



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
September 25, 2018
Regular Session 7:30 PM**

1. ROLL CALL:

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

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 announcements:

- Flu Clinics are shedued for September 26th (am) and September 27th (pm)
- Today, September 25th is National Voter Registration Day
- Well Testing Kits are available for Mendham Township residents on Saturday, October 6th at Town Hall
- The following recreation sponsored programs have been scheduled:
 - Safe Sitter Babysitting Course will be held on October 27th
 - Yoga Program is scheduled for Tuesdays from 9:30 am to 10:30 am at the Brookside Community Club
 - Breakfast with Santa is scheduled for December 2nd from 9:00 am-12:00 pm at the Old Mill Inn
 - Ski and Snowboard Club will offer two programs, Saturday Twilight at Shawnee Mountain and a Sunday Program during the day at Camel Back
 - New program proposed for 2019 - Path Finder Walking Club
 - New program proposed for 2019 - Fencing instructions and Tennis instructions

Ms. Duarte made the following comments:

- The Township Committee will sponsor a session with Rob Walton of Jersey Central Power & Light (JCP&L) on restoring power after a storm. The session will take place on Wednesday, October 17th and the location is to be determined
- Tickets are still available for the Schiff Gala which is scheduled for Saturday, September 29th
- Reminded the public to sign up for Smart 911
- Corn Hole Tournament is scheduled for Saturday, October 6th
- Ralston Store (museum) is open through October
- Mendham TV is accepting announcements for their bulletin board

- Mendham Township First Aid Squad is hosting the Revolutionary Ramble Bicycle Tour on October 2nd which is organized by the Morris Area Freewheelers Foundation

Mr. Gisser made the following announcements:

- A meeting is scheduled on October 1st with Dr. Sal Cosentino, K-8 Superintendent and new school Business Administrator
- Received information on the appraisal issue from the tax assessor which is currently being reviewed
- The New Jersey Infrastructure Bank Project announced this week that Mendham Township Wastewater Treatment Plant Facility Upgrade Community received \$3,730,702 in Water Bank Loans estimated savings to rate payers of \$1,500,964
- Tax bills have been mailed
- Made the public aware of the new vote by mail law

Ms. Neibart made the following announcements:

- reminded the public that there is still time to sign up for a vote by mail ballot
- mentioned the new law about the 48 hour rule for vote by mail ballots – ballots can now be postmark by November 6th and will be counted if postmarked and received within 48 hours

5. OPEN TO THE PUBLIC ON AGENDA ITEMS

Nick Monaghan - 20 West Main Street – thanked the committee and township for allowing the first responders to attend the flu clinic. He noted the personnel changes that are on the agenda and asked how the training aspect will be addressed for the chiefs to implement.

Michael Merritt – asked for clarification on ordinance 17-2018 and the impact of the change from the bid process to an auction process.

6. APPROVAL OF MINUTES

Executive Meeting of August 13, 2018

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

Executive Meeting of September 11, 2018

Ms. Neibart moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

Executive Meeting of September 14, 2018

Mr. Gisser moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

7. RESOLUTIONS

2018-157 Resolution of the Township Committee of the Township of Mendham Accepting the Sum of \$1,798 from the Rotary Club of the Mendhams for the Installation of Three Benches at Ralston Playground

Mr. Cioppettini moved. Ms. Duarte seconded.

Mr. Bill Connelly, President of the Rotary Club presented Mayor Diegnan and the township with a check for the installation of three benches at the Ralston Playground.

Roll call vote: All members present voted to approve.

2018-158 Resolution of the Township Committee of the Township of Mendham Authorizing Bid Advertisement for Snow Plow Contract

Mr. Cioppettini moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

2018-159 Resolution of the Township Committee of the Township of Mendham To Affirm the Mendham Township's Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public that come into contact with Municipal Employees, Officials and Volunteers

Ms. Duarte moved. Ms. Neibart seconded.

Mr. Cioppettini wanted to know how the policy gets communicated to the vendors and contractors. There were additional questions among the committee but it was noted that they would move forward on the resolution since the resolution needed to be adopted by October 1st to be in compliance. It was expressed that further feedback can be provided at a later date.

Roll call vote: All members present voted to approve.

2018-160 Resolution of the Township Committee of the Township of Mendham Adopting Personnel Policies and Procedures

Mr. Cioppettini moved. Mr. Gisser seconded.

Mr. Cioppettini answered Mr. Monaghan questions by suggesting the Township's Risk Manager to schedule at minimum training sessions for all personnel, volunteers, etc. The discussion on training continued among the committee.

Roll call vote: All members present voted to approve.

2018-161 Resolution of the Township Committee of the Township of Mendham Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Cold Hill Road Project

Mr. Cioppettini moved. Mr. Gisser seconded.

Ms. Duarte wanted to know the amount of the grant. Mr. Gisser noted that the grant application is for \$378,723 however it does not mean the township will receive the entire amount.

Roll call vote: All members present voted to approve.

2018-162 Resolution of the Township Committee of the Township of Mendham Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Woodland Road Project

Mr. Gisser moved. Ms. Duarte seconded.

Ms. Duarte wanted to know the amount of the grant. Mr. Gisser noted that the grant application is for \$253,402 however it does not mean the township will receive the entire amount.

Roll call vote: All members present voted to approve.

2018-163 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 payment of the fire extinguishers. Mr. Gisser noted that it is the payment for the annual inspection of the fire extinguishers.

Roll call vote: All members present voted to approve.

8. ORDINANCES FOR INTRODUCTION

16-2018 To Repeal Ordinance 11-2018, Entitled "An Ordinance Township Of Mendham Morris County – New Jersey 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)"

Mr. Gisser moved. Ms. Duarte seconded.

Mayor Diegnan noted that a second opinion was received from counsel that Piney Farm property should be sold by public auction instead of a sealed bid process to reduce the township's risk and to follow the state statute to the letter of the law.

Roll call vote: All members present voted to approve.

17-2018 Authorizing The Public Sale At Auction of Tax Lot 1, Block 131.01 (1 Cold Hill Road – A/K/A The “Pitney Property”), In The Township of Mendham, Morris County, New Jersey Pursuant To N.J.S.A. 40a:12-13(A)

Mr. Gisser moved. Ms. Neibart seconded.

Mr. Cioppettini wanted to know the time frame that the Township Committee has to accept or reject an auction amount. Discussion continued on the time frame and process and it was suggested that counsel provided an exact time frame.

Second reading / public hearing of both ordinances are scheduled for October 9, 2018.

Roll call vote: All members present voted to approve.

9. DISCUSSION/PRESENTATIONS

The Rotary Club of the Mendhams - Presentation of check for the installation of three benches at Ralston Playground – Earlier in the meeting, Mr. Connelly presented a check to the township for the installation of 3 benches at Ralston.

Communications Advisory Committee

Ms. Duarte mentioned the following announcements:

- She will have office hours on Friday
- Mr. Merritt, Mendham TV Board managed to negotiate a lower cost for the 4-year service contract on equipment which will help save the township money
- Meetings are taking place with the fire departments and the fire ordinance is moving forward
- Communications Advisory Committee: Ms. Duarte explained that the Ad Hoc Committee made four recommendations:
 - (1) improve the website - meeting has been scheduled to review the mock up website;
 - (2) create a regular e-newsletter – the first e-newsletter was sent on September 13th and is called Mendham Matters;
 - (3) have the township committee engage more in public events with the community – an information session for the public has been scheduled with Jersey Central Power and Light (JCP&L) and an event at Ralston Playground is in the works;
 - (4) the final recommendation was to create a standing communication committee –an ordinance was drafted and the committee provided feedback, one of the changes is to skinny down the committee to a smaller group. A new ordinance will be presented at the next meeting.

Interlocal Agreement of Sharing Equipment and Personnel Between the Township of Mendham, The Borough of Mendham, The Township of Chester, The Borough of Chester and the Township of Washington in Morris County

- These five towns have consistently attended the DPW shared services meetings. This resolution would solidify the verbal agreements that the surrounding town have with each other regarding the sharing of equipment and personnel. The five towns have agreed to discuss the agreement and they hope to introduce the resolution in January.
- At the last meeting, they discussed the purchase of a miller, inter-municipality paving crew, sharing services for part time positions and looking into a dog park, as well as animal control.

Discussion continued on shared service agreements and recommendations were shared.

Mr. Gisser mentioned that the estimated amount of \$20,000 has been proposed for the dredging of Brookside Beach. Copies of the proposal will be provided to the committee but expressed that there is a time element. Mr. Gisser also expressed that the expense is in the budget. Discussion continued on the expense that the dredging of Brookside Beach would incur including DPW’s assistance.

Mayor Diegnan asked Mr. Gisser and Ms. Neibart to do a presentation on Mendham’s Department of Public Works (DPW) and the job they are doing. He expressed it is important for the community to know what DPW does.

The Pitney Farm Task Force intends to present something at the end of October or early November. Mayor Diegnan expects some input into the budget process for the Pitney Farm landscaping recommendations.

Mayor Diegnan noted that mulch has been delivered to the Ralston Playground, however, due to the weather the installation of bricks have been delayed.

10. **2018-164** Resolution for the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public – Personnel Matters

Mr. Cioppettini moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

11. **OPEN TO THE PUBLIC**

Michael Merritt – Mountainside Road - thanked DPW for working on Mountainside Road. He encouraged the borough to put some investment in some of the roads that we share. Mr. Cioppettini expressed that residents of the borough have expressed their concerns to their elected officials and administrator. Thanked the committee for addressing his question regarding the Pitney Farm ordinance but asked the committee to review the auction process.

Bob Wock – 12 Cooper Road – asked how long the dredging of Brookside Beach would be good for before it would have to be dredged again. Mr. Gisser mentioned that the dredging would be good for 3-5 years, the last time the Brookside Beach was dredged was 6 years ago and it should have been done last year.

Patricia Zimmerman – 3 West Main Street - she asked for a status on an ordinance having to do with small wireless communication. Ms. Duarte has asked the Historical Preservation Committee to come up with points on why an ordinance should be drafted. Ms. Zimmerman noted that several municipalities have drafted an ordinance on small wireless communication and was hoping Mr. Mills could draft a similar one. She provided several reasons for the implementation of an ordinance like the aesthetics. Mayor Diegnan asked Mr. Mills to circulate to Ms. Bonnano the ordinance from Morris Township and they will review it.

Sue Browse – read a letter that was sent to the township committee which is attached hereto.

Anastasio Konidaris - 6 Ballantine Road - thanked the Mayor and the committee (task force) for engaging the neighbors surrounding the Pitney Farm property on their plans for the seven (7) acres. Thanked the committee for reaching out to professionals on their opinion on the auction process.

Peter Dumovic – 3 Shelton Road – He supports the repealing of the first ordinance (16-2018) and the adoption of the second ordinance (17-2018). He wanted to know the status of resolution no. 2018-106, authorizing the administrator to develop bid specifications, since there will no longer be a bid process. Mr. Mills noted that it would be an unfulfilled directive.

Nick Monaghan – 20 West Main Street – He asked that the First Aid Squad be included in the discussions on the fire ordinance, if it includes the use of the two emergency services buildings. He wanted to know when the changes to the personnel policy would go into effect, it was noted in 2019.

Patricia Zimmerman – 3 West Main Street – She expressed that the most frustrating thing is the way the state controls every little thing we do especially in the situation of the public auction process for the Pitney Farm property. She asked if conditions could be put in the bid package for rental properties to be constructed on the property.

Robert Zimmerman – 3 West Main Street – read a statement on the fire department’s siren that has affected his and his wife’s hearing - statement attached hereto.

Township Committee entered into Executive Session at 9:15 pm and returned from Executive Session at 9:25 pm.

Adjourned at 9:30 PM

Respectfully Submitted,

Maria Coppinger, Township Clerk

Distributed: 11/07/18

Approved: 11/12/18

Attachments:

Sue Browe's comments

Mr. Robert Zimmerman's comments

*For information only - **PENDING ORDINANCES***

14-2018 - An Amended Ordinance of the Township of Mendham Amending Chapter 21 Section 2.2 'Zoning Map' (Pitney Property) **Second Reading and Public Hearing Scheduled for October 9, 2018**

15-2018 - An Ordinance of the Township of Mendham Amending Chapter 21 Section 2.2 'Zoning Map' (Shores Road) **Second Reading and Public Hearing Scheduled for October 9, 2018**



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Sue Bronse
9.25.18 mtg

Anthony M. Melillo
Melillo Equities
190 Main Street, Ste. 202
Gladstone, NJ 07934
908-295-7975
MelilloEquities.com

September 18, 2018

Mayor Richard P. Diegnan Jr.
Mendham Township
2 West Main Street
Mendham NJ 07945

RE: Pitney Farm (the "Property")

Mendham Township Committee:

We are writing to affirm our continued interest in Pitney Farm located off Cold Hill Road in Mendham Township.

At Melillo Equities, we strive to achieve our vision of "Communities Redefined" by embracing New Jersey's historical town centers as important chronicles of our shared history. In doing so, we actively pursue projects that encourage open space, social connectivity, and historical preservation. As an example of our dedication to this vision, look no further than The Barns at Vernon Manor. Nestled on a hilltop overlooking Peapack-Gladstone's quaint Main Street, sat a 19th century dairy barn as part of the greater Richard Van Nest Gambrell Estate. Many called for the demolition of this structure, and the subsequent approval for a 10-lot subdivision, in an effort to conform with current zoning ordinances. However, we believed the revitalization and repurposing of this property would better serve the community and its residents. After close collaboration between our professionals and local officials, the property was successfully preserved. Thereafter, revitalization efforts immediately commenced on the original dairy barn, while preparations were made for the construction of 1-bedroom apartments and a standalone 2-family cottage. All apartments were purposely clustered along Main Street so as to maximize the projects open space potential, in addition to intentionally being designed to emulate the architecture aesthetic of neighboring homes. A picture and rendering are attached for your viewing.

Pitney Farm is yet another classic example of a property rich with historical significance, though at risk of being forever forgotten. In recent years, the property experienced rapid deterioration. The Main House, in particular, suffered significant damage. However, we strongly believe the property's view shed, as it relates to the formal garden, barn structures and cottages, is worth protecting and preserving. That being said, it would be our intention, if chosen as the winning bidder, to revitalize all existing structures to their pre-existing use. No additional structures, impervious coverage or density would be proposed in conjunction with our proposed plan. No demolition of structures or access to Ballantine would be required on the towns behalf. All proposed improvements would help provide addition housing opportunities to local empty nesters who have chosen to downsize, though wish to remain within the community.

In addition, we welcome the continued partnership with the Friends of Pitney Farm (FoPF), of whom have wrestled tirelessly in their selfless pursuit to preserve a vital part of



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EQUITIES

Mendham's history. Our proposal would include reserving a small portion of the oldest and most westerly section of the house for historic artifacts and administration of the adjacent Open Space. We have gladly welcomed the idea and believe such a location would only help reinforce the public elements of the property boarding Cold Hill Road, of which encompass the formal gardens and allée.

We appreciate your consideration.

Best regards,

A handwritten signature in black ink, appearing to read "Anthony M.", written over a horizontal line.

By:

Name: Anthony M. Melillo

Title: Managing Partner

RF2 3 W. MAIN

R. Zimmerman
9/25/18 mtg.

Good Evening:

“Quo usque tandem abutere patientia nostra?” For those of you who never studied Latin, this is the opening line of Cicero’s first oration against the evil Cataline, which translated is “How many times at long last will you continue to abuse our patience”. In April of next year, 2019, my wife and I will have lived right across the street for 50 years, a half a century, at 3 West Main St. Brookside and have listened to the dreaded fire/first aid siren for that prolonged amount of time. The siren was a necessity for some time earlier but it is now out-moded and totally unnecessary. At least 85% of Morris county communities have eliminated their sirens.

This past September 5th my hearing finally succumbed to the effects of the siren and I was fitted with necessary hearing aids. As my audiologist points out “There is data showing that consistent exposure to loud sounds over an extended period of time will cause sensorineural hearing loss and it is my professional opinion that Mr. and Mrs. Zimmerman’s hearing loss have most likely been caused due to the exposure of the loud Firehouse siren” The audiologist has provided substantial compendious data from the American Hearing Research Foundation which I am happily supplying to the Township Committee tonight.

It is also extremely important to point out that the siren certainly has a negative effect on the property values of nearby residents. Potential buyers who might hear or even know of the objectionable loud sound of the siren will most probably factor this into their bid of the property

Seven years ago, an Anti-Siren Committee of about ten people which I chaired obtained well over 150 signatures of local residents of Brookside and Ralston who requested that the siren be eliminated. Unfortunately that Township Committee was not able to acquiesce to this as the alarm system then used was the now-antiquated Plectron. I am providing the Township Committee with copies of these signed requests.

I am also herewith providing the Committee audiological evaluations of tests done in June of this year which show the precipitous decline in my wife’s and my hearing.

This request to eliminate the unnecessary siren is in no way a negative reflection on the outstanding performance of our Fire Department or First Aid Squads, of which both organisations my son, daughter, and I were past members. And, more importantly, the elimination of the siren will in no way negatively affect the operation of these two organisations.

There may be a few of you on the Township Committee who may doubt the negative effect of the siren on nearby neighbors. For those that do, I invite you to spend the night in our home to hear first-hand the piercing and penetrating noise of the siren first-hand. You will be provided with a comfortable bed and a breakfast of bacon, eggs, and toast or a fare of your choosing.

It is our sincere wish that the Township Committee will now act promptly on eliminating the undesirable, unnecessary, and objectionable siren. While this request in no way is meant to suggest

legal action, there are those of us who were on the Siren Committee who are hoping that this will not become a last resort.

Respectfully Submitted

Robert F. Zimmerman, Jr.

3 West Main St. Brookside N.J. 07926-0010