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**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM**

**July 23, 2019**

**Regular Session Minutes 7:30 PM**

**ROLL CALL:**

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

Also present:

Deborah Bonanno, Township Administrator  
Matthew Moench, Township Attorney  
Maria Coppinger, Township Clerk

**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 mentioned that a proclamation will be presented to the Family of Rita Schmidt at the August 27<sup>th</sup> meeting. Mayor Gisser acknowledged the passing of Ms. Anna Mae Atkins, Mendham Township resident and the passing of Mr. James Porter, who was a founding member of the Schiff Natural Lands Trust. Mayor Gisser read a letter from Meredith Ogden, Co-President of the Home School Association (HAS); the association thanked the district families for their donations and for everything the families have done.

Ms. Fornaro explained that the township submitted a significant FEMA reimbursement for the expenses incurred during Storm Quinn (March 2018). She noted that we just received the last reimbursement in the amount of \$180,000 for all of the debris removal and pick up as well as the equipment cost. Last year, the township received an initial reimbursement for the snow removal piece which was approximately \$65,000. The Township Committee publicly thanked the staff for their work on the reimbursement.

Mayor Gisser expressed that with six (6) months completed, the June financials are on target. The revenue side is just past 50% and the only area that we are a little behind, although our overall number is where we want to be, is Uniformed Construction Code. Hopefully, that area will pick up with the warmer weather months. The Township continues to be on budget with the expense side.

Ms. Neibart publically recognized the Recreation Director, David, for all the creativity that is coming out of the Recreation Department. She encouraged the public to attend the programs that David has put together.

Mr. Diegnan attended a meeting regarding the exploration of potential sites for a new police station. He noted that they looked at some of the assets within the town; it's just part of the preliminary process to look at some ideas.

Ms. Duarte noted that Mendham TV has posted new videos including Reminiscing about Schiff Boy Scout Camp. She also announced that Mendham TV has kicked off a fundraising campaign and noted that they rely on donations for their operations. Schiff Nature Preserve will host a Volunteer Day on Sunday, July 28<sup>th</sup>. The Ralston Cider Mill will continue its speaker series on July 10<sup>th</sup> and the speaker will discuss the art of barrel making. She expressed that Brookside Beach has been incredibly busy this summer and "hats off to David Guida" for doing a fantastic job. Ms. Duarte mentioned that the Beach Party was rescheduled to July 23<sup>rd</sup>, and the following events are scheduled:

- Yoga under the Stars - August 5<sup>th</sup>,
- Mermaid Class - August 10<sup>th</sup>,
- Singing Bowls and Sound Healing - August 15<sup>th</sup>,
- Twilight Paddle Board Lesson - August 23<sup>rd</sup>; and
- Dog Dip at the Beach - September 7<sup>th</sup> – start off at the beach and head over to the Clam Bake.

Ms. Duarte also acknowledged the passing of Anna Mae Atkins, who was a terrific individual and may be Mendham's oldest resident and also mentioned Jim Porter's passing, who had so many contributions along with his wife Kate, who was former Mayor.

#### **OPEN TO THE PUBLIC**

**Mr. Diegnan moved. Ms. Duarte seconded the motion to open the meeting to the public.  
All members present voted to approve.**

**Peter Dumovic** – 3 Shelton Road – commented on resolution # 2019–125, authorizing a Morris County Trail Construction Grant Application, statement attached.

**Ms. Neibart moved. Ms. Duarte seconded the motion to close the meeting to the public.  
Roll call vote: All members present voted to approve.**

#### **APPROVAL OF MINUTES**

Regular Meeting Minutes of July 9, 2019

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

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

Executive Session Meeting Minutes of July 9, 2019

**Ms. Neibart moved. Mr. Monaghan seconded.**

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

#### **RESOLUTIONS**

**2019–121** Resolution of the Township Committee of the Township of Mendham Supporting Mendham Township Police Department's Participation in the Police Assisted Addiction and Recovery Initiative (PARRI)

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

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

**2019–122** Resolution of the Township Committee of the Township of Mendham Staff Appointment for the Department of Recreation 2019 Summer Season

**Mr. Diegnan moved. Ms. Neibart seconded.**

**Roll call vote: All members present voted to approve except for Ms. Duarte who abstained.**

**2019–123** Resolution of the Township Committee of the Township of Mendham Approving Settlement of Real Property Tax Appeals - Block 123, Lot 30

Mr. Moench asked Mayor Gisser to table the resolution so he can provide the Township Committee, in Executive Session, with additional information on the settlement. It was noted that action may be taken when the Township Committee returns from Executive Session.

**Mr. Diegnan moved to table the resolution. Ms. Duarte seconded.**  
**All members present were in favor to table the resolution.**

Later in the evening, the Township Committee returned from Executive Session and resolution 2019-123 was approved, in regular session, with the following votes:

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

**2019–124** Resolution of the Township Committee of the Township of Mendham Authorizing a Grant Application to the New Jersey Department of Transportation for the Woodland Road Project

**Ms. Duarte moved. Ms. Neibart seconded.**  
**Roll call vote: All members present voted to approve.**

**2019–125** Resolution of the Township Committee of the Township of Mendham Authorizing a Morris County Trail Construction Grant Application

**Mr. Diegnan moved. Ms. Neibart seconded.**  
Mayor Gisser explained that based on some information that was received; the grant application is now for \$196,047.50. The township has not received an update on the state grant. Ms. Bonanno explained that the grant amounts went from \$327,000 to \$196,047.50 because they were advised that the amenities had to be less than the cost of the trails. The township's amount was less than the cost of the trails but close to the dollar amount so the county advised them to reduce the amount the township was requesting. It was clarified that landscaping, parking lots, signage were considered amenities.

Ms. Duarte mentioned that she received a partially completed application and asked that in the future a complete grant application be provided so there is a chance to review the details of the project. Ms. Duarte also hopes that there is an opportunity, soon, to really pull together the committees and have them engage on the project along with a resident(s) in the surrounding neighborhood of the project.

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

**2019–126** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

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

**2019–127** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills from July 18, 2019 to August 7, 2019

**Ms. Duarte moved. Ms. Neibart seconded.**  
**Roll call vote: All members present voted to approve.**

**2019–128** Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public – Personnel, Contract Negotiations, Potential Litigation

**Ms. Neibart moved. Ms. Duarte seconded.**  
**Roll call vote: All members present voted to approve.**

**2019–129** Resolution of the Township Committee of the Township of Mendham Establishing Dates for Hunting from Tree Stands on Township Owned Natural Areas

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

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

**2019–130** Resolution of the Township Committee of the Township of Mendham Awarding a Contract Between Road Safety Systems LLC and the Township of Mendham For Union Schoolhouse Road Guide Rail in the Amount of \$90,970

**Ms. Neibart moved. Mr. Diegnan seconded.**

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

**2019–131** Resolution of the Township Committee of the Township of Mendham Amending 2019 Budget - Insertion Of Special Item Of Revenue For “State Of New Jersey – 2019 Distracted Driving Crackdown Grant”

**Mr. Diegnan moved. Ms. Duarte seconded.**

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

**2019–132** Resolution of the Township Committee of the Township of Mendham Approving Street Name of “Arcadia Circle” for the New Road To Be Built As Part of the Mendham Shores Subdivision

**Ms. Neibart moved. Mr. Diegnan seconded.**

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

**2019–133** Resolution of the Township Committee of the Township of Mendham Awarding Contracts for the Road Resurfacing of Corey Lane through the Morris County Cooperative Pricing Council

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

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

#### **ORDINANCE FOR INTRODUCTION**

*(Second Reading and Public Hearing Scheduled for August 27, 2019)*

**12-2019** An Ordinance of the Township of Mendham Providing for the Milling and Paving of Cold Hill Road and Appropriating \$380,000 Therefore, Including \$332,000 From The State of New Jersey Department of Transportation and \$48,000 From the Capital Improvement Fund

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

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

#### **ORDINANCE FOR SECOND READING / PUBLIC HEARING**

*(Ordinances were introduced at the July 9, 2019 regular meeting)*

**09-2019** Amending the Code of the Township of Mendham by the Addition of a New Chapter (Chapter 259) to be Entitled “Vacant And Abandoned Properties” Providing for Registration of Vacant and Abandoned Properties, Creditor Responsibilities and Municipal Powers to Rehabilitate

**Mr. Diegnan moved. Ms. Neibart seconded.**

**Motion to open public hearing made by Mr. Diegnan and seconded by Ms. Duarte. All members present voted to open public hearing on Ordinance 09-2019.**

**Barrett Kolton** – 3 North Gate Road – Mr. Kolton agrees with Ordinance 09-2019 but is disappointed that it does not include “occupied” houses. Mr. Kolton submitted to Ms. Bonanno his recommendation (package) to include “occupied” homes in the ordinance. The package includes extracts from regulations of 8 communities in New Jersey that specifically mention “blighted” homes and they do not distinguished between vacant or occupied.

**Peter Dumovic** – 3 Shelton Road – Statement attached

**Harry Corsi** – 323 Mendham Road West – Mr. Corsi asked if the ordinance applied to foreclosed homes which it was clarified that it does. Mr. Corsi expressed that he has lived in other towns with the same ordinance and the enforcement of this ordinance is very difficult.

**Anastasio Konidaris** - 6 Ballantine Road – He supports an ordinance to broaden the definition of abandoned/vacant properties to include occupied properties that are not being maintained.

It was clarified that if the Township Committee decides to expand the ordinance for property maintenance on occupied homes, it would have to be introduced under a separate section of the code. Ms. Bonanno explained that we currently have a property maintenance ordinance for houses that are occupied, it is just not very detailed and it is very limited.

**Motion to close public hearing made by Ms. Neibart and seconded by Ms. Duarte. All members present voted to close public hearing on Ordinance 09-2019.**

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

**11-2019** Amending Ordinance No. 22-2018 Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey

**Ms. Neibart moved. Mr. Diegnan seconded.**

**Motion to open public hearing made by Ms. Neibart and seconded by Ms. Duarte. All members present voted to open public hearing on Ordinance 11-2019.**

No comments from the public were presented.

**Motion to close public hearing made by Ms. Neibart and seconded by Ms. Duarte. All members present voted to close public hearing on Ordinance 11-2019.**

Ms. Duarte mentioned that she does not take a salary and would like to see Township Committee members’ salaries removed from the budget.

Mr. Diegnan expressed that it is important that we do attach salaries to these jobs and it is appropriate that we amend the salaries from time to time to match the market rates. He disagrees with Ms. Duarte’s comments and expressed that we want people to take the position seriously and the salary is there to represent the importance and gravity of the position. Mr. Diegnan takes it as a job and does not feel it is a volunteer position.

Ms. Neibart expressed that she also does not take a salary but does not believe it should be removed from the budget. She noted that a stipend for elected officials is not a place to cut cost; the focus should be on bigger budget items.

Ms. Duarte expressed that she does not associate not taking a salary with not taking the position seriously. She takes the position incredibly seriously and will continue to not take a salary.

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

#### **OPEN TO THE PUBLIC**

**Motion to closed public comment was moved by Mr. Diegnan and seconded by Ms. Neibart.**

**All members present voted to approve.**

Diana Orban-Brown – Ironia Road – Ms. Brown expressed that being an elected official is a job and not a volunteer position. She mentioned that elected officials go through training and the position deserves a salary. She noted that in 2015, when the township was looking at a 13% tax increase, the township committee voted not to take a salary. Ms. Brown expressed that those were desperate time, however, now we have much better planning, a much better Administrator and a much better Chief Financial Officer, we do not need to do desperate things. She really wishes that her comments will end the discussion otherwise a discussion should take place about everyone being a volunteer – volunteer lifeguards and volunteer chaperones. Volunteers are very important to the community but people who volunteer generally have a passion for volunteering and get a satisfaction out of that. People do not volunteer to be on the Township Committee, they campaign and they are elected. She really wishes the whole discussion would stop.

Sam Barsa – 20 Conifer Drive – Mr. Barsa expressed that the elected official deserve something for their time. He noted that there are other ways to cut the “fat.”

**Motion to closed public comment was moved by Mr. Diegnan and seconded by Ms. Neibart.**

**All members present voted to approve.**

**DISCUSSION**

Ms. Duarte commented that a new backstop was purchased for Ralston and the Patriots Race was very profitable which netted \$2,263.66. She thanked all the sponsors and David Guida. A fundraising campaign for the completion of the Ralston playground will start soon. Ms. Duarte will circulate a report on the beach attendance which was request at the last meeting. Ms. Duarte mentioned that the Township Committee will need to appoint student representatives for the new school year and mentioned advertising any open positions. She asked for an update on the meeting that took place to explore options for a new police station and also asked for the status on appointing a finance sub-committee to review the budget.

Ms. Neibart commented that Mendham Township, Mendham Borough and Chester Township will share a court and the details are currently being discussed. She also asked if the Mayor could designate a liaison to the Share Court for the new calendar year.

Motion made to adjourn into Executive Session by Mr. Diegnan and seconded by Ms. Neibart. The Township Committee entered into Executive Session at 8:55 pm.

The Township Committee returned from executive session at 10:35 pm and in open session voted on Resolution 2019–123, Resolution of the Township Committee of the Township of Mendham Approving Settlement of Real Property Tax Appeals - Block 123, Lot 30 which was moved by Ms. Duarte and seconded by Mr. Diegnan. Roll call vote: All members present voted to approve.

Furthermore, resolution 2019-134 to reject all bids received in response to a bid for Solid Waste, Bulky Waste and Recyclable Material was introduced as an outcome of the closed session discussion. The Township was in receipt of two bids that were opened on July 9, 2019 at 10am. Both bids recognized substantial cost increases over what was anticipated and estimated by the Township. As a result of both bids and the committee’s consideration to change the specification and explore other opportunities to provide services, the committee is looking to reject all the bids that were received and to authorize the township to go out to bid with amendments to the bid specification. **Ms. Duarte moved. Ms. Neibart seconded. Roll call vote: All members present voted to approve.**

**ADJOURN**

**Motion by Ms. Duarte and seconded by Ms. Neibart.**

**All members voted to adjourn at 10:40 PM.**

Respectfully submitted,

Maria F. Coppinger  
Township Clerk

Distributed: 08/01/2019

Approved: 08/27/2019

Attachments:

1. Peter Dumovic; comments on Resolution 2019-125
2. Peter Dumovic, comments on Ordinance 09-2019

The next regular scheduled meeting of the Township Committee of the Township of Mendham will convene on Tuesday, August 27, 2019 at 7:30PM.

Resolution 2019-125, concerning the Morris County Trail Construction Grant Application

This resolution is a good idea and is consistent with the Township's concept plan for transforming the 7 Open Space Acres of the former Pitney Farm property into a beautiful park for passive recreation. The Township's concept plan for the Historic Park at Pitney Farm has widespread public support. But it is also a major endeavor for our small town. From the very outset, it was envisaged that the bulk of the funding to realize the plan would need to come from grants. In March of this year, the Township applied for a Green Acres Stewardship Grant. I supported that application for State funding, and I support this application for county funding in the amount of \$327K\*\*. I am optimistic we will be successful in this grant application, especially since the Morris County Planning Board endorsed the Township's concept plan for the Historic Park at Pitney Farm earlier this year, and also wrote a letter supporting the Township's Application for a Green Acres Stewardship Grant.

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\*\* Grant application request changed from \$327K to \$196K by MTCommittee



Ordinance 09-2019, regarding vacant and abandoned properties

I support this ordinance, and this ordinance appears to be similar to ordinances passed by other municipalities. I fully support the proposed requirement for the owner to register a vacant and abandoned property. I also fully support the proposed requirements for the owner to maintain a vacant property, as outlined in Section 5 of the Ordinance. However, I am not so sure about the way the ordinance is written with respect to violations resulting from failure to comply with the provisions in Section 5. I believe violations should result in a fine. But under Section 7 as currently written, it appears that the owner will be subject to a fine of \$500 to \$1,000 a day for each and every offense. Given the time and effort needed for the repair of any potential damage to a vacant building, or broken windows or doors or other openings, the Township Committee may want to consider rewriting Section 7 of the Ordinance to read that the owner may be subject to a fine of \$500 to \$1,000 a day.