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**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
November 27, 2018  
Regular Session 7:30 PM  
Minutes**

**1. ROLL CALL:**

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

Also present:

John Mills, Township Attorney  
Debbie Bonanno, Township Administrator  
Maria Coppinger, Township Clerk

**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/REPORTS**

Mayor Diegnan made the following announcement:

- Victoria's Baskets & The Unstoppable Girls' Holiday Sale & Bake Sale s- Sunday, December 2nd
- Santa Claus is Comin' to Town! Sponsored by Brookside Engine Co. #1-Sunday December 2<sup>nd</sup> 5pm
- The West Morris Juniors Woman's Club is sponsoring a Luminaria Event fundraiser. The funds will go to the local iCare Organization, which helps purchase gifts for local families in need this holiday season.

Mr. Gisser thanked the crew for their hard work during the snowstorm

Ms. Neibart made the following announcement:

- The Morris County Freeholder Board announced that Morris County is initiating a long-term removal program along the county roads in all 39 county municipalities to deal with the arrival of the Emerald Ash Borer. They have tagged about 3,000 trees and they are hoping to removal about 10,000
- Happy Hanukah to all who celebrate

Ms, Duarte made the following announcement:

- Harmony Brookside will be showcasing the work of local artist Katie Angel on Friday, December 7<sup>th</sup>
- Schiff Nature Preserve is hosting a five mile fitness hike on December 2nd
- Schiff Nature Preserve is hosting a volunteer day to do clean up

- Randolph Animal Shelter is hosting a “Clean the Shelter” day to promote pet adoption on Dec. 1<sup>st</sup>. All adoption fees will be waived.

## 5. OPEN TO THE PUBLIC ON AGENDA ITEMS

**Motion to open to the public**

**Mr. Cioppettini moved. Ms. Neibart seconded.**

**All members present voted to approve.**

Michael Merritt – Mountainside Road – Mr. Merritt wanted to know if there would be an opportunity for the public to ask questions or make comments on the Pitney Farm Seven Acres Task Force presentation.

Bob Wock – Mr. Wock wanted to know if the township expects a good turnout for the Pitney Farm auction. Mayor Diegnan noted that there were two open houses, where interested buyers had to opportunity to walk the property, and several people received bid packets.

Nancy Wilson – Brockden Road – Ms. Wilson wanted to know how the committee determines which roads need to be paved. Mayor Diegnan will responded during the introduction of the ordinance

Mayor Diegnan made a motion to have a public comment section after the Pitney Farm Seven Acres Task Force presentation, where resident can direct any questions or comments to the task force.

## 6. APPROVAL OF MINUTES

Executive Session Meeting of October 9, 2018

**Ms. Duarte moved. Mr. Cioppettini seconded.**

**ROLL CALL VOTE: All members present voted to approve.**

Executive Session Meeting of November 12, 2018

**Mr. Gisser moved. Ms. Duarte seconded.**

**ROLL CALL VOTE: All members present voted to approve except for Mayor Diegnan who abstained.**

## 7. PRESENTATION

Pitney Farm Seven Acre Task Force Committee - Mayor Diegnan introduced the task force.

Patricia Zimmerman, Karen Romweber, Arjan Roghanchi, Juan Peruyero, John Wicklow, Diana Orban Brown (Deputy Chair) and Ed Clark

Ms. Diana Orban Brown led the presentation. The presentation is attached hereto.

The audience asked questions from their seats which made the comments inaudible.

## 8. RESOLUTIONS

**2018-182** Resolution of the Township Committee of the Township of Mendham Authorizing Refunds for Overpayment of 2018 Taxes

**Mr. Gisser moved. Ms. Neibart seconded.**

**ROLL CALL VOTE: All members present voted to approve.**

**2018-183** Resolution of the Township Committee of the Township of Mendham Authorizing the Appointment of Fire Subcode Official/Inspector and Building Subcode Official/Inspector

**Ms. Duarte moved. Ms. Neibart seconded.**

Mr. Cioppettini noted that the long time building inspector will be retiring at the end of the year and the position needs to be filled. Mr. Gisser noted that four (4) individuals would need to be hired to replace this position.

**ROLL CALL VOTE: All members present voted to approve.**

**2018-184** Resolution of the Township Committee of the Township of Mendham Authorizing Expenditures from the Reserve for Pitney for Preliminary Expenses Associated with the Pitney Property

**Mr. Cioppettini moved. Ms. Neibart seconded.**

Mayor Diegnan explained that the funds will be transferred from the reserve account which will be used to take down the dangerous trees. Ms. Bonanno clarified that the money is currently sitting in the Capital Fund and in order for the funds to be spent; it would need to be transferred to an operating account for preliminary expense of the park. It was clarified that the reserves came from the insurance proceeds and will only be used for Pitney expenses. Mayor Diegnan clarified that the trees will be removed immediately because they are considered danger.

**ROLL CALL VOTE: All members present voted to approve.**

**2018-185** Resolution for the Township Committee of the Township of Mendham Authorizing the Payment of Bills

**Mr. Gisser moved. Ms. Neibart seconded.**

Ms. Duarte asked about the reimbursement to the Municipal Alliance Coordinator. Mr. Gisser explained that the receipt showed it was for food.

**ROLL CALL VOTE: All members present voted to approve.**

## 9. ORDINANCES FOR INTRODUCTION

**22-2018** An Ordinance of the Township Committee of the Township of Mendham Amending Ordinance No. 17-2017 Entitled "Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey

***Public Hearing scheduled for December 10, 2018***

**Mr. Gisser moved. Ms. Neibart seconded.**

Discussion occurred on the need for the salary ordinance. Ms. Duarte expressed that the ranges are increasing significant. Ms. Duarte suggested that the salaries for the committee members be eliminated. Mr. Cioppettini expressed that the salaries for committee member have decreased from previous years as well as the eliminations of a lot of perks, like health benefits. Mr. Cioppettini feels that the salaried are at a reasonable level. Ms. Neibart expressed that she also does not receive a salary but it is a personal decision. Mr. Gisser expressed that he uses his township salary to fund significant donations made to countless organizations within Mendham Township.

**ROLL CALL VOTE: All members present voted to approve.**

**23-2018** An Ordinance of the Township Committee of the Township of Mendham Amending Chapter 75 "Affordable Housing" Section 75-4 "Income Limits" and Section 75-5 'Affordability Controls'

***Public Hearing scheduled for December 10, 2018***

**Mr. Gisser moved. Ms. Duarte seconded.**

Mr. Mills explained the reasons that the ordinance is being introduced and also noted that the request came from the Housing Partnership.

**ROLL CALL VOTE: All members present voted to approve.**

## 10. ORDINANCES FOR ADOPTION

**19-2018** An Ordinance of Mendham Township of the Township of Mendham Adopting Chapter 170 (Repealing Chapter 10, Article VI, 10-29) Entitled "Fire Department" of the Mendham Township General Ordinances

***Introduction /First Reading was held on November 12, 2018***

**Mr. Gisser recused himself at 9:00PM.**

Mayor Diegnan noted that Section 170-5b was added to this ordinance at the last meeting. The addition reads "All fire apparatus that is donated or paid for with Township Funds shall be titled and held in the name of the Township of Mendham." Mayor Diegnan spoke with various township officials and the fire departments provided input regarding the addition to the ordinance. After discussion amongst the various group, there was a request to add after the word "donated" to include, "to Mendham Township." The new language should read as follows: "All fire apparatus that is donated to Mendham Township or paid with township funds shall

be titled and held in the name of the Township of Mendham.” Mr. Cioppettini asked if fire apparatus is donated to the Ralston Fire Department does that mean it is donated to Township. Mr. Mills expressed that the donor would have to make his or hers intentions clear and without having researched the question, he would say that it would be a donation to the fire department not the Township. Mr. Cioppettini’s concern is with the sale of a donated apparatus, if the township pays for maintenance fees and fuel expense on a donated equipment then who receives the proceeds. Mr. Mills expressed that it would be separate and that the township would need to come up with an agreement when it comes to those expenses. He expressed that he will not be able to support the ordinance with the change in language. He was trying to put everything under the umbrella of the township. Mayor Diegnan noted that we have adequate checks and safe guards in place in respect to the way the township spends money specifically noting that these expenditures would be reviewed.

**Ms. Duarte moved. Ms. Neibart seconded.**

**ROLL CALL VOTE: All members present, except for Mr. Cioppettini, voted to approve the motion to amend the ordinance.**

Michael Merritt – Mountainside Road – spoke about the vehicles that were donated and partially donated to the fire department. He mentioned when donors donate to a fire department they receive a tax advantage and noted that the advantage may not be there when they donate to the township however a legal opinion should be provided. He clarified that the fire department pays for their maintenance expense on one of their donated vehicles.

Ms. Neibart wanted to know if personal vehicles that respond to emergencies are covered under the Joint Insurance Fund. It was noted that yes, vehicles are covered.

**Motion to adopted ordinance no. 19-2018**

**Ms. Duarte moved. Ms. Neibart seconded.**

**All members present voted to approve.**

**Mr. Gisser returned to the room and dais at 9:15PM**

**20-2018** An Ordinance of the Township Committee of the Township of Mendham Providing for the Milling and Paving of Corey Lane and Appropriating \$320,000 Therefore, Including \$265,000 from the State of New Jersey Department of Transportation and \$55,000 from the Capital Improvement Fund

*Introduction /First Reading was held on November 12, 2018*

**Mr. Gisser moved. Ms. Duarte seconded.**

Mayor Diegnan addressed Mrs. Wilson’s questions regarding how the township comes up with a paving scheduled. He clarified that there is a schedule and there are emergency situations as well. There is a process to apply for grants which is how Corey Lane is getting paved. A lot of it depends on the budget and the price of asphalt.

Motion was made to open the meeting to the public on ordinance 20-2018. Seeing no hands and hearing no voice, Mayor Diegnan closed the public hearing on ordinance 20-2018.

**ROLL CALL VOTE: All members present voted to approve.**

## **11. DISCUSSION**

Mayor Diegnan proposed to the Township Committee to host an open public workshop on December 10 prior to the Township Committee meeting to discuss a draft ordinance to combine the Planning Board and Zoning Board of Adjustment to a Land Use Board.

Mr. Cioppettini suggested having a couple of the professionals, like the Planner, Princeton Hydro and the Township Engineer, attend the workshop for input.

Ms. Duarte has proposed to have workshop sessions because she likes the idea of kicking the tires on concepts versus having it already on the agenda. She would like to see the planner involved in the workshop meeting. She suggested getting some solid research on this, in terms of similar communities, like Mendham, and seeing the approaches that they take.

Ms. Neibart has researched the reasons towns combined the Planning and Zoning Boards into a Land Use Board, noting that the duplication of service and efficiency were reasons behind a land use ordinance. She also noted that there have been a couple of resignations from a board so a full membership can be obtained if both boards are combined. She is comfortable with a workshop discussion.

Mr. Gisser is open with the idea to start with a working group to discuss the Land Use Ordinance.

Mayor Diegnan suggested putting the Land Use Ordinance on the December 10<sup>th</sup> agenda and if after the workshop the boards are in disagreement then the ordinance will be pulled from the agenda.

There was a discussion on the appointment process to these current boards.

**Mayor Diegnan made a motion to host a workshop session on 12/10 at 6PM to discuss a Land Use Ordinance. Mr. Cioppettini seconded the motion. Roll call: All members present voted to approve.**

Mr. Cioppettini attended the New Jersey League of Municipalities Convention noting that Mendham Township is a certified Green Community. He provided feedback on the seminars that he attended.

Discussion between the Township Committee continued on recreational marijuana.

Mr. Gisser updated the public on the dredging project; we have received preliminary results that indicate that the dirt is just dirt. We hope to continue on the project.

Mr. Gisser provided an update on the Sewer East Project.

Mr. Cioppettini updated that public on the finance committee dates.

## **12. OPEN TO THE PUBLIC**

**Ms. Duarte moved. Mr. Cioppettini seconded.**

**All members present voted to move into public session.**

Patricia Zimmerman – W. Main Street –She suggested Mr. Cioppettini run for office in Trenton are his remarks about the league conference.

Michael Merritt – Thanked Mayor Diegnan for allowing the public session regarding the Pitney Presentation. Thanked Mayor Diegan and Ms. Duarte for their efforts on the fire ordinance.

## **13. ADJOURN**

**Ms. Neibart moved. Mr. Cioppettini seconded. All members present voted to adjourn at 10:10PM.**

Respectfully Submitted,

Maria Coppinger  
Township Clerk

Distributed: 1/14/19  
Approved: 1/22/19