



Founded 1749

**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
July 28, 2020  
7:30 PM REGULAR MEETING  
MEETING MINUTES**

**ROLL CALL:**

Mr. Baio	Present arrived at 8:32PM
Ms. Duarte	Present
Mr. Monaghan	Present
Mr. Orlins	Present via Zoom
Mayor Neibart	Present

Also, present:

Robert Casey, Township Administrator  
John Mills, 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 3, 2020. The Notice of Change in Meeting Format was given to the Daily Record and Star Ledger on July 23, 2020. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**SALUTE TO THE FLAG**

**COVID-19 UPDATE**

Mayor Neibart provided the following updates:

- 565 new COVID-19 cases in New Jersey
- 180,295 COVID-19 cases in New Jersey
- As of today, 24 individuals have died
- 13,905 total COVID-19 related deaths in New Jersey
- Cases have remained steady in Mendham Township

**ANNOUNCEMENTS**

Mayor Neibart mentioned that the Township Committee will host a working session on the Town Hall Reassessment at the next meeting, Monday, August 10, 2020, at 6:00 pm. At that point, the Township Committee will meet with the architects to discuss the process and plans.

Ms. Duarte made the following announcements:

- 6 new Historic Preservation signs that delineate the districts were installed.
- The signs are made of more durable material. One new sign was installed at one of the India Park trailheads.
  - Yoga at the beach started on Mondays at 7:15 PM, Tuesdays at 9:00 AM and Wednesdays at 6:00 PM.
  - National Night Out is scheduled for next Tuesday, August 4.
  - The police remind residents to create, what they call a 9 PM routine. Lock your car, put your keys inside, lock up your house when you are not home, and also check exterior lighting.
  - Congratulated 7 Cub Scouts from Pack 133, they completed their Arrow of Light Ceremony/Cross Over Light Ceremony at Shift Nature Preserve. The young boys are moving up to Boy Scout Troop 1.

**OPEN TO THE PUBLIC**

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

Diana Brown - Ironia Road – She clarified previous comments made by a Township Committee member that the Police Headquarters needs only cosmetic improvements which he cited the 2017 Mendham Township Equipment and Facility Report. She noted that there are no less than 7 recommendations that the police headquarters either be extensively refurbished or a new one built. The preference was for a new police headquarters to be built. There was one sentence in 33 pages of the report regarding cosmetic changes. She also spoke on the total of unfaxed land in the township and the use of that land. Also spoke on Resolutions 2020-159 and 2020 -160 noting that in theory they have some good parts, but these

resolutions put too much responsibility on the recreation director which is a part-time job. These resolutions need to be rethought and perhaps modified.

Jack Curtis – 4 Michael Road – Mr. Curtis provided a handout to the Township Committee and spoke on the privatizing of the DPW, which he is against. The handout is attached hereto. Also spoke about the school system sending their buses to Washington Township DPW for maintenance instead of Mendham Township.

Martin Slayne – Spoke on the Buttermilk Falls situation, noting that despite all the additional signages, patrol and parking lot closure, it was still a busy weekend. He suggested that the issue be reviewed again. He spoke on resolution 2020-148, hunting resolution, noting his concerns with the increased amount of people in the parks. Mayor Neibart explained that she spoke with Mayor Glassner, Mendham Borough Mayor, and Mendham Borough will be closing the parking lot on Mountainside on the weekends.

**Ms. Duarte moved. Mr. Monaghan seconded the motion to close the meeting to the public.**  
**All members present voted to close the public session.**

#### APPROVAL OF MINUTES

- Regular Meeting Session of May 26, 2020

**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**

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

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

#### CONSENT AGENDA - RESOLUTIONS

Mayor Neibart asked for a motion for a consent agenda on Resolutions 2020 – 148, 149, 151, 152, 154, 155, and 156.

**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**

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

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

**2020-148** Resolution of the Township Committee of the Township of Mendham Establishing Dates for Hunting from Tree Stands on Township Owned Natural Areas

Ms. Duarte explained that the hunting program is not new, we have a wild life committee. They require hunters to be register and they vet the hunters. They must be residents of the Chester’s, the Mendham’s, Harding or Randolph. Hunting is done in tree stands and away from the trails and it is a controlled management program. Hunters attend a Fall orientation meeting and no hunting takes place at Mosle or Indian Brook during at sporting activities

**2020-149** Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of Taxes Due to NJ State Tax Court Judgment

**2020-151** Resolution of the Township Committee of the Township of Mendham Authorizing the Tax Collector to hold an Electronic Tax Sale

**2020-152** Resolution of the Township Committee of the Township of Mendham Establishing Salaries for Certain Employees of the Township for the Year 2020

**2020-154** Resolution of the Township Committee of the Township of Mendham Authorizing the Mayor to Execute a Lease Agreement Between the Township of Mendham and Stanley (Nicholas) Witczak and Krista Underhill for the lease of Certain Municipal Property

**2020-155** Resolution of the Township Committee of the Township of Mendham Revising the Public Access Hours for the Township Recycling Drop-off Center

**2020-156** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

#### REGULAR AGENDA - RESOLUTION

**2020-150** Resolution of the Township Committee of the Township of Mendham Approving Concept Plan 1 for the Intersection Safety Improvements at Tempe Wick Road and Corey Lane

**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**

Mayor Neibart asked for the Township Committee to table the resolution to the next meeting, Monday, August 10<sup>th</sup>. Mayor Neibart explained that she held a meeting with the 5 residents (three families were in attendance) who would be impacted by the construction improvements. There was a resident who had concerns over the concept plan so additional time is needed which is the reason for the request to table the resolution to the next meeting.

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

**Roll call vote: All members present voted to table resolution 2020-150 to the next meeting.**

**2020-153** Resolution of the Township Committee of the Township of Mendham Authorizing the Extension of a Non-Fair and Open Contract for Professional Architect Services  
**Motion made by Mr. Monaghan and seconded by Ms. Duarte.**  
**Motion to call the question made by Ms. Duarte and seconded by Mr. Monaghan.**  
**Roll call vote: All members present voted to approve Resolution 2020-153 except Mr. Orlins who voted no.**

**2020-157** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Non-Fair and Open Professional Services Contract without Competitive Bidding to Kelly Engineering for Consultant Services for the Sewer East Operation  
**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**  
**Motion to call the question made by Ms. Duarte and seconded by Mr. Monaghan.**  
**Roll call vote: All members present voted to approve.**

**2020-158** Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public – Personnel Matter  
**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**  
**Motion to call the question made by Ms. Duarte and seconded by Mr. Monaghan.**  
**Roll call vote: All members present voted to approve.**

**2020-159** Resolution of the Township Committee of the Township of Mendham Establishing a Township Code of Conduct for Participation in Recreation Programs / Use of Township Facilities  
**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**  
**Motion to call the question made by Ms. Duarte and seconded by Mr. Monaghan.**  
**Roll call vote: All members present voted to approve.**

**2020-160** Resolution of the Township Committee of the Township of Mendham Establishing Regulations for the Use of Township Parks and Recreation Facilities  
**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**

**Amendment**

**Mayor Neibart requested that Paragraph “E” be removed from the resolution.**

**Motion to remove Paragraph “E” made by Ms. Duarte and seconded by Mr. Monaghan**

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

Mr. Monaghan commented on the non-profit organizations, that are very large corporations, who now can use the Township’s facilities for no fee. He noted that if the request to use the facilities by these organizations start picking up, then the fee structure should be addressed. Ms. Duarte noted that she is more inclined to support non-profits particularly the sport clubs but also non-profits that are raising money for causes. She appreciated that the township is not charging them fees and the issue can be addressed if concerns arise.

Mr. Orlins clarified that it was never the intent of the Township Committee to charge the local organizations.

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

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

**ORDINANCE FOR SECOND READING / PUBLIC HEARING**

**08-2020** An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Authorizing a Special Emergency Appropriation in the Amount of \$70,000 for the Preparation of an Approved Tax Map for the Township of Mendham Pursuant to N.J.S.A. 40A:4-53 - ***Introduction / First Reading held on July 13, 2020***

**Motion made by Ms. Duarte and seconded by Mr. Monaghan.**

**Mayor Neibart opened the meeting for public hearing on Ordinance 08-2020.**

Peter Dumovic-3 Shelton Road - Mr. Dumovic supports the proposed ordinance. He thinks most residents would agree that a complete reassessment of property values is certainly in order, welcomed and perhaps long overdue. He understands that we first need to uptake the local tax maps for \$70,000 and it will be paid off over 5 years which sounds reasonable. He recommends the Township Committee adopt the ordinance.

**Motion to close public hearing made by Ms. Duarte and seconded by Mr. Monaghan.**

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

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

**OPEN TO THE PUBLIC**

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

**All members present voted to open the meeting to the public.**

Patricia Zimmerman – 3 West Main Street – spoke on the reconstruction of the intersection of Corey Lane and Tempe Wick, noted that the intersection is in a historic district.

Diana Brown - Ironia Road – Expressed that India Brook (parking lot) to Buttermilk Falls is still a problem but congratulated the police for their efforts while patrolling the parking lot on Ironia Road. She noted that the police did a fantastic job. She commented that consent agendas are very dangerous territory because the titles of the resolution do not always go into the details. She noted that consent agendas have been used and abused in the past.

Mr. Monaghan commented that an agenda is put out days in advance of the meeting allowing residents to review the resolutions. He also noted that agendas are provided at the meetings and transparency has improved. He expressed that these changes should alleviate some potential issues concerning consent agenda. Ms. Orban – Brown suggested noting the resolutions for consent agenda, under consent agenda, to give residents the opportunity to speak on the resolutions. Mr. Monaghan explained that there is a ‘hearing persons present’ prior to the introduction of the resolutions. Ms. Duarte noted the two ‘open to the public’ is new, adding more transparency. Mayor Neibart commented that it’s a reasonable request to list consent agenda items under consent.

Jack Curtis – 4 Michael Road – also agreed with Ms. Orban-Brown’s comments on the consent agenda. He commented on the improvements to Corey Lane noting that a lot of money has been spent on one road in town that was in pretty decent shape. Mr. Curtis clarified the comments on the farmland assessed properties. Mr. Curtis thanked Mr. Orlins for reaching out to him regarding the DPW concerns.

Mr. Baio arrived at 8:32PM.

**Motion to close public comment was moved by Ms. Duarte and seconded by Mr. Baio.  
All members present voted to close public session.**

#### **DISCUSSION** **Administration**

##### *Solid Waste and Recycling Bids*

Mr. Casey noted that bids will be available in August and opened in October. He explained that for the Solid Waste Bid, the bid should be for a three-year contract with two 1-year options. The bid document will include a provision that the tipping fees (sticker price) would be analyzed every year depending on the cost at the county landfill. Mr. Casey suggested that because of the uncertainty of the market, that the recycling bid should be for a one-year bid, with two alternates. The Township Committee would like to discuss this further when bids become available.

##### *Town Hall Reassessment Project Update and Working Group Date Announcement*

Mayor Neibart reported that they will be having a working group session on August 10, 2020 at 6:00 PM.

##### *Buttermilk Falls Update*

Mayor Neibart provided an update on the concerns at Buttermilk Falls. She explained that unfortunately the park is still overcrowded and there is still illegal activity, trash overflow. Mayor Neibart recommended closing Buttermilk Falls (park) on the weekends. The park will remain open during the week.

Mr. Baio expressed that closing the park is a very strong action and does not support it. Mr. Orlin does not support closing the park.

**Motion to close India Brook Park (Buttermilk Falls) and Ironia Road Park on the weekends and remain open during the week (M-F), through Labor Day, made by Ms. Duarte and seconded by Mr. Monaghan.  
Roll call vote: All members present voted to approve except for Mr. Baio and Mr. Orlins who voted no.**

#### **DISCUSSION**

##### **Liaison Reports**

- **Construction (Monaghan)** – No update
- **Communications Committee, Marketing (Duarte)** – No update
- **Department of Public Works (Monaghan)** – No update
- **Environmental Commission (Duarte)** – Meadowood Hike is scheduled for August 15<sup>th</sup>.
- **Finance Committee (Orlins / Neibart)** – No update
- **Fire Department (Neibart)** – Completed all run cards for the two fire companies and have been submitted to the county. She has asked the two fire chiefs to work on a plan to merge the two companies within the next two to five years.
- **First Aid Squad (Duarte)** – No update
- **Historic Preservation (Baio)**- No update

- **Library (Monaghan)** – Library had 950 people go to the library since they reopened on July 6<sup>th</sup>, circulation is up over 100% since last month. Issued over 30 new library cards and over 50 people attended the Mendham Recycles Program last month.
- **Mendham Sewer East & West (Neibart)** – Mayor Neibart will update the HOA on the third-party engineer that was appointed at tonight's meeting.
- **Mendham Township School District (Orlins)** – The K-8 has issued a fairly complex guidelines for their reopening.
- **Mendham TV (Duarte)** - Launched an interview series with Tom Murphy talking with residents regarding COVID-19 and how members of the community have responded. Gail Mooney, who lives in Brookside, has successfully completed a kick starter campaign to take her documentary movie "Like a Woman" out on the road.
- **Planning Board (Baio /Monaghan)** – No update
- **Police (Duarte)** – The police department asked residents to continue to be patient if they have applied for a firearms permit. Also thanked the residents who came out for the Fourth of July parade.
- **Pitney Park (Monaghan)** – Working on the Green Acre sign. Finalizing the construction plan to go out for bid.
- **Recreation Committee (Orlins)** – Brookside Beach was closed due to e-coli issue. He commented on the poor water quality. It was noted that a company with a dog has been hired to chase the geese away.
- **Regional School District (Monaghan)** – No update
- **Shared Court (Neibart)** – The court administrator is retiring so interviews will take place.
- **Stigma-Free Initiative (Duarte)** – No update
- **Surrounding Town Outreach (Orlins)** – No update
- **Tax Assessor (Neibart)** – No update
- **Tree Committee (Neibart)** – No update from Mayor Neibart. Mr. Baio asked if the Tree Committee could be assigned the task of negotiating a contract with tree companies to assist the resident with the removal of trees at a lower rate.
- **Wildlife Management (Duarte)** – No update
- **Zoning Board (Baio)** – No update
- **Health Department (Monaghan)** - Spoke with the County Health Department regarding the Brookside Beach situation.

David Guida spoke regarding this Brookside Beach situation; Treatment was performed today to help kill some bacteria.

National Night Out is scheduled for Tuesday August 4<sup>th</sup> at Brookside Beach, begins at 6:00 PM.

The Township Committee adjourned into Executive Session at 9:39PM.  
Motion made by Ms. Duarte and second by Mr. Baio.  
All members present voted in favor.

The Township Committee reconvened into Regular Session and adjourned at 10:30PM

Respectfully submitted,

Distributed: 10/21/2020  
Approved: 10/27/2020

Maria F. Coppinger  
Township Clerk

**DPW Departments in Surrounding Towns**

Jack Curtis  
hand-cut  
7-28-2020

TOWN	# of EMPLOYEES	Square Miles	NOTES
Mendham Township	11	18.1	
Morris Plains	16	2.5	Brush pickup once per month. Garbage pickup twice per week. (residents can put out any large items- couches, large appliances at any regular garbage day at no additional charge- and the garbage costs included in their taxes) They also have recycling once per week.
Randolph Township	23	21	
Roxbury Township	25	22	
Mt. Olive	53	31	
Washington Township	22	45	
Chester Township	21	29.4	
Mendham Borough	10	5.9	
Dover	32	2.7	
Morris Township	52	15.7	
Bernardsville	15	13	
Chatham Township	24	9.3	
Madison	22	4.3	

Jack Curtis  
7-28-20 Cont'd

Mendham Township has been one of the highest-income small municipalities in the United States. Based on data from the 2006-2010 American Community Survey, the township had a per capita income of \$93,011 (ranked 7th in the state), compared to per capita income in Morris County of \$47,342 and statewide of \$34,858.<sup>[21]</sup> Based on data from the 2012-2016 ACS, NJ.com ranked the township as having the third-highest income in the state, with a median household income of \$176,875.<sup>[22]</sup> Based on data from the ACS for 2014-2018, Mendham Township ranked fifth in the state with a median household income of \$185,882.<sup>[23]</sup>

When looking at the attached information pertaining to the level of wealth in Mendham Township, I find it hard to believe that of the dozen other towns listed on the fact sheet, that Mendham Township, with the second fewest DPW employees on the list, is the town that feels it should privatize its DPW operation. Look at the number of employees that some of these less-affluent towns employ. An attempt was made to downsize the Mendham Township Police Department and that exercise went nowhere.

So, the next action was to move on to the DPW department that does not enjoy the high visibility position that the Police Department does in town. I would assume that it was believed that there would not be as much protest about privatizing the DPW.

When you see the numbers of DPW employees on this chart that other towns employ, it should certainly give you pause in your attempt to make drastic cuts to your local, loyal, long-time DPW Department. Founded in 1946, the Mendham Township DPW has a 73-year history of serving the town! Shame on an affluent town like Mendham Township for being the town that believes they need to eliminate workers during this time of a pandemic and the uncertain economic times we are experiencing.

This whole process needs to be done in a public setting, not just with a finance committee of like-minded insiders, behind the scenes, who have not shared any of this privatization foolishness with the public. All Mendham Township residents deserve to know what is going on and how and why the plans to do this privatization were hatched!

Time for some sunshine in Mendham Township!