

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
SEPTEMBER 25, 2012**

Mayor Tolley called the meeting to order at 6:45 p.m. Township Hall, Brookside, New Jersey.

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

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

Mayor Tolley led the Pledge of Allegiance and 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 5, 2012; Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

**EXECUTIVE SESSION**

**RESOLUTION 2012-142**

**AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC**

Matters pertaining to:

Personnel – Employee Salaries  
OEM

Interlocal Agreement - Court Analysis

Contract Negotiations - Emergency Services Rental House Leases

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

The Committee entered into executive session at 6:50 p.m.

The Committee returned from executive session at 7:40 p.m.

Public Hearing – Proposed Ironia Brook Park Subdivision  
97 Ironia Road

Mr. Merkt made a motion to open public hearing. Mr. Cioppettini seconded. All members voted to approve. Public hearing for the proposed Ironia Brook Park subdivision was open at 7:45 p.m.

Mr. Mountain provided an explanation of the Green Acres program. He stated that India Brook Park is currently Green Acres property; however, the Township is working with Conservation Resources to have several buildings removed from the Green Acres restrictions.

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Michael Catania, President of Conservation Resources, explained that 3.6 acres of India Brook Park would be removed from Green Acres and replaced with 92 acres in Randolph Township. The Township would gain control over the buildings and could use them as affordable housing for emergency services personnel. The Township is in discussion with Randolph to allow them to use the kennels as part of their regional animal control facility. Mr. Catania stated that it would be a great opportunity for a shared service, noting that the area has no utility for recreation or conservation.

Mr. Catania stated that the application contained a provision which would revert the area back to parkland if the buildings were no longer utilized. He added that the diversion would not impact the park in terms of recreation potential.

Mr. Catania said that Mendham Township has done an excellent job of preserving between 20 and 25 percent of the Township. Mr. Catania provided background on the purchase of India Brook Park and reviewed the diversion process.

Mr. Catania noted the benefits of preserving the 92 acres in Randolph as open space. The proposed area has more recreational value since it connects to Heinstein Park and Patriots Path. He reviewed the alternatives to the diversion, but felt they were expensive and unreasonable.

The facilities on the property were reviewed. It was noted that the kennels will be used much less intensively than when the Seeing Eye owned the property.

Mr. Cioppettini questioned the acquisition of the land by Randolph Township and Mr. Catania explained that the land was donated by a developer.

The hearing was opened to public comment.

Pat Zimmerman, 3 West Main Street

The map was reviewed and it was clarified for Ms. Zimmerman where each parcel of land was located.

Norm Preston, West Main Street

Mr. Preston questioned which kennels would be utilized. Mr. Catania stated that there are two kennels in the north complex and one kennel in the south complex. While negotiations are still pending, it has been suggested that only one complex will be utilized. Mr. Mountain clarified that there is interest in using the back building only, but Randolph is willing to stabilize and protect the other buildings.

Robert Moss, Bloomfield

Mr. Moss asked for more information regarding the donation of the land to Randolph Township from the developer. Mr. Catania stated that the developer's original intent was to utilize the land as a golf course or residential development; however, when the poor economy made the plans

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unfeasible the developer turned the land over for municipal use. Mr. Moss commented that he could not find the materials in the library or on the website. Mr. Mountain stated that that the material is on the Township website and recommended that Mr. Moss contact the offices on business hours for instruction.

Diana Brown, Ironia Road

Ms. Brown stated that she welcomed the dog shelter at the location and noted that Randolph currently does a wonderful job running their shelter. She proposed moving Mendham TV to the Ironia house and converting the Old Ralston Fire House into meeting space. She noted that the old firehouse is convenient location and a good solution to the Township's lack of meeting space. She encouraged the Committee to think outside the box for ways to utilize the buildings.

Mr. Catania explained that the application frames use of the buildings as residential purposes. Changing the use may delay the application.

Mr. Cioppettini stated that the application should be adjusted as needed to best serve the community, even if it slows the application process.

Mike Brown, Ironia Road

Mr. Brown asked how use of the kennels was designated in the application and Mr. Catania stated they must be used as kennels or for other municipal purposes.

There being no further comments the public portion was closed.

Mayor Tolley noted that written public comments will be accepted until October 9, 2012.

There was a brief discussion regarding cement pads on the property and Mr. Mountain clarified that the property with cement pads is a different location and not included in the diversion.

Public hearing was closed.

**APPROVAL OF MINUTES**

Mayor Tolley called for a motion to approve the regular meeting minutes from August 28, 2012. Mr. Cioppettini so moved. Mrs. Thomas seconded. All members voted to approve.

Mayor Tolley called for a motion to approve the executive session meeting minutes from August 28, 2012. Mr. Cioppettini so moved. Mr. Merkt seconded. All members voted to approve.

**DISCUSSION**

Best Practices Checklist

Mr. Mountain explained that the State requires municipalities to complete a self-evaluation, which must be reviewed by the Township Committee. A question regarding bond repayment was discussed and Mr. Mountain agreed to clarify the appropriate answer with CFO Tim Day.

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Mayor Tolley questioned the status of codification. Mr. Mountain stated that corrections have been submitted and are currently in the review and comment phase. Any changes will be presented to the Township Committee before final publication.

The Committee had no further comments and authorized submittal of the list after clarifications from the CFO.

**Waiver Request – 3<sup>rd</sup> Quarter Tax Delinquency**

Mr. Mountain noted that each request must be authorized by the Committee. Mr. Cioppettini questioned if the Committee had the authority to waive the fees and Mr. Mills was asked to research the matter. The requests will be addressed at the next meeting.

**COMMITTEE REPORTS**

Mr. Merkt stated that the Finance Committee discussed issues related to compensation and status of the FEMA funds.

**HEARING PERSONS PRESENT**

Ted Maglione, 11 Thackery Lane

Mr. Maglione stated that the 10 dog limit was too high and noted that the Ordinance did not address or restrict the number of litters allowed. He stated that a residence on his street has more than 10 dogs, which has affected his property value and will impact selling his home. He added that 10 dogs on each property will affect water quality of surrounding towns and streams. Mr. Maglione noted the restrictions of surrounding towns and urged the Committee to consider lowering the number of dogs allowed.

Dave Lange, 2 Thackery Lane

Mr. Lange stated that granting residents the ability to have 10 dogs will not solve the current problem on Thackery Lane. He felt that the maximum should be lowered.

Erika Kantor, 7 Thackery Lane

Mrs. Kantor thanked the Committee for resurrecting the dog ordinance; however, felt that the limit should be decreased. Mrs. Kantor stated that no Township household has more than five dogs licensed and encouraged the Committee to decrease the limit. There was discussion regarding the penalty provision. Mrs. Kantor voiced concern over proper enforcement of the ordinance. Mr. Mills stated that adoption of the Ordinance will make enforcement easier.

Michael Merritt, Mountainside Road

Mr. Merritt questioned why the problem cannot be resolved by utilizing an existing noise ordinance. He stated that the Township's faulty noise ordinance should be addressed rather than restricting the number of dogs.

Mayor Tolley stated that the ordinance provides an amendment to an existing ordinance, which the Committee feels would provide improvement.

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Mr. Merritt reiterated that the noise ordinance should be reviewed. Mr. Mills stated that, while review of the noise ordinance may be necessary, the problem encompasses more than noise. Mr. Merritt questioned how the Township will determine the number of dogs on each property and Mayor Tolley stated that every dog must be licensed. There was discussion regarding the Township's access to a property to count the number of dogs.

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

**ANNOUNCEMENTS**

Mayor Tolley noted that Brookside Engine Company member Jeffrey Betz was appointed as head of the New Jersey Fire Chief's Association.

**OLD BUSINESS**

**Ordinance Public Hearing**

**ORDINANCE 2012-07**

AN ORDINANCE OF THE TOWNSHIP OF MENDHAM CREATING A NEW CHAPTER 65:  
PROPERTY MAINTENANCE REQUIREMENTS

Mayor Tolley read the ordinance by title and called for a motion. Mr. Strobel so moved. Mr. Merkt seconded. Mayor Tolley opened the meeting to public hearing. There being no comments, public hearing was closed. Mr. Merkt stated that he supported the ordinance due to its narrow scope and detailed enforcement process. All members voted to approve, except Mr. Cioppettini voted no.

**NEW BUSINESS**

**Ordinance Introduction**

**Ordinance 2012-08**

AN ORDINANCE OF THE TOWNSHIP OF MENDHAM AMENDING CHAPTER 5 :  
ANIMAL CONTROL

Mayor Tolley read the ordinance by title and called for a motion. Mrs. Thomas made a motion to introduce the ordinance. Mr. Strobel seconded. Mrs. Thomas suggested lowering the limit to seven dogs. There was discussion on limiting the number of litters. Mr. Strobel agreed with decreasing the limit; however, was uncertain how to limit litters. Mr. Merkt agreed seven dogs was a more plausible number and stated that the decrease should not have a significant impact on residents. All members voted to approve, except Mr. Cioppettini voted no.

This ordinance was scheduled for 2<sup>nd</sup> reading and public hearing on October 23, 2012.

**Resolutions**

**RESOLUTION 2012-143**

AUTHORIZING PAYMENT OF BILLS

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

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**RESOLUTION 2012-144**

**AUTHORIZING REFUND OF TAX OVERPAYMENTS**

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

**RESOLUTION 2012-145**

**AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #11-00002**

**6 ASCOT LANE, BLOCK 127 LOT 75.03**

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

**RESOLUTION 2012-146**

**AUTHORIZING MODIFICATION TO PROJECT SCOPE/LIMITS TO THE PLEASANT VALLEY  
ROAD IMPROVEMENTS PROJECT**

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

**RESOLUTION 2012-147**

**AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT  
SCHOOL BUS REPAIR**

Mayor Tolley read the resolution by title and called for a motion. Mr. Merkt so moved. Mrs. Thomas seconded. Mr. Mountain provided a brief explanation of the contract, adding that the arrangement has proven to be cost effective and successful. All members voted to approve.

**RESOLUTION 2012-148**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH  
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE EAST MAIN STREET  
DRAINAGE PROJECT**

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

**RESOLUTION 2012-149**

**AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC**

Matters pertaining to:

Contract Negotiations - Emergency Services Rental House Leases

Pending Litigation

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

Mr. Cioppettini asked that JCP&L representatives be contacted to report on the changes of the company's infrastructure. Mr. Cioppettini requested that the Pitney Committee be invited to a meeting to present on recent happenings. Mr. Mountain stated that the Pitney Committee already agreed to attend a November meeting.

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Mr. Cioppettini asked for an update regarding the mayors meetings. Mayor Tolley stated that a meeting is scheduled for the 30<sup>th</sup> which he cannot attend. A meeting for only mayors is scheduled for the beginning of October. Mr. Cioppettini disagreed with the mayors holding a private meeting.

Mr. Strobel stated that residents have approached him regarding the August 13, 2012 executive session meeting with Mr. Gagliardi. He asked for permission to discuss the information provided by Mr. Gagliardi and Mr. Mills stated that the information can be provided to residents.

Mr. Cioppettini made a motion to release the executive session minutes to the public. Mr. Merkt seconded. All members voted to approve, except Mrs. Thomas abstained. Mr. Strobel provided a brief explanation of key points discussed by Mr. Gagliardi.

**HEARING PERSONS PRESENT**

Norm Preston, West Main Street

It was clarified for Mr. Preston that the ordinance addressed only abandoned properties. Mayor Tolley stated that the ordinance creates a process to determine if the property is abandoned and if the Township needs to intervene with maintenance of the property.

Mr. Preston stated that the Committee is moving in the right direction regarding the dog ordinance. Regarding the kennels at India Brook Park, Mr. Preston noted that the Seeing Eye was diligent with properly disposing of fecal waste, adding that the Township should consider the same.

Pat Zimmerman, 3 West Main Street

Mrs. Zimmerman stated that seven dogs per household was still too many. She recommended setting the limit at five, with an appeal process in place to grant residents the opportunity to be treated individually and with compassion.

Michael Merritt, Mountainside Road

Mr. Merritt stated that the Township needs a mechanism for enforcement and a proper system to define habitual barking.

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

**EXECUTIVE SESSION**

Upon motion duly made the Committee entered executive session at 10:00 p.m.

The Committee returned from executive session at 11:00 p.m.

**ADJOURN**

Upon a motion made and seconded the meeting was adjourned at 11:05 p.m.

Respectfully submitted,  
Kathleen Potter, Township Clerk