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**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
June 10, 2019
Regular Session 7:30 PM**

ROLL CALL:

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

Also present:

Deborah Bonanno, Township Administrator
Karen Fornaro, CFO
Matthew Moench, Attorney
Matthew Petracca, Township Attorney

SALUTE TO THE FLAG

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 8, 2019. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

ANNOUNCEMENTS/REPORTS

Mayor Gisser announced that June is Pride Month and that the Township supports the LGBTQ community. Morris County Freeholders will hold their monthly public meeting here at Town Hall on Wednesday. Mayor Gisser pointed out that some members of the committee will be attending the Middle School graduation on that same night so they will not be able to attend the meeting. The Patriots Race will take place on Saturday.

Ms. Neibart announced that several committee members will be meeting with the Freeholders before the aforementioned meeting so they are happy to present questions to the Freeholders on behalf of residents.

Ms. Duarte announced that registration is still open online for the Patriots Race through Runsignup.com until midnight Tuesday. If that deadline is missed residents can sign up on race day. The 5k starts at 9am sharp in front of the Community Club followed by a kids' fun run on the field. Entertainment includes a dj, bounce house, t-shirts and medals for winners. The event will end with a free pancake breakfast at the Brookside Community Church. Brookside Engine Company #1 requested that three summer safety reminders be mentioned.

1. Residents are urged to be safe and follow guidelines when using outdoor grills. Grills should be kept away from homes and decks when in use.

2. Be careful when setting off legal fireworks. Stay away from structures or brush that can catch fire. Make sure the fireworks are completely put out when done. Discard all materials following the manufacturer's warnings.
3. Be cautious when out on hiking trails, making sure someone knows where you are going, have a charged cell phone with you, stay on the marked trails, and make sure you are capable of completing the hike.

The Brookside Beach will be open this weekend with the grand opening on June 23rd. The beach is free to residents during the week, open 11am to 5pm. On weekends it is \$5 per person, \$8 non-residents. There are family memberships available for \$125 and individual membership for \$50. The beach pond has been dredged and the water is cleaner than ever. The recreation director has events planned and residents will be able to get permission to have adult beverages at their adult parties after hours. Guidelines for the parties are available through David Guida, the recreation director. On Tuesday June 18th the Mendham Stigma Free Task Force will be at the Cops and Cones and Kids event at the borough park. The Task Force is still accepting new members. Ms. Duarte mentioned that many communities are recognizing Pride Month by raising a flag or by passing a proclamation. She had circulated a sample proclamation earlier in the day for consideration at the next meeting since feedback she received from the community indicated that a more official recognition is desirable.

OPEN TO THE PUBLIC

Ms. Neibart moved. Ms. Duarte seconded.

Roll call vote: All members present voted to approve.

Frank Cioppettini- 6 Wright Lane- Mr. Cioppettini mentioned that the Rotary Club of the Mendhams has been advised that they can apply for a \$1500 grant for something that the community may need. The club would have to be advised of the need within the next few months. He also commented on the topic regarding the consent agenda. Mr. Cioppettini felt that the resolutions regarding the mini pumper and the developers agreement should be considered separately and not as consent agenda items. He is also concerned about the amount of money that is being spent on fire equipment and requested that the pumper resolution be deferred. He is concerned that taxes are being raised despite declining enrollment in schools and he would like to see the township stick to the debt management plan. Mr. Cioppettini referred to speculation that there is another building going up in the township. He recommended that residents review a report on the website regarding a post construction analysis regarding a building that was completed years ago which he deemed to be a debacle.

Diana Orban Brown – Ironia Road - Ms. Orban Brown agreed with Mr. Cioppettini that consent agreements are not good ideas and have been abused in the past. She added that if there are items on this consent agenda that would normally be discussed in Executive Session then they should not be approved with a blanket vote.

Mayor Gisser entertained a motion to close.

Mr. Monaghan moved. Ms. Duarte seconded.

Roll call vote: All members present voted to close the meeting to the public.

Mayor Gisser then addressed the concerns raised about the Consent Agenda items. He stated that nothing precludes any degree of discussion on any of the items and that the intent was to be efficient and not to push any of the items through quickly. He added that there will be ample opportunity for conversation and he wanted the record to reflect that he must recuse himself from the resolution 95 concerning the mini-pumper.

Mr. Petracca commented that Matthew Moench, attorney from Mr. Petracca's office, reviewed the developer agreement for Shores road and he spoke with counsel for the developer and he will answer any questions regarding that item. Mr. Petracca reiterated that the reason for Consent Agenda this evening was to be time efficient for both the committee and the public, and that the two resolutions of concern should be removed and separate.

Mr. Diegnan mentioned that it should be noted that David Guida is being hired as a part time recreation director, not full time. Ms. Duarte added that Mr. Guida is actually working fewer hours than the director he is replacing.

Mayor Gisser confirmed that resolutions 2019 - 095 and 2019 -098 are removed from the consent agenda and resolutions 2019-096, 2019-097, 2019-099, 2019- 100 and 2019-101 remain as part of the consent agenda.

Mayor Gisser entertained a motion to break out resolutions 2019-095 and 2019-0 98.

Mr. Diegnan moved. Mr. Monaghan seconded.

Roll call vote: All members present vote to approve.

CONSENT AGENDA

The following items are considered to be routine and non-controversial by the Township Committee and will be approved by one motion. There will be no separate discussion of these items unless a Committee member or citizen so requests, in which case, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

2019 – 096 Resolution of the Township Committee of the Township of Mendham Appointing David Guida as Director of Recreation

2019 -- 097 Resolution of the Township Committee of the Township of Mendham Authorizing the Appointment of Stephen Ryan to the Position of Seasonal Laborer

2019 – 099 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

2019 – 100 Resolution of the Township Committee of the Township of Mendham for Renewal of Club Liquor License – Mendham Golf and Tennis Club

2019 – 101 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

Mayor Gisser reiterated that David Guida as recreation director works part time 10-15 hours a week. Ms. Duarte commented that David Guida has done a great job with Ralston playground events, Girls Night Out, and the Brookside Beach and he brings enthusiasm and creativity to the department.

Roll call vote: All members voted to approve with the exception of Mr. Diegnan who abstained from resolution 2019-100.

2019 - 098 Resolution of the Township Committee of the Township of Mendham Approving and Authorizing the Execution of a Developer's Agreement by and Between the Township of Mendham and Mendham Shores, LLC

Matthew Moench explained that the application was heard in front of the Planning Board who ruled on a land use application. A developers agreement is not an opportunity for the committee to revisit the agreement but it gives the township additional tools to make sure that the developer does what they are supposed to do. This is a performance guarantee.

Ms. Duarte said that she attended one of the hearings when the township committee made a change to one of the zonings and heard the developer's presentation. She felt that feedback was mostly positive from neighbors.

Mr. Diegnan questioned whether everything that was said at the hearing was reflected in the agreement such as a drainage basin. Mr. Monaghan answered that the homeowners association is responsible for repairing drainage problems. There will be no sewer treatment plant. Mr. Monaghan added that this agreement holds the developer to the town's road building standards.

Mr. Diegnan questioned how long the bonds stay and Mr. Moench answered that they will have a performance guarantee initially and once the project is complete there will be another bond for two years.

Mr. Diegnan moved. Ms. Duarte seconded.
Roll call vote: All members present voted to approve.

Resolutions

At 7:54 pm Mayor Gisser recused himself from the discussion of Resolution 2019-095 and turned the meeting over to Deputy Mayor Sarah Neibart.

2019 – 095 Resolution of the Township Committee of the Township of Mendham Authorizing the purchase of a Ferrara Custom Ford F550 Mini Pumper in the amount not to Exceed \$330,000

Ms. Fornaro explained that this purchase is part of the capital plan and was included in the bond ordinance that was passed in May. It is consistent with the debt plan, and the Fire Department has no further plans to make a major purchase over the next few years. Ms. Fornaro added that this is a much needed piece of equipment since there are a lot of driveways in the township that the larger trucks cannot access. Ms. Bonanno added that the original plan also called for Brookside Engine Company to get the mini pumper first but then switched so that Ralston could order the larger truck. Mr. Diegnan mentioned that there was a question from the public about maintenance of this vehicle. Ms. Fornaro answered that it is the Township's responsibility to maintain the vehicle through the fire company's annual expense. Ms. Duarte added that the purchase of the other fire truck is long overdue. Mr. Diegnan asked if the mini pumper was a stock item or needed to be built to which Ms. Fornaro answered that she was not certain but believed it needed to be built. Chief Witzak commented that this mini pumper replaces a 1996 truck and will service the community all year round since it is four wheel drive. He added that it is mostly a stock item and will be able to access properties with hills and gated driveways. The department will work with county dispatch to make certain that they have information on file for those properties that require the mini pumper. Basic pumper maintenance will be done by DPW, which is a cost savings, with the exception of pump testing done by a certified company. The Ferrara manufacturer was chosen because it had the best product to suit the township's needs. This will service the east and west portions of the township as well as a mutual aid company if needed.

Deputy Mayor Neibart called for a motion.
Mr. Monahan moved. Ms. Duarte seconded.
Roll call vote: All members present voted to approve.

Mr. Diegnan commented that one of the recent hires on DPW is a mechanic who can service heavy duty equipment repair which is been instrumental in managing costs that would normally need outsourcing.

Mayor Gisser rejoined the meeting at 8:01pm.

Approval of Minutes

Regular Session Meeting Minutes of May 28, 2019

Mayor Gisser entertained a motion.

Mr. Monaghan moved. Ms. Neibart seconded.

Ms. Duarte requested a change that was read by Ms. Bonanno and the minutes will be formally updated and posted on the website.

Roll call vote: All members present voted to approve.

Executive Session Meeting Minutes of May 28, 2019

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

OPEN TO THE PUBLIC

Mayor Gisser entertained a motion.

Ms. Duarte moved. Mr. Diegnan seconded.

Roll call vote: All members present voted to approve.

Thomas Baio – 21 Northgate Road - Mr. Baio voiced concern regarding the collapse of basins due to stormwater and he asked if the 2 year point of return of the bond be conditioned on a re-inspection by the township engineer to ensure that there is no degradation. Mr. Moench addressed the question by explaining that all inspections must pass to be deemed as complete and then the agreement will come back to the Township Committee to release the performance guarantee at each stage after inspection by the town engineer. This inspection will also occur after two years and be reviewed by the Committee. If there are issues, the Committee will work with the developer for corrections. The performance guarantee is for \$212,916. Mr. Baio expressed that it is important for the township engineer to do a thorough job since there are failures in so many developments. Mayor Gisser commented that the current engineer and the head of DPW are professionals and they are paying close attention to the problems.

Ted Maglione- 11 Thackeray Lane- Mr. Maglione said that he has cycled, walked and driven on Corey Lane and he feels there is a safety hazard at the pedestrian crossing at the golf course. He said the crosswalk is a danger for pedestrians and cars. The narrowness of the road and steep slopes make it difficult to navigate around and there is no shoulder. He added that new signs that were installed identifying the area of the crosswalk are now covered by vegetation and this signpost takes up some space on the roadway. Mr. Maglione feels that this condition is an accident waiting to happen and feels that the walkway is illegal and its sole function is to service the golf course, not the public. He requested that someone from the township go out and evaluate. Mayor Gisser responded that the situation would be looked into.

Mayor Gisser entertained a motion to close.

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to approve.

Mr. Petracca asked if an Executive Session could be added concerning contracts. Mayor Gisser responded that this might be considered depending how the rest of the meeting progressed.

DISCUSSION

□ **Public Safety Town Hall**

Mayor Gisser commented that for many years the police department headquarters has experienced some serious degradation and for a long time there have been discussions about the condition. The Township Committee has held discussions with Mendham Borough regarding shared services however there has been no agreement as of yet. The Borough has infrastructure priorities at this point and although shared services are not ruled out, the Township is not in a position to wait before action is taken. The purpose of this evening is to inform and listen, and it is important that the community trust that the decisions made by the Township Committee are based on the information available to them. Mayor Gisser expressed that for an issue of this size, it was important for the community to be informed. There are three areas that will be discussed. First, what are the exact services that the Mendham Township Police Department provides? Chief Johnson will walk through a presentation describing these services. Secondly, the Chief will also explain what the issues are with the building itself. Thirdly, Karen Fornaro will present a financial summary of the cost associated with the police department services.

Mayor Gisser added that at the end of the presentation, the public would have opportunity to comment. The Township Committee would then use the information made available as well as public feedback to devise specific action plans that can be shared at a later date.

Mayor Gisser introduced Chief Johnson who has been with the Township since 2004 and as Chief since 2017. He is also a resident of Mendham Township.

Chief Johnson's presentation is posted on the Township website and also provided as an attachment.

Ms. Fornaro presented an analysis of revenue vs expense for the police department services which is also posted on the website and provided as an attachment.

Mr. Monaghan commented that the township does not have a facility that can house the police department and something needs to be done now, even though shared services will not be abandoned as a future possibility. He said that the township should outline a commitment to manage change by attrition. He reiterated that feedback from the public is welcome.

Mayor Gisser entertained a motion to open to the public.

Mr. Diegnan moved. Ms. Duarte seconded.

Roll call vote: All members present voted to open to the public.

Monica Smith – 29 East Main Street - Ms. Smith thanked the Chief for the presentation. She expressed concern about speeding on East Main Street and to date there have only been temporary solutions. She added that the 25 mile speed limit is not enforced and she and her neighbors would like to see a permanent fix such as speed bumps, a permanent digital speed sign, technology to capture licenses for ticketing, or limiting commercial traffic. Chief Johnson responded that the police have installed a permanent, movable digital sign and he suggested that residents get together with the department and a traffic engineer to discuss possible solutions. He mentioned that speed bumps have been proven to increase speeding.

Jane MacNeil – East Main Street- Ms. MacNeil also thanked Chief Johnson and reiterated the speeding concerns on East Main. Ms. MacNeil added that she always smiles at the police when they drive by and she would like to see a smile returned once in a while.

Ms. Duarte asked if a sign such as “drive like your kids lived here” is effective. The Chief said he did not know how effective that would be but it could be tried temporarily.

Larry Corsi – 323 Mendham Road - Mr. Corsi asked which municipalities are being considered for shared services and what are the main stumbling blocks. Mayor Gisser responded that conversations have taken place with Mendham Borough and that at the moment their municipality is dealing with other priorities. Ms. Neibart commented that the Shared Services committee has spoken to other municipalities such as Chester Township, Chester Borough, Mendham Borough, Washington Township and that there are possibilities however logistically and logically it would be necessary to share service with a town closer in proximity.

Peter Dumovic – 3 Shelton Road – Below is a narrative of Mr. Dumovic’s comments:

“The Police Department’s primary role is to serve as protectors but the department also has a role to serve as enforcers. Our police officers face risks and challenges every day. They should have our community’s support. As a 22-year resident of Mendham Township, they certainly have my support. In early-2017, I had the privilege of serving on the Township’s Ad Hoc Facilities Committee. Our committee examined the facilities and equipment owned by the Township, including the Police Headquarters on Cherry Lane built in the 1950’s. I would like to reiterate our committee’s key conclusion and recommendation regarding the Police Headquarters; namely: that the police facility was in urgent need of extensive refurbishment or preferably replacement, and that a plan and a timeline for the replacement be in place ideally before the end of 2017.

I would like to conclude with a testimonial on the police interaction with an important stakeholder group in our community, namely our elementary and middle school children. I am a member of the Township School District Board of Education and our Superintendent of Schools, Dr. Sal Constantino, Ed.D. requested I read the following brief remarks at tonight’s Public Safety Town Hall:

(a) ‘There is true collaboration on procedures and physical security. We meet constantly to review our procedures and whether we have the most efficient and safe program we possibly could in response to emergency situations.’

(b) ‘All the officers we come in contact with are professionals and highly engaged in the day-to-day of our students. They look to form relationships with kids, build trust, and spend time in classrooms working with teachers to educate students on important social and developmental issues. Some of these include social media safety, drug and alcohol prevention, and being a good citizen.’

(c) ‘Regardless of the challenges, at a moment’s notice, the Police Department responds to our needs quickly. We are constantly in need of consultation on student issues, additional supervision for early morning, dismissal, or evening events. Whenever we call on them, they always find a way to make it work with their busy schedule and we have come to count on them.’

(d) ‘I am currently in my 13th year as a Superintendent and I cannot remember a time where I had a more cooperative, collaborative, and productive relationship with a Police Department and its leadership. I am most impressed with Chief Johnson and his commitment to Mendham Township and most importantly to our students.’ “

Bruce Nicholson – Ironia Road - Mr. Nicholson recounted his experience with the expediency of the police department’s response to his heart attack in 2016. Within 5 minutes of a call to 911, two police cruisers responded along with EMS and within 13 minutes he arrived at Morristown Memorial Hospital. He asked the committee to consider this benefit when considering shared services.

Peter Staples – 10 Woodland Road - Mr. Staples commended the First Aid Squad and Fire Departments but added that it’s the police who show up in the first critical minutes of an emergency and that is important to people’s lives. He also commended the police officers in the township who he

described to be of high character and solid professionals. He supported the idea of a new building for the police department.

Rick Blood – 32 Tingley Road - Mr. Blood asked if information could be provided regarding the pitfalls of shared services vs. contracted service vs. merging. He also requested to know what options have been discussed for possible sites and costs of a new facility. Mayor Gisser answered that he would describe options in general terms. One is co-locating, which is keeping the agency at a common facility. Another is outright merger, the elimination of two agencies and creation of a new agency which creates an additional layer of governance, which may or may not address efficiency but does potentially address head count through attrition. Mayor Gisser has been advised that this could present complications. He explained that a contract service is the elimination of one agency with another agency providing the service. The limiting factor for Mendham Township to be the providing agency has been the building itself. He added that he felt that the Mendham Township police department is capable of servicing surrounding municipalities, with the proper staffing. The opportunity provided by a contract service is the cost savings, and the risk is the level of service. Mayor Gisser wanted to make it clear that the police department itself is not demanding a new facility, rather, that it is recognition of township leaders and community that the facility is not appropriate for the professional service that the department provides. The Mayor added that there is a broad spectrum of possibilities for a new building but the preference for cost purposes would be to build on land already owned by the Township. He reiterated the importance of community feedback.

Ms. Duarte commented that this is a cost benefit analysis and it is important to maintain the current level of service. She added that she hoped the process is as open as possible with the community.

Ms. Neibart commented that it is important to be up front about the cost of funding a new police station, and to have conversations about what the community is willing to give up.

Mr. Diegnan added that existing land has already been evaluated and that it makes the most sense to use a property or building that the township already owns. He said he would like to have the community feedback with respect to where the community would like to have a police station.

Ms. Neibart added that statutorily, every township needs a police force and therefore options should be discussed.

Mr. Monaghan reiterated Mr. Staples point that in an outsourcing arrangement, the township can be the purchaser, and if that option is chosen, the township should be prepared with an appropriate facility.

Todd Christie- Tall Oaks Court - Mr. Christie shared his positive experiences with the police department and he expressed how comforting it was that the response time was so quick. Mr. Christie commented that he felt shared services would never happen with the Borough, and that if the township residents can help raise money for the playground that they would most likely do the same for the police station. He added that any alteration to current police services would be a detriment to real estate values.

Randy Lee – 24 Oak Knoll - Mr. Lee lauded the service that the police provide and he added that the amount of tax dollars spent on police service is minimal. He supports a new building, and he added that if shared service is determined that the township should be the buyer.

Chad Adler – Glengary - Mr. Adler stated that it was not worth risking losing the level of service that the police provide for the proposed additional tax cost of \$100. He pointed out the cost of the new fire

truck and added that the current condition of the police station is an embarrassment and asked that shared services not be considered.

Ghen Saito – 29 Woodland Road – Mr. Saito outlined how helpful the police department is to the EMS. They are usually first on the scene since they do not have to abide by speed limits and are equipped with narcan, oxygen, and professional cpr equipment. They are an asset to the success of the ELS and ALS with respect to patient survival rate. They go out of their way to help squad members in any way necessary. In his personal experience he finds the police officers to be professional and compassionate.

Mr. Monaghan echoed Mr. Saito's comments from his own experience on the first aid squad.

Brett Ransignola - 23 Hilltop Circle – Mr. Ransignola expressed that from a student's and parent's perspective, the police department is a great asset, and that there was always a level of trust.

Mayor Gisser entertained a motion to close.

Ms. Duarte moved. Ms. Neibart seconded.

Roll call vote: All members present voted to close.

Mayor Gisser summed up the evening by saying that

Mayor Gisser thanked all for attending and for their feedback. He reiterated that the task at hand for the Township Committee, the Police Department, and Administration is to review the community feedback and available options and then return to the residents with a plan.

Ms. Duarte thanked the attendees and added that this was a great opportunity to hear stories about volunteerism and services of EMS and Fire.

At 9:48 pm the Committed entered into Executive Session.

ADJOURN

Motioned by Ms. Duarte and seconded by Mr. Diegnan.

All members voted to adjourn at 10:30PM.

Respectfully submitted,

Denise Bobinski
Administrative Assistant

Distributed: 06/19/2019
Approved: 06/25/2019