



**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
June 23, 2020 VIRTUAL MEETING  
6:00 PM EXECUTIVE SESSION  
7:30 PM REGULAR MEETING  
MEETING MINUTES**

**ROLL CALL**

Mr. Baio Present  
Ms. Duarte Present  
Mr. Monaghan Present  
Mr. Orlins Present  
Mayor Neibart Present

Also, present:

John Mills, Township Attorney  
Bob Casey, Township Administrator  
Maria Coppinger, Township Clerk

**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 3, 2020. The Notice of Change in Meeting Format was given to the Daily Record and Star Ledger on May 5, 2020. Notice was posted on the bulletin board in the township offices, front door of Town hall and notice was filed with the Township Clerk.

**2020-120** Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public

**Motion made by Ms. Duarte on Resolution 2020-120 and seconded by Mr. Monaghan.**

**Motion to call the question made by Ms. Duarte and second by Mr. Monaghan.**

**Roll call vote: All members present voted to approve.**

**ADJOURN TO EXECUTIVE SESSION (CLOSED) at 6:03PM**

**SALUTE TO THE FLAG**

**COVID-19 UPDATE**

Mayor Neibart reported on behalf of the Health Department;

- 112 days since first positive test results.
- New NJ COVID-19 Cases: 382
- Total NJ COVID-19 Cases: 169,734
- Total Morris Cases: 6,727
- Total Morris Deaths: 642
- Mendham Township COVID-19 Cases (as of 6/22): 39
- 0 confirmed positive COVID-19 related deaths in Mendham Twp.
- New NJ COVID-19 Deaths: 57
- Total NJ COVID-19 Deaths: 12,949
- Hospitalizations: 1,092
- COVID-19 Patients & PUIs in Hospital Critical Care or Intensive Care: 307
- COVID-19 Patients & PUIs on Ventilators: 216
- New hospitalizations: 50
- COVID-19 Patients & PUIs Discharged from the hospitals: 48 (excluding deaths)

Testing Sites:

- More than 255 locations in the state to get tested.

Guidelines regarding contact tracing will be forthcoming from the Governor's office. The county has received approval to hire additional staff for tracing and testing. Continue to use face coverings. The

Morris County site will close on Friday due to the decrease in appointments and increase of testing locations throughout the state.

### **PRESENTATION**

Mendham Township Library - Peter Colford, President of the Mendham Township Library Board joined by Cindy Flanagan, Board Member. Their objective was to present information regarding the New Jersey Library Construction Bond Act; in 2017 New Jersey approved by popular vote allocating one hundred twenty-five million dollars to be used for multi-purposes regarding libraries. The purposes include building a new, refurbish or expand a library. The program is a 1:1 match of state and local dollars.

The Library Board felt the timing was right to submit a grant application since Town Hall is going through an Engineering study, potentially, relocating the library and police headquarters. It was noted that with the pandemic, there is migration of people coming to greener climates so it makes Mendham a pretty attractive destination.

Ms. Flanagan noted that there are 6 potential uses for the money under this grant which include acquisition of land, acquisition of municipal owned building or to purchase a building. Ms. Flanagan provided information on the grant process. It was noted that it's important to have an architect with knowledge of the grant application process. Mayor Neibart explained that Cornerstone Architect, who was hired to evaluate the police headquarter construction project, has knowledge with the grant process.

Because this grant submission is time sensitive, it was noted that the process should start in October or November.

Mr. Orlins expressed that it sounds like we are rushing into an opportunity to spend a lot of money, He mentioned the town is shrinking, ratables are down 12%, tax rate is up 40%, library usage nationally is down / flat. He asked, how do we justify spending a significant amount of money on new, improved, upgraded or renovated library.

Ms. Flanagan explained that library usage is not typically flat and referred to a New York Times article that says the opposite. She noted that libraries are really the draw for new residents and in terms of residency being held flat, they know it's going to change as a result of the pandemic. Although, library usage might be down in one way, it's not down in different ways. Part of the compelling reason for the application and what they are really looking for, is how is your library going to serve the residents in the future. She expressed that a community center is lacking in Mendham Township which we can coordinate a library and have a lovely community center for the residents to meet.

Mr. Orlins expressed that we need to see the whole package before we proceed. He expressed that the focus should not be on the library but what is the real core need for this renovation and architect study - the library is some sort of ancillary project.

Mayor Neibart noted that the final report from the architect should be available in mid-July. She mentioned that there is a possibility that we would not be able to house 3 different departments into Town Hall.

Mr. Baio clarified by noting, if the town is looking to do something bigger, whether it be a police facility building, building improvements in general, that this library grant could be one of the mechanisms to help fund the overall project.

### **HISTORIC PARK AT PITNEY FARM**

Ms. Diana Orban Brown gave an update on the activity at the Historic Park at Pitney Farm:

- The project is slightly ahead of schedule.
- There were four meetings with the Steering Committee including a first quarterly meeting held last week with the stakeholder group, representatives from the Steering Committee, Environmental, Friends of Pitney Farm, Historic Preservation Committee, Police Department, Public Works, Pitney Farms Homeowners Association, Recreation Department and the Tree Protection Committee. There was an additional person that Pat Zimmerman from Historic Preservation had a meeting with, who very much wants to do the walled garden. He wants to take charge of the walled garden which is not part of the grant process so we very excited that he is going to lead that effort.

Ms. Orban-Brown introduced Mr. Ed Clark, Landscape Architect and Denis Keenan, Township Engineer. Mr. Clark gave a presentation on the Historic Park which he has been involved in since the concept phase. He noted that the plan being presented is the key starting point to what is going to remain and what is going to be removed particularly in the way of tree work. He noted that a large part of the project is working with the existing trees.

The Historic Park will have a walking trail the length of approximately ½ mile with benches along the path. The trail can be used for walking, jogging and by parents with strollers. The parking lot accommodates 13

parking spaces, the previous plan was 9 parking spaces with 2 handicapped spots. It was noted that there will be an increase to handicapped spaces from 2 to 4 because the park will be handicapped accessible. The committee is moving as quickly as possible, putting together the bid package and hoping for a soft opening around Labor Day 2021.

### **ANNOUNCEMENTS**

Mayor Neibart made the following announcement:

After hearing the public's comment made at the last meeting, the township committee has decided to engage a third-party attorney for a fact finding in regards to the excess flows coming out of sewer east. Additionally, Mayor Neibart asked the HOA of the Drakewick Community to make it a priority to find every single lateral in Drakewick from now until Labor Day. She explained that the Township will camera all the laterals, in the Fall, to see where the excess flows are coming from, since this is the time the water table is higher. She explained that right now we are going through a dry season and the water table is not as high.

Mr. Monaghan made the following announcements:

- The Library is open, curbside delivery started 6/15, hours are 10-4 Monday thru Friday.
- The primary election is on July 7<sup>th</sup>, which is primarily vote by mail. All in-person voting will be done in Brookside, the Ralston Bay will not be open for voting. District two will have to come over to Brookside if you want to vote in person. If you decide to vote in person you will need to use a provisional (paper) ballot.

Mr. Orlins commented that there are a lot of parents, who are still very concerned about whether the children are going to have school in the fall, live in-person school. He encouraged anybody, if you want your child going to school K-12, next fall, go to NJ.gov or go directly to NJ Department of Education and let them know how you feel.

Ms. Duarte made the following announcements:

- Stigma-Free Task Force met and decided to focus in June on Pride Month so several banners were purchased.
- Environmental Commission will host a zoom webinar featuring Chris Neff, titled "Birding in Mendham" on July 16 at 7 PM.
- Mendham TV is offering students with summer opportunities with editing, filming even fund-raising publicity, they ask that you send an e-mail to [info@mendhamtv.org](mailto:info@mendhamtv.org).
- Reminded everyone that Brookside Beach is open.

Mayor Neibart noted that the membership for Brookside Beach exceeded last year's membership and the beach reached (social distancing) capacity on opening day. She also announced the 3<sup>rd</sup> drive-in movie on July 12<sup>th</sup>. There are a lot of events happening in the Township for the 4<sup>th</sup> of July celebration. This year the parade was cancelled but several stakeholders put together a drive-by-parade. Then the celebration will continue at the beach, with fireworks at Mosle Field starting at 9:15pm. Gates will open at 6:30 pm. Registration is open to all Mendham Township residents and non-residents can register starting tomorrow.

**Motion to open the meeting to the public made to Ms. Duarte and second by Mr. Orlins.**

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

### **In-Person Comments:**

Rich Diegnan – 40 Walsingham Road – Thanked Diana Orban-Brown for the work at Pitney Park. Mr. Diegnan spoke on putting the vendors of the sewer plant on notice and the importance to do so. He thanked Mayor Neibart for listening to the Drakewick Community's input on getting third-party counsel involved which he expressed is a very important step. He noted that there needs to be a set of facts presented.

### **Comments from Attendees on Zoom:**

James Puleo – 65 Walsingham Road – He discussed the direction and lack of information from the township regarding the sewer plant. It was agreed that the Township and Drakewick would share information and try to move the boat forward together rather than fight and talk 'lawsuits.' He requested the data showing the flows and has yet to see a response. He expressed that the data is available but no one is sharing the information. He noted that it is time to put the Engineers, that designed the plant, on notice and make sure we protect ourselves and the City from any additional costs that are related to those flawed designs and that we start sharing data soon.

Carl Perri - 44 Walsingham Road – He expressed that the system is flawed. He believes there is also a negligence claim associated with what occurred during the design and implementation of the maintenance and faulty workmanship. He believes the town has a breach of contract claim; the town did not get what they bargained for and the town did not get the warranty. He expressed, this is very simple, when this

system was failing, there was a contract to provide a new sewer system and that new system needs to work for all residents which it is not working.

Alice O'Mahoney – 21 Langford Drive – She asked the Mayor to repeat her statement that was made in the beginning of the meeting about informing the head of the Home Owners Association. Mayor Neibart explained that everyone in Drakewick needs to identify their laterals between now and Labor Day. So, in the fall that township is able to camera they system.

Catherine Tafaro - 15 Walsingham Road – She expressed her frustration with the issue around the failing septic system.

Anish Bhimani - 10 Wainwright Road – Mr. Bhimani thanked the committee for their excellent work on the Pitney Property and also for the Recreation's efforts during the pandemic. He has lived in Drakewick for 17 years and the septic has been an issue the entire time. This is the 3<sup>rd</sup>, maybe 4<sup>th</sup>, time we are having this conversation and the 3<sup>rd</sup> time we are faced with a non-functioning system and rate increase. He provided a history about the failing system. He is encouraged by the progress over the last couple of weeks. He would love more communication to see this issue through.

Stephen Bernt – 9 Wainwright Road – moved to Drakewick 20 years ago. He also expressed his frustration with the failing system and supports the comments made by the other neighbors. He read a passage from a letter that was written in 1996 from the Mayor of Mendham, Bob Pierson, to the residents of Drakewick. In the letter, Mayor Pierson explained that the Township was taking over from the developer and owning, operating and maintaining the Mendham East Sewer Treatment Facility. He also expressed that the Township Committee has intent to operate the system at the least possible cost to property owners. The letter noted that the township is making every effort to hold a necessary rate increases to a minimum. Mr. Brent expressed that the Drakewick Community would love it, if the Township Committee could uphold the spirit of those statements that were made 24 years ago. As you have heard, and you know the history, it has not lived up to that promise. Since that time there has been a repeated pattern of operational problems, cost overruns and fiscal mismanagement.

Edmund Barry Doyle – 69 Walsingham Road – Presented a history of the septic system and his concern with the failing system.

Brian Boden – 41 Walsingham Road – He expressed that we have to work jointly and make sure everyone gets all the communications. He noted that the township cannot charge everyone some kind of a surcharge forever. He expressed that the township has to find a solution and that it's not a really complicated system. Mr. Boden provided history on the sewer treatment plant and the issues that occurred throughout the years.

Adam Matteo – 14 Trimmingham Court – Thanked the committee for taking the time to really investigate and explore and to gather more facts which is encouraging to see. He asked that the committee include in the fact finding a better clarity around what is meant by excess flow. He noted that asking the Drakewick Community to pay for excess flows without further information becomes a very ambiguous definition, one which seems unreasonable to ask the residents of Drakewick to be responsible financially without that information.

Josh Cohen – 24 Devonshire Lane – Spoke on the septic system noting that the system was never designed properly. He expressed that we need to follow it through and get it done this time.

Meghan Marino - 9 Trimmingham Court – Thanked Bob Casey, Mayor Neibart and the Township Committee for listening to the concerns of the Drakewick residents and for looking further into the issues to help get the sewer issues resolved. As a resident of Drakewick and as a Trustee of the Homeowners' Association, she mentioned a few points:

First, the association spoke with Mr. Casey about the excess flows to the plant, which he noted that the plant has a 22,000 gallons per day capacity and when it reaches 24,000 to 25,000 gallons it clogs. She expressed that this doesn't make sense to her, according to a presentation that was prepared by Onsite Engineering and that was commissioned by Mendham Township in 2015, the old plant was designed to process 40,000 gallons per day and on average received recorded flows between 20,000 – 25,000 gallons per day. She continued, that when the evaluation was done in 2015 to up-grade the plant, the documentation showed the proposed design could actually accommodate up 62,500 gallons per day so it appears that (inaudible) hasn't even changed over the year. She asked that with this information, why are we paying for additional pumping and hauling or what has changed. Ms. Marino noted that the HOA requested, but has not received a response, documentation of the actual capacity of the new plant and the flow data. She asked again if the documentation could be provided to them.

Second, the proposed design was anticipated to decrease the operations budget for Sewer East by approximately 40% upon start-up of the new plant. She asked if the township committee has seen the decrease in the budget because the need to charge residents for additional pumping and hauling does not support the previous statement. She asked, if anyone is auditing the finance. She expressed if they are being asked to pay for overages then we need more checks and balances in place. She proposed that the township provide a quarterly report or presentation about the plant operations and financials to the residents.

Third, Ms. Marino heard from a concerned resident, who is on a fixed income, about how additional charges for the sewer would negatively impact her budget. She expressed that it doesn't seem right that our neighbors may get to the point that they have to sell their homes because they can no longer afford to live in Drakewick due to the extra charges because of someone else's negligence. Also, potentially having difficulty selling their home because buyers don't want to buy into the sewer saga.

She asked the Township Committee to not pass the ordinance to add a surcharge to the sewer bills. She also asked the Township Committee to hold the appropriate parties accountable.

**Motion to close the public portion motioned by Mr. Orlins and seconded by Mr. Monaghan**

**RESOLUTIONS – CONSENT AGENDA**

The following resolutions were submitted to the Township Committee for review and were adopted by one motion.

**Mayor Neibart opened the meeting to the committee for any questions or discussions on resolutions 2020-121 through 2020-125.**

**Motion to adopt resolutions 2020-121 through 2020-125 was made by Ms. Duarte and seconded by Mr. Orlins.**

Ms. Duarte wanted to thank Rich Cotter for his service on the Environmental Commission and thank Martin Slayne for stepping up as the new chair.

**Motion to call the question made by Ms. Duarte and second by Mr. Orlins.**

**Roll call vote: All members present voted to approve.**

- 2020-121** Resolution of the Township Committee of the Township of Mendham Authorizing Return of Overpayment of Taxes due to NJ State Tax Court Judgement
- 2020-122** Resolution of the Township Committee of the Township of Mendham appointing Martin Slayne as Chairman of the Environmental Commission
- 2020-123** Resolution of the Township Committee of the Township of Mendham awarding Fire Fighter One through the state contracts 17-fleet-00819 for the purchase of self-contained Apparatuses not to exceed \$60,000.00
- 2020-124** Resolution of the Township Committee of the Township of Mendham Authorizing the Signing of Government Energy Aggregation Agreement effective March 31, 2021 and Amending the current Energy Aggregation Program for a two-month extension
- 2020-125** Resolution of the Township of Mendham Authorizing the Payment of Bills

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**RESOLUTION -REGULAR AGENDA**

- 2020-126** Resolution of the Township Committee of the Township of Mendham Declaring an Emergency in Sewer Utility East

**Motion made by Mr. Baio and seconded by Mr. Orlins.**

Mr. Casey explained the Township has spent approximately \$42,000.00 on the excess flows that have been removed from the plant thus far. The amount was not budgeted in the 2020 budget since the issue was not known at that time. We are suggesting for the Township Committee to approve an emergency appropriation which is in essence borrowing money from next year's budget. The Township has paid three of the bills with just one remaining that came in, yesterday, for the May pumping. He explained that the rule is, whatever you do not use you can cancel in December so it does not carry forward. If we do not spend any more, we can cancel \$8,000 of it, if you figure out an alternate way of funding it, you can cancel it out. He noted that at this point in time, we recommend that you provide the funds so you can pay the bills. An emergency appropriation (inaudible) into the next year's budget if in fact we do this and then you basically bill for some of that usage. Those excess money becomes available next year and it pays for the

emergency. What we are doing is like a bridge loan for lack of a better term, that we establish a bridge loan at this point in time to pay the current bills and that bridge loan is due and payable next year in the budget.

Mr. Baio asked if Mr. Casey would characterize the emergency appropriation as no other choice.

Mr. Casey noted that, if we take every bit of available cash now, we can pay it. However, the reality is, we know that there are ongoing bills so we are going to be short at the end of the year. If we are short at the end of the year, then, we will have a deficit that will carry forward which affects next year’s budget. He noted that any way we look at it, you have to address your current expenses so rather than waiting for us to run out of money, we are suggesting to fund it now. Then cancel whatever you don’t use and it falls forward to next year.

Mr. Baio expressed that it sounds like there are not many choices. Mr. Casey response there really isn’t.

**Motion to call the question made by Mr. Baio and second by Ms. Duarte.**

**Roll call vote: All members present voted to approve.**

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**ORDINANCE 07-2020 AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, SUPPLEMENTING ORDINANCE 2017-14 ESTABLISHING THE SEWER SERVICE CHARGES FOR THE MENDHAM EAST WATER POLLUTION CONTROL SYSTEM**

**WHEREAS**, Ordinance 10-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Establishing Sewer Services charges for the Mendham East Water Pollution Control System” established sanitary sewer service fees to be charged to the owners of properties served by such system; and

**WHEREAS**, Ordinance 10-96 was amended by Ordinance 17-97, Ordinance 21-2003, Ordinance 28-2006, and Ordinance 14-2007, ordinance 15-2015; and ordinance 2017-14; and

**WHEREAS**. The Sanitary Sewer System is experiencing sewage flows in excess of the capability of the Sewer Treatment Plant requiring these excess flows to be taken to an alternate sewage facility for disposal; and

**WHEREAS**, under ordinance 2019 – 08, entitled “An Ordinance of the Township of Mendham amending and supplementing chapter 272 entitled Sewers, Article iv Use of Public Sewers”, the expense of properly disposing of the excess flows that can be identified as coming from specific residences, can be charged to the owners of those residences are liable for the expense of properly disposing of the excess flows; and

**WHEREAS**, the cost of disposing of these excess sewage flows not chargeable to specific users was not included in the calculation of the costs to be recovered from the standard operation of the Sewer Treatment Plant (East) since these costs are intermittent and unpredictable.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Mendham, County of Morris, New Jersey, that Ordinance 2017-14 is revised to read as follows:

**SECTION ONE:**

1. The owner of every property connected to and served by the Mendham East Water Pollution Control System (a self-liquidating municipal utility established by Ordinance 8-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Providing for the Acceptance of the Mendham East Water Pollution Control System and its Operating and Maintenance by the Township as a Self-Liquidating Municipal Utility”) shall pay to the Township an annual service charge in accordance with the following schedule:

<u>Property Use</u>	<u>Annual Service Charge</u>
Single-family dwelling unit and Condominium dwelling unit:	
1 Bedroom Dwelling	\$1,033
2 Bedroom Dwelling	\$2,067
3 Bedroom Dwelling	\$3,100
4 Bedroom Dwelling	\$4,134
5 Bedroom Dwelling	\$5,166

2. If the sewage flows to the Sewer Treatment Plant should exceed the design and NJDEP permitted plant flows and cannot be attributable to specific users, and these excess flows must be disposed of in alternate sewage treatment facilities in accordance with the regulations of the New Jersey Department of Environmental Protection, then the cost of the disposal of these excess flows shall be added to the quarterly bill to be rendered to all of the Utility customers. These added cost shall be shared by the utility customers pro rata in accordance with the individual customer's existing share of the quarterly charge established in Paragraph 1 of this ordinance.
3. The annual service charges provided in Paragraph 1 of this ordinance plus the excess flow charge provided in Paragraph 2 of this ordinance shall be billed by the Collector of Taxes of the Township and be due and payable quarter-annually on February 1, May 1, August 1 and November 1 in each and every year.
4. If any bill for service charges remains unpaid after the due date, the amount due shall bear interest at the rate of eight percent (8%) per annum up to \$1,500 and eighteen percent (18%) over \$1,500. No interest shall be charged if payment of any quarterly service charge is made within the tenth calendar day following the date upon which the quarterly service charge became due. Service charges, and any interest thereon, provided by this Ordinance shall be liens on the respective properties against which such charges are made, and the payment may be enforced in the same manner provided for the collection of taxes.
5. All service fees received by the Township pursuant to this ordinance shall be dedicated revenues to adequately meet the managerial, professional, overhead and all other operating expenses of the Mendham East Water Pollution Control System in accordance with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et.seq.
6. The rate structure established herein shall be effective January 1, 2018 and continue thereafter until amended or modified.

**SECTION TWO:**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

**SECTION THREE:**

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FOUR:**

This ordinance shall take effect upon final passage and publication thereof as provided by law.

**Motion made by Mr. Baio and seconded by Mr. Monahan**

**Motion to open the public portion made by Ms. Duarte and seconded by Mr. Monaghan**

James Puleo – 65 Walsingham Road – Asked for clarification on the process and ordinance which was provided.

**Motion to close the public portion made by Mr. Baio and seconded by Ms. Duarte.**

Mr. Monaghan expressed that it's a difficult ordinance to have to pass, noting that nobody wants to do this so we really need to get to the bottom of the issue. He also noted that there are a lot of questions that we need to get to the bottom of. He expressed that that township does not have any choice but to pass this ordinance.

Mr. Baio agreed with Mr. Monaghan's comments, that there isn't any choice on the ordinance. He expressed that we need to have a fact session so the residents are on the same page as to why we are doing this. He also expressed that it is not an individual issue against Drakewick, we are maintaining the public good here and no one knows what facts are surrounding it.

Ms. Duarte agreed with what's been said, she appreciates all the commentary from the residents not only from this evening but at previous meetings. She did reach out to the President of the Home Owners Association and had a conversation as well and obviously we did inherit this problem. This goes back to when the letter that was read from a Mayor who sadly passed away so that's how far back this goes.

Ms. Duarte heard a couple of things in the commentary in addition to all the technical discussion around the sewers and the flows. She noted that one of the themes was communication and also that we are in this together. Ms. Duarte suggested creating a structure that would improve communications going forward. She is not sure what that would look like whether some sort of committee that we might create but just to make sure as problems come up that there is that on-going communications with Drakewick residents. She expressed that she will vote in favor of the ordinance but it is a really tough situation, no one wants to see their fees going up but we have to get to the bottom of this.

Mr. Orlins will vote for the ordinance. He commended Mayor Neibart and Bob Casey, they do have a plan, they have invested a lot of time getting us to the point where we are now so we know the way forward to get the facts this time. He noted that in the end we will have, hopefully, some answers to why we have this issue with the sewage plant and how to fix it.

Mayor Neibart expressed that this is a horrible situation but will vote in favor of the ordinance. She noted that it is important to know that we all have the same facts which is why it's prudent to have this fact-finding mission with third-party council. Additionally, we spoke at executive session about having weekly communications with the HOA regarding how much water is coming into the equalizer tank and/or how much we are hauling and pumping.

Mr. Casey explained that on June 18<sup>th</sup> we were able to get a company to come in with the equipment capable to travel up the sewer pipe from the pump station to the rear of Devonshire Road which is where part of the sewer line comes in, it is about 700-800 feet. He made the following observations:

- We televised the entire line, it went through 6-man holes, it televised all the man holes, the film shows that the line is sound.
- All the gaskets are visible and sound. There is no deflection in the pipe, no break in the pipe which is down about 15-18 feet so it is really into the water table. So that portion of the system appears sound.
- If you recall the remainder of the system was televised a year ago (May/June of 2019) and that part of the collection system other than the area that he just went through was also televised and was found to be in a sound condition.
- It appears the collection system is solid; it is not showing leakage.
- He reported that starting at the very end of May, early June the flows into the treatment plant have dropped down to approximately 20 to 22 thousand gallons a day. The normal dry weather flow that the plant operates is about 18 to 19 thousand gallons a day which basically is the sewage component part of the water coming in. The plant for the past three weeks has been operating right at the norm.
- The current plant is basically permitted by DEP at 22,000 gallons per day which DEP says is the maximum sewage flow that should come through that plant. The plant is designed with a regulatory at the entrance of the plant so that the flow into the plant is a constant flow which can be handled by the sophisticated membrane system within it, so, for at least 8 or 9 months of the year, the plant functions in that fashion. However, what happened in the last two years is that the wet weather, the plant received 26-27 thousand gallons. The cause of the problem has been that the plant has had to export, i.e. pump out and ship to another sewage treatment plant about 4-5 thousand gallons of sewage, a couple times a week. The amount coming into the plant with its combine sewer flow plus ground water flow. During wet season we are probably getting on a very bad day, 5-6 thousand gallons and that sounds like a lot but it is only 3-4 gallons a minute. We are dealing with relatively small flows but the flows coming into the plant during wet weather exceeds the design capability of this particular plant.
- The above leads to the conclusion that the issue is coming into the collection system from the property owners. It could be a leaky lateral in the ground, it could be a sump pump, it could be down spouts. It could be any number of issues which is basically importing storm water into the sanitation system. That is why the plan is to be ready when it starts reoccurring in the fall of 2020, that we have capability going out there and examine the flow in every sewer lateral. If we see a high flowing sewer lateral, then we talk homeowner and be able to see what is going on in that house. That is the only way we can find the issues out there, property owner may not even know they have a crack in their pipe, so we got to find those cracked pipes or we got to find these areas that have a connection between maybe a perimeter drain or whatever the case is. But it seems to be the problem in the sewer system is the importation of ground water into the sewer system which we think is coming off of private property.

Mr. Monaghan commented that we need to look at the previous design and data of the flows. If the plant was under-designed then we need to go back to the designed and engineers.

**Motion to call the question made by Mr. Orlins and second by Mr. Monaghan.**



**Roll call vote: All members present voted to approve.**

**Motion to open public comment made by Ms. Duarte and seconded by Mr. Monaghan**

Martin Slayne - 15 Indian Hollow Road - Thanked the Township Committee for the designation of Chairman of the Environmental Commission, thanked Rich Cotter for his assistance during the transition and looks forward to working with a very able and knowledgeable team and working in helping the community.

**Motion to close the public comment session made by Ms. Duarte and seconded by Mr. Monaghan.**

## **DISCUSSION**

### **Administration:**

#### **Audit and Corrective Action Plan**

Mr. Casey explained that the audit has been advertised and noted the two audit findings which include the issuance of ticket books and separation of duties within the Finance Dept. A resolution will be placed on the next agenda noting that you have reviewed the comments/findings. Lt. Bittman provided clarification on the procedure when ticket books are issued.

#### **Pending Bids**

Mr. Casey noted the upcoming bids which include snow plowing and sanding services, custodial services, solid waste and recycling services (needs to bid out in August) and landscape services.

Mayor Neibart asked if the solid waste and recycling services could be advertised for various term options. Mr. Casey suggested doing a three-year contract with two 1-year option. He explained that vendors like a 5-year contract but at least a minimum of 3-year contract, simply to be able to manage their manpower and equipment. Mayor Neibart expressed that there is a debate if garbage should be removed from the municipal budget. Mr. Casey suggested bringing up the discussion in July prior to advertising the bid so vendors do not go through the bid bond process which can be costly.

#### **Field Usage / Fees**

Mr. Casey explained that a request has been made by the Recreation Director to establish fees for the use of municipal owned properties.

David Guida made the following points regarding the request to establish fees:

- There have been ongoing conversations, which has been addressed many times, that Mendham has looked into potentially charging for the use of fields.
- A fair proposal has been created which is to charge for-profit organization that request the use of any of the municipal owned field.
- Charging For-Profit Organizations would be reserved to when the organization is requesting to use a municipal owned facility and they are charging the participants who attend that program or event.
- The ordinance would not conflict with any of the local sports organizations that provide recreational activities because they are all non-profits organizations.
- It's a common practice to charge for field use. However, Chester Township and Mendham Borough do not charge for field use.
- Mr. Guida received from 7 different organizations who have requested use of fields that are for-profit.
- If the 7 different organizations decide to move forward with there request and if we do choose to charge for the field use, the township could make upward to \$10,000 just for the summer season. The proposal would be that the money all goes back into the recreation trust fund which is then use to fund other programs and facility upgrades.

Mayor Neibart commented that last year on the shared services committee with Mendham Borough and Chester Township, they discussed the possibility of adopting a uniformed policy. Mayor Neibart noted that if its something that the Township Committee decides to move forward with, then its important to let Chester Township and Mendham Borough know about the ordinance.

Mr. Orlins reiterated that this request would not impact Little League, Twin Boros Bears, West Morris Soccer Club, Mendham Magic. It was noted that these organizations contribute to the fields in other ways like the upkeep of the fields.

Ms. Duarte is concerned with the small businesses being charge. Ms. Duarte suggested that, if we decide to move forward with an ordinance, that we carve out for a small business that they would pay based on a

sliding scale or not be charges, particularly around sports since they have been hot hard. She also suggested adding corporations that come into town to use the fields.

Mr. Casey noted that an ordinance will be added to the next meeting.

Mr. Guida noted that a 'statement about conduct' and 'background check' for coaches using the fields should be added to the ordinance. He also suggested amending the alcohol verbiage to waive the request process for events hosted by the Township. Mr. Casey detailed the process on background checks.

Ms. Duarte asked for an explanation on the 4th of July Firework, she noted that there has been some chatter on the need for donations / VIP donation area.

Mayor Neibart noted that 3 weeks ago, the township started publicizing the idea of bringing a firework display to Mendham. Mayor Neibart explained that there is no priority seating since fireworks are displayed in the sky. The idea was to create a framework for people to have an incentive to give to the Township and to also support a program that we were looking to provide free to township residents. She noted that we were offering a VIP opportunity for people to donate, to get either a priority parking pass and/or priority seating which is a little bit closer on the field to the setback area. However, the setback area is just where the fireworks are launched and the fireworks are present in the sky. As of this date we have raised \$6,500 in donations for the fireworks.

#### **Opening of Town Hall**

Mr. Casey sent to the governing body a schedule on how to reopen the building. Currently, all transactions are being handled by phone. Mr. Casey hopes to have the building reopened in two weeks depending on the installation of the front door camera. The staff will be present Monday, Tuesday and Wednesday. There will be a rotating schedule of staff working from home on Thursday and Friday. Tax office is open every day.

#### **Tax Reassessment**

Mr. Casey gave a report on the timeline and financial impact of the tax maps and tax reassessment process.

#### **ADJOURN AT 10:19PM**

Motion to adjourn made by Ms. Duarte and seconded by Mr. Orlins.

All members present voted to approve.

Respectfully submitted,

Distributed: 10/10/2020

Approved: 10/13/2020

Maria F. Coppinger  
Township Clerk