



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
May 22, 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

- Bond Anticipation Note- Township accepted bids for BAN on May 8th. Memorandum attached showing bids and results – Awarded to TD Securities
- Radon kits are available in the Township Health Department office free of charge to Mendham Township residents.
- The 10th Annual Patriots Race will be held on Saturday June 16th. The race kicks off at 9am and the Kids Fun Runs starts at 9:45 am. The race is followed by an award ceremony, and throughout the day there will be live DJ entertainment and random prize

drawings and refreshments. Funds raised will benefit local causes. This past year a significant donation was made to the playground.

- Registration continues for the Summer Teen Adventures program for students in grades 7 - 10 and is open to all Mendham and Chester residents.
- The Police Department is sponsoring a Cops Kids and Cones event on May 24th at the Borough field from 5:30 to 8pm as part of the Township and Borough communities policing effort.
- Ms. Duarte announced that this is National EMS week, and she thanked all of the volunteers involved with the program.

5. OPEN TO THE PUBLIC ON AGENDA ITEMS

Diana Orban Brown, Ironia Road – Ms. Orban Brown requested that Mayor Diegnan address the various borrowing and bond ordinances, and Mayor Diegnan responded that these items would be addressed at the evening's bond ordinance discussion. Ms. Orban Brown commented that the new format of the agendas was much easier to follow.

Mr. Cioppettini commented that although monies have been set aside for specific items, it does not mean that this money will be spent if it is deemed not prudent to do so.

Bob Wowk, 12 Cooper Road – Mr. Wowk requested that the underlying philosophy regarding bond ordinances be explained since he is questioning whether the debt is being paid down too quickly. Mayor Diegnan responded that this concern will be addressed at this evening's bond ordinance discussion.

Mr. Wowk also expressed surprise that at the last meeting the Friends of Pitney Farm requested to have their proposal reviewed, and he requested an update on the subject. Mayor Diegnan responded that a discussion will be held later in the meeting.

6. APPROVAL OF MINUTES

April 24, 2018, Regular Session – Tabled

Ms. Neibart read two amendments that should be entered into the minutes.

May 14, 2018, Regular Session

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

Ms. Neibart requested that since she just received the minutes today and that they be tabled until the next meeting.

May 14, 2018, Executive Session

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

Roll call vote: All members in attendance approved with the exception of Mayor Diegnan who abstained.

7. RESOLUTIONS

2018-85 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM ALLOWING THE TEMPORARY PLACEMENT OF LIGHTS AT THE MOSLE FIELD

Mayor Diegnan entertained a motion to adopt. Mr. Gisser moved. Mr. Cioppettini seconded. Ms. Duarte expressed that the former Recreation Commission was supportive of the Twin Boro Bears and was glad to see that Mosle is being used for football.
Roll call vote: All members present voted to adopt.

2018-86 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AWARDING MRC, INC THROUGH THE STATE CONTRACT #16-FLEET-00121 FOR RALSTON PLAYGROUND EQUIPMENT NOT TO EXCEED \$182,000

Mayor Diegnan entertained a motion to adopt. Mr. Cioppettini moved. Ms. Duarte seconded.
Roll call vote: All members present voted to adopt.

2018-87 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AWARDING TILCON THROUGH THE MORRIS COUNTY CO-OP CONTRACT #6 THE PAVING AND SEALCOATING OF VARIOUS ROADS NOT TO EXCEED \$700,000

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

2018-88 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE APPOINTMENT OF CAMERON MILLER TO THE POSITION OF SEASONAL LABORER

Mayor Diegnan entertained a motion to adopt. Ms. Neibart moved. Mr. Cioppettini seconded. Ms. Neibart asked that since the resolution was effective on May 21st, whether the individual started working yesterday. Ms. Bonanno responded that he did begin work yesterday.
Roll call vote: All members present voted to adopt.

2018-89 RESOLUTION AUTHORIZING THE MENDHAM TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72

Mayor Diegnan entertained a motion to adopt. Mr. Gisser moved. Ms. Duarte seconded. Mr. Gisser explained that this will generate a bill in time for the August due date and that the final bill with actual figures will be sent out in September. Therefore, adjustments would be reflected in the November payment. Ms. Neibart inquired into the county's process regarding the tax rate, and Mr. Gisser explained that the only missing item is the county's rate.
Roll call vote: All members present voted to adopt.

2018-90 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS

Mayor Diegnan entertained a motion to adopt. Ms. Duarte moved. Ms. Neibart seconded.
Roll call vote: All members present voted to adopt.

8. ORDINANCES FOR INTRODUCTION

None

9. BOND ORDINANCES FOR ADOPTION

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.

Bond Ordinance 8-2018 was introduced for first reading on April 24, 2018. All required advertising has been certified.

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

Open to Public

Ms. Orban Brown stated that Mendham Township is serviced by four tenders in the immediate area, and she questioned if there was a plan in place to handle tender operations if Mendham Township and Chester Township's tenders cannot be repaired as scheduled.

Fire Chief Cooper explained that there are about 40 tenders that can be moved around. Ralston's repair has been postponed until after Chester's carnival in June and that it will take six months to determine what the necessary repair work would be. Chief Cooper confirmed that there should never be a point in time when both tenders are inoperable; however, if for some reason that did happen, there are options for contracting outside services.

Mayor Diegnan opened the discussion to the Township Committee.

Mayor Diegnan addressed Ms. Orban Brown's question regarding the fire pumper. The ordinance authorizes \$350,000, and the additional \$250,000 is the result of monies left over from a 2014 ordinance authorizing funds for fire engine replacement. Money for the tender was approved in the 2017 bond ordinance, and this money has not yet been spent. Mendham Township's tender will be scheduled for repair once Chester's tender is repaired.

Roll call vote: All members present voted to approve, with the exception of Mr. Gisser who abstained.

12. DISCUSSION/PRESENTATIONS

- **Presentation of the Mendham Township School District Budget –**
Dr. Salvatore M. Constantino, Ed.D, Superintendent of Schools
Dr. Constantino's presentation addressed the school board's strategic plan, focusing on creating a rigorous academic environment, a supportive and safe learning

environment, and increasing student interaction locally and globally. A power point copy of the presentation is available upon request.

Ms. Duarte commented that the \$110,000 spent on campus security is money well spent since there is a real concern regarding security at schools. Ms. Duarte questioned how Dr. Constantino viewed enrollment in the long term to which he opined that it may continue to rise slowly and steadily. Ms. Neibart questioned how much was in the capital reserve account, and Dr. Constantino replied that there is about \$434,000. Ms. Neibart also asked if there was any discussion to consider removing \$145,000 to offset the budget increase this year. Dr. Constantino responded that this option was discussed; however, he explained that capital reserve funds have a very specific use and cannot be utilized for that purpose. Ms. Neibart inquired as to whether there were any other reserve accounts, and Dr. Constantino explained that there is an emergency reserve account which has a very specific use as well. Ms. Neibart asked whether the \$145,000 that equates to 12 students was earmarked for kindergarteners, and Dr. Constantino clarified that the \$145,000 is not for 12 students but for the cost of a new kindergarten section. Mr. Gisser added that the cost per pupil that is often quoted by the public is a distorted number and does not truly reflect the actual cost to deliver the high quality of education that is offered. He continued to say that the increase in 2018-2019 budget compared to 2008-2009 budget is not due to inflation but to the fact that there are many more costly items today than there were a generation ago. Lastly, he mentioned that the Township and the Board of Education will work together to avoid conflicting meeting schedules next year.

- **Presentation of the Mendham Township Master Plan –**

Mr. Samuel Tolley, Chairman- Mendham Township Master Plan Committee

Mr. Tolley noted that he wished to speak to the public this evening in order to discuss the Master Plan along with a brief history of the process. He explained that the Mendham Township Master Plan is most likely one of the oldest in the State of New Jersey (about 80 years old) and that it has been updated dramatically over time; however, the strength of the Master Plan has been the consistency and dedication of the people in the past who have always spent the time to do the proper job. In 2000-2001 the Master Plan was completely reviewed and updated and that this should again be done at some point. He opined though that it is not necessary to do this every year or even every ten years. However, the plan can be reviewed to determine which areas should be addressed. He explained that such reviews should be discussed in closed sessions to avoid concern to the public when issues discussed are purely hypothetical. He suggested that it would be most effective to have a joint meeting of the Township Committee, the Planning Board, and the Master Plan Committee, in a public session, to determine how much depth the plan should encompass. Mr. Tolley commented that there should not be a time limit as to how long it takes to complete the plan. The meetings should focus on what needs to be accomplished and how to go about

completing the tasks. He requested that interested parties meet sooner than later with summer being the least convenient time.

Mr. Diegnan thanked Mr. Tolley and agreed that a joint meeting would be appropriate in the fall. Mr. Cioppettini asked Mr. Tolley what the Planner was currently working on, and Mr. Tolley responded that the Planner is addressing the existing plan and noting issues that may need to be changed along with making recommendations. Mr. Cioppettini asked for an example of something the planner has targeted for review, and Mr. Tolley responded that the planner pointed out, as an example, the Township police station, which was cited in the Master Plan as being "perfect." This is the type of thing that should be looked out. Mr. Tolley also stated that something was added to the Master Plan in 2011. He said that things are not static and that the community is changing whereby people may no longer want 10-acre lots or even 5-acre lots. The rezoning in 2001 was based on the Nitrate Dilution Model that limited growth at the time, which people wanted. This is the type of thing that should be thoroughly discussed should the zoning be changed with regards to the legal implications. Mr. Tolley stated that appropriate changes to the Master Plan should be made where it makes sense.

Mr. Cioppettini agreed that a joint meeting is appropriate, and he suggested that the meeting occur sooner rather than in the fall. Mr. Diegnan commented that the Township Committee would cooperate with the Planning Board and Mr. Tolley to arrange a meeting, or more than one if necessary. Ms. Duarte expressed that she agreed with the idea of a joint meeting and an open format since many new ideas are being discussed by new residents.

Mayor Diegnan addressed Mr. Wowk's concern regarding the budget and debt reduction. He reported that the Township is following the Finance Committee's Strategic Plan, which emphasizes paying down the debt to an appropriate level for a town the size of Mendham Township, which should be reduced to a burden of \$5,978,000 by 2024. The current debt as of December, 2017 is \$11,399,913, which is expected to be reduced to \$10,728,487 by December 31, 2018, which is a reduction of \$671,000. If the Strategic Plan continues to be followed, it is anticipated that the debt will continue to be reduced, specifically, by \$988,000 by 2019; \$921,000 by 2020; \$950,000 by 2021; \$663,000 by 2022, \$615,000 by 2023; and \$609,000 by 2024.

Mr. Gisser addressed the question of 'useful life' as it relates to debt, and he explained that the useful life parameters are determined by statute, not by choice, and that a significant portion of the debt is 'consumable capital' such as roads. He added that in trying to reduce the outstanding debt, the 'pay as you go approach' is being used on consumable items. He added that long term debt is a better strategic tool with regard to items that have legitimate long term use such as a new building. Regarding note issuance, Mr. Gisser stated that there would be less of a pay down this year and that notes outstanding went up slightly, which is a result of projects that were originally budgeted and approved in 2016-17. However, with the Ad Hoc report being developed, the decision was made not to spend those monies until the report was complete with those items endorsed. Most purchases have now occurred or intend to be purchased before the next note issuance; as an example, he cited the tender repair and that the associated debt must be issued now so the cash is available for the repair.

Mr. Cioppettini commented that the plan was to be able to provide for the needs of every department with the exception of any new facility. The biggest current need and not part of the budget is the police station, which is functionally obsolete. He added that all financial options with regard to the police station will be researched.

Mayor Diegnan addressed the Pitney Farm situation, recapping the history of the Township's purchase and intended use of the property. Mayor Diegnan noted that at the beginning of the year he had requested that the Friends of Pitney present their strategic plan, making it clear that the current state of the burned out house could not remain. Based on the feedback that the Township has received from the structural engineer and historical architect, there is no historical value left to the farmhouse; however, there is some value left to the gardens, the walls, and the greenhouse that will remain on the open space portion of the property. Mayor Diegnan opened the conversation for the Committee members to express their opinions regarding the remaining 5 acres of the property.

Ms. Duarte commented that she hopes the community will be able to rally support for cleaning up and repurposing the 7 acres of open space for development of a park or gardens.

Mr. Cioppettini entertained a motion for Mr. Mills to draft an ordinance to combine the 1 ½ acres and 3 ½ acres that were subdivided through an application with the Board of Adjustment into one lot and then sell the property at public auction. Mr. Cioppettini would like to see the RFP done in three parts:

1. To auction the 5 acres off as is, where is, in its present state;
2. Accept separate sealed bids from perspective bidders with an alternative bid if the Township was to remove all of the structures if sold as five acres of land.
3. Change the zoning to R zone, which is the zoning that is in the immediate vicinity of the subject property.

Mr. Cioppettini said that a valid bidder whose intent is to purchase the property would be allowed to enter the property and the house with a disclaimer and a \$10,000 good faith deposit.

Mr. Cioppettini continued to say that the Committee would like to authorize Mr. Mills to draft a general resolution authorizing the Township to demolish all the structures should there be no bidders. He said that the first ordinance would be ready for the first reading at the June 11th meeting, and the second reading at the June 26th meeting with a RFP available in the month of July, which would allow for the 30-day statutory requirement.

Mr. Gisser seconded the motion and opened the matter for discussion.

Mr. Gisser stated that he agreed with Mr. Cioppettini's proposal. He added that for the benefit of those residents living in the Pitney vicinity, if the buyer does not use the buildings 'where is , as is', that the Township Committee would do whatever it can to see that the structures are removed. He also supported Ms. Duarte's comments that the community take a stewardship role regarding

the use of the open space.

Ms. Neibart also agreed with Mr. Cioppettini's approach.

Ms. Duarte opined that Mr. Cioppettini's proposal is a good way to move forward because it allows the opportunity for the Friends of Pitney to move forward with their plan, or if there is a buyer who is interested in the property, that they too would have that opportunity. She noted that she felt that the Township Committee should bear some responsibility for the 7 acres and that a group be created who could oversee fundraising for all of the work that needs to be done. She hoped that since the Township does not have a park, that the 7 acres be used for that purpose. Mr. Cioppettini recommended that the Township Committee approach Parks and Recreation for their assistance with a plan. Mayor Diegnan agreed and suggested that this process should move forward, and Ms. Duarte added that since the Recreation Committee is very busy, that other sources should be sought. Ms. Neibart suggested utilizing the proposed volunteer solicitation newsletter that will be included in tax bills as a great opportunity to bring this subject to the public.

Mayor Diegnan entertained a roll call vote on the motion to merge the two properties.

Roll call vote: All members present voted to approve.

Mayor Diegnan entertained a motion to draft an ordinance to allow for an RFP with the terms discussed.

Roll call vote: All members present voted to approve.

Mayor Diegnan entertained a motion for a final roll call vote for Mr. Mills to draft a resolution to demolish the structures on the property should there be no bidders.

Roll call vote: Mr. Cioppettini (yes); Ms. Duarte(no); Mr. Gisser(yes); Ms. Neibart(yes); Mayor Diegnan(yes).

Mr. Gisser requested that the fee schedule that was circulated at prior meetings be presented as an ordinance for first reading at the next meeting.

Mr. Cioppettini reported that at the end of April revenues are doing well at 33% compared to 22 ½ % last year and that expenses are holding at 36% compared to 33%. He commented that this past winter was very difficult due to the weather and that the Township has applied to FEMA to be reimbursed for some of the expenses incurred.

Ms. Duarte mentioned that as part of the initiative to introduce Boards and Committees to residents, there was a first taping on Volunteer Spotlight with volunteers from Mendham TV interviewing Nick Monahan of the First Aid Squad. Brookside and Ralston have added new members. She went on to say that the Ad Hoc Communications Committee is reviewing survey results, and prizes were awarded to some who responded. Survey results will be presented to the Township Committee either during the last meeting of June or the second meeting in July. More than three hundred names were added to the Township email distribution list as a result of the

survey. Ms. Duarte also stated that the Environmental Commission's trail stewards have about 30 residents helping to clear trails and that anyone interested in volunteering can contact Brian Boden at bgboden@gmail.com. Ms. Duarte also mentioned that she learned that the Community of Mountain Lakes started a program to encourage high school students to volunteer on committees. Mendham Township Historical and Environmental Commission's expressed an interest in this initiative, which may be something that can be formalized in the Township.

Mr. Gisser asked Ms. Bonanno to clarify the email that went out to residents regarding the emergency contact system. Ms. Bonanno explained that this is a new system implemented at the county level, and even those who were on the old system would still need to register for the new system. Chief Johnson added that residents on the old Everbridge system can be transferred over for only 6 months, and they will need to register through Smart911. Mr. Cioppettini inquired as to how a person would know that their information was captured by the system. Chief Johnson explained that a confirmation text should be received; however, if anyone encounters any issues, they can certainly reach out to him. Ms. Neibart asked what the Township Committee could do to help get the word out to residents regarding the new system, and Chief Johnson replied that the information is on the website but that word should be spread any way possible. The Police Department will also communicate this through a public notice.

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

Roll call vote: All members present voted to approve.

Diana Orban Brown, Ironia Rd. – Ms. Orban Brown pointed out that the K–8 Board of Education meets twice a month - on the third Tuesday and fourth Tuesday of the month and that the agendas are nearly identical; therefore, anyone who wishes to attend the Board of Education meeting and does not want to miss the Township Committee meeting can attend the Board of Education meeting on the third Tuesday of the month. The Board of Education agenda is posted on their website and is quite detailed. She added that there is a Board of Education meeting on May 29th. Ms. Brown also expressed her appreciation for the resolution of the Pitney project and hoped that the gardens can be transformed into something that preserves the Pitney history.

Peter Dumovic, - Mr. Dumovic thanked the Committee for putting the Master Plan on the agenda and also thanked Mr. Tolley for the update. He agreed that a joint meeting of committees, and especially the addition of public input, is important.

Bob Wowk, 12 Cooper Rd – Mr. Wowk suggested that it would be helpful in future Board of Education presentations if the change in cost per pupil per year would be reported.

Jen Holzberger, 4 Thackery Lane – Ms. Holzberger read a letter to the Committee regarding her concerns about stormwater as a public and environmental concern and how it has specifically affected her property negatively. Additionally, Ms. Holzberger commented on the Township attorney's letter in response to her complaint, which noted that the burden to fix the issue resided

with the homeowner, and she asked the Committee if any partnership with the Township was possible. Mayor Diegnan confirmed that the Committee read the letter that was sent to her, and the decision as stated in the letter stands. Ms. Duarte requested that the letter be forwarded to her since she did not think she had read it.

Susan Browse, 13 Cooper Rd – Ms. Browse, Friends of Pitney, commented that she thinks there needs to be a clarification regarding the historical architect’s report on the Pitney property. She noted that the architect said that if all buildings were removed, then the farmhouse standing alone would lose historical value; however, if all buildings remained, there would still be value. She asked the Mayor if he received an email from Mr. Sletteland, which was a copy of what she presented at last week’s meeting. Mayor Diegnan responded that he did not receive the email nor did he hear her presentation. Ms. Browse then requested that they have a discussion about the opportunity to engage a local developer to bid on purchasing the 5-acre property. Mayor Diegnan responded that there will be an open bid available to the public, and Mr. Mills commented that he thought that he had already addressed her concerns to which Ms. Browse responded that he had addressed them. Ms. Browse stated, however, that she had hoped for a more detailed discussion with the Mayor as a result of Mr. Sletteland’s email, and Mayor Diegnan explained that he could not act as a single individual committee member since the entire Committee needs to weigh in on the matter and that there has been a lot of input on the matter from them. Ms. Browse asked if the developer could present at a meeting, and the Mayor responded that the developer is welcome to speak at a public meeting and that they could also bid on the RFP.

Mr. Cioppettini commented that the Township’s proposal gives the Friends of Pitney, as well as the general public, a path to present options. Mayor Diegnan added that the Committee feels that this proposal is the most fair for all. Ms. Browse expressed that she hoped that in addition to the highest bid there will be consideration to the make-up of the property and what its use will be. Mayor Diegnan commented that much of the historical value will remain from the gardens and the property itself. Ms. Browse stated that the Friends of Pitney and the local developer would be able to turn the farmhouse into a community center, which is a municipal benefit. Mr. Cioppettini noted that the Township has to be guided according to the law. Ms. Browse noted that the 7 acres, which was described by Mr. Cioppettini as an eyesore, was due to the storm damage, and she commented that it will take more than volunteers to clean it up, and therefore the Township should be responsible. She went on to say that after clean up, she hoped that the Township could bring in a water source in order to open the gardens to the public.

Ms. Duarte agreed that the 7-acre rehabilitation will take commitment, and she agreed with Mr. Cioppettini’s remarks that this proposal will give the Friends of Pitney an opportunity to potentially purchase the property.

Patricia Zimmerman, 3 West Main Street – Ms. Zimmerman prefaced her statement with a compliment to the DPW for their good work, but she expressed concern about the property surrounding Town Hall, noting that there are dead trees and weeds.

Mr. Konidaris, 6 Ballantine Rd – Mr. Konidaris thanked Dr. Constantino for his presentation.

Regarding the Pitney property, Mr. Konidaris commented that enough resources have been spent over the years regarding this issue and that the Township has given the Friends of Pitney substantial time, energy and guidance. He added that he is in agreement with the Committee's proposal.

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

Roll call vote: All members present voted to approve.

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

Roll call vote: All members present voted to approve.

14. ADJOURN

Respectfully submitted,
Denise Bobinski
Mendham Township