road – Mr. Dumovic expressed that it is an excellent idea to include the newsletter with the property tax assessment mailing. Based on the survey that was done, residents want to hear more about what is going on in town and have opportunities to participate and give input.

Secondly, with regards to the next meeting on June 26th whereby the Master Plan Committee and Planning Board were asked to join the Township Committee in order to discuss the Master Plan Reexamination, he suggested that the public have an opportunity to offer input and that some key topic points of the discussion be provided before the meeting other than just the time and place.

Brian Hays, 23 West Main Street - Mr. Hays commented that the Tree Committee taped a public meeting with two state foresters regarding the ash tree disease, at which time it was stated that one in ten trees in Mendham Township's forests are ash trees. Also, there is a new disease discovered for which there is no remediation. As a result, 100% of the Township's ash trees will die over the next few years. He stated that the Township must notify residents, based on the ordinance passed last year, and that if an infected tree is in the right of way, it must be removed. Once a tree dies it quickly becomes brittle and must be removed by crane instead of climbers, which costs taxpayers an additional \$1,200 per day. He opined that if an ash tree is being removed, the permit fee should be waived to encourage residents to take them down now; otherwise, the current fee charged is fine. His concern is that there are many, many diseased ash trees on public and private property that are not in the right of way that have the potential to fall on power lines and in the roadways. The Township should assess this liability. He suggested that there be an amendment or new ordinance requiring homeowners to remove trees (if not in the right of way) if their height indicates they can fall on power lines or in the streets, which would remove the Township's liability.

Mr. Hays applauded the recent conversation regarding the debt reduction initiative and that it is mandatory that this be addressed. He opined that the programs being adversely affected by the debt reduction should be addressed.

Mr. Hays expressed that regarding the Piney option it would be extremely rewarding if the historic structure in some fashion could be saved, but he concedes that it is most likely no longer a viable option. He also stated his concern regarding Mr. Cioppettini's idea regarding down-zoning. He believes any down-zoning could be the basis for a lawsuit by attempting to force the Township to down-zone another property. As a realtor, he was privy to a conversation that suggested as such by someone anticipating the purchase of a property in Mendham Township if the down-zoning was done in Pitney since it would give them leverage for a law suit to attempt down-zoning on another property. He went on to say that if the lawsuit were successful, the legal cost to the town would outweigh the benefit of re-zoning. This could set a precedent for further down-zoning lawsuits. Mr. Hays stated that additionally, when the Township up-zoned from 5-acres to 10-acres that a key consideration was water quality. He opined that before any type of down-zoning is realized that a thorough water quality survey be done both for the current situation and any projected housing. He

also stated that the Township needs to consider the potential for additional affordable housing if down-zoning occurs.

Mr. Cioppettini addressed Mr. Hays' concern regarding the debt, commenting that there are no programs that will be adversely affected and that the Township plans to be out of debt by 2034 without crippling anybody.

Mayor Diegnan entertained a motion to close. Mr. Cioppettini moved. Mr. Gisser seconded. Roll call vote: All members voted to approve.

11. ADJOURN

Mayor Diegnan entertained a motion to adjourn. Ms. Neibart moved. Mr. Gisser seconded. Roll call vote: All members voted to approve.

Respectfully submitted,
Denise Bobinski
Mendham Township