

**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
REGULAR MEETING**

**DATE:** October 13, 2021

**TIME:** 7:30 PM

**LOCATION:** Municipal Building and Remote via Zoom

**ROLL CALL**

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

Also, present

John Mills, Township Attorney  
Jason Gabloff, Township Administrator  
Maria F. Coppinger, Township Clerk

**SALUTE TO THE FLAG**

**STATEMENT OF ADEQUATE NOTICE** -Read by Mayor Neibart

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 6, 2021. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**COVID – 19 UPDATE**

Mayor Neibart provided a Covid-19 update.

**ANNOUNCEMENTS**

Members of the Township Committee provided their announcements on upcoming events in Mendham Township.

**OPEN TO THE PUBLIC**

***Ms. Duarte made a motion to open the meeting for public comment; seconded by Mr. Baio.***

Martin Slayne – Indian Hollow Road – Speaking as the Chair of the Environmental Commission – He commented on the meeting procedure, noting that the discussion items do not allow public comment. He asked the committee to bring the discussion items closer to the public comment section. Finally, he commented on the solar panels, explaining that the Environment Commission supports sustainable energy and encourages consideration of solar panels for the new town hall building.

Richard Smith – 29 East Main Street – Mr. Smith gave support for the solar panel project, asking that the same fiscal responsibility that was given to evaluating DPW outsourcing to trash services, that we look at every angle.

Terrill Doyle – 5 Cross Way – Ms. Doyle wants the committee to address the noise ordinance, especially since the Backers filed a letter on October 5th for their brewery application, noting that they are planning to have 25 events a year, and those events can include music. She has concerns about the lack of enforcement action toward the Backers and the 9/11 concert. She suggested that the Township Committee speak to the Planning Board about delaying the hearing set for October 20th because there are two pending issues with the County AG Board and Zoning Board of Adjustment. She asked if the township has hired a noise expert.

Steve Dreskin – 3 Roxiticus Road – Mr. Dreskin expressed his concern with the Backer's proposal, noting that it will create a lot of additional traffic and security needs, which means higher taxes. He pointed out that the proposal doesn't seem very neighborly. His other concern is with the vehicles on the Backer Farm property.

Melissa Rainis – 290 Mountainside Road, Mendham Borough – Ms. Rainis expressed that there has to be some reasonableness within the township on all the Backers' events. She suggested that the committee look at existing breweries to notice the disturbance in those towns – increased police, increased traffic, and increased noise.

George Koenig – 13 North Gate Road – Mr. Koenig encouraged the committee to look at the nuisance ordinance that he provided via email. Mr. Koenig expressed that a nuisance ordinance is enforceable, especially since a similar ordinance in another municipality was upheld in court. Next, he provided the committee with suggested language for the Right to Farm ordinance, which would be more in concert with the recent response to the AG Board. Lastly, he expressed farms are significant assets to the township, but they are only great access if we balance it properly for them and the township.

Kim Hart – 17 North Gate Road – Ms. Hart reiterated her agreement with the comments that many of her neighbors have made regarding Backer Farm. She requested that the Planning Board hearing be adjourned based on the two pending hearings with the AG Board and Zoning Board of Adjustment. She asked that the committee consider establishing an agricultural advisory committee.

Barbara Kolton – 3 North Gate Road – Ms. Kolton noted that the committee is considering the request of a single Mendham property owner (Backer Farm) compared to the request of many Mendham property owners who will be affected by the brewery. She asked the committee to consider the neighbors who take walks, ride bikes, push baby carriages, and wait for school buses on a narrow street with no sidewalks. She commented that there had never been an Oak Knoll event that disturbed anyone in the last 38 years on the street until they heard the noise from the 9/11 concert at Backer Farm, which did not take place in their neighborhood. She noted that it's not appropriate to approve this type of commercial venture in an area that is 99.5% residential, noting that the township should reject the proposal.

Peter Banos – 47 Ironia Road, Mendham Borough – presentation attached

Diana Orban Brown – Ironia Road – comments attached

Terrill Doyle – 5 Cross Way – Ms. Doyle responded to Ms. Brown's comments regarding Backer Farm. She mentioned septic issue with the brewery application.

Melissa Rainis – 290 Mountainside Road, Mendham Borough – Ms. Rainis responded to Ms. Brown's comments regarding Backer Farm.

Patrick Donnelly – 61 Tingley Road – Mr. Donnelly commented that he also heard the 9/11 concert and knows that the Backers will go through the process to ensure they are in compliance and that neighbors experience as little impact as possible from the brewery.

***Mr. Orlins made a motion to close the meeting for public comment; seconded by Ms. Duarte.***

Mayor Neibart moved ordinance 15-2021 to be heard prior to the resolutions.

#### **ORDINANCE(S) FOR SECOND READING / PUBLIC HEARING**

**15-2021** An Ordinance of the Township Committee of the Township of Mendham for a Change in Zoning for Block 147, Lots 42.01 - 42.16 from R-10 to R-5 - *Introduced on September 13 2021*

***Motioned to open public comments on Ordinance 15-2021 made by Ms. Duarte; Seconded by Mr. Baio.***

#### **PUBLIC HEARING:**

Tracey Moreen – 52 Hardscrabble Road – Ms. Moreen expressed that she understands the property taxes are appealing for 20+ houses; our community will benefit from that. Still, she is asking for a little more time for these (environmental/impact on wildlife, schools, etc.) studies to be completed to figure out what that subdivision will mean.

Ken Dickison – 67 Tempe Wick Road – Since he is at the bottom of the hill, Mr. Dickison expressed his concern with the mass clearing of trees on this property because there is no buffer to stop the water from traveling downward. He appealed that one should consider the impact of what this (rezoning) would do.

Mitchell Riback - 67 Tempe Wick Road – He is concerned with the rezoning ordinance and its impact on the community; he is strongly in opposition to the ordinance related to those particular lots.

Gregory Saunders – 52 Corey Lane – Mr. Saunders echoed the sentiments of his neighbors, noting that he feels the ordinance was thrust upon them. He asked for more time for residents to receive notices, especially when those lots are drawn out. Mr. Saunders asked for transparency with the changes to this property. He noted that the environmental concerns are valid.

Diana Orban Brown – Ironia Road – Ms. Brown reminded the committee that there is a lot of history on that property. She agrees with the earlier speaker who said, "you need to look a little further into this to see if this is wise." She expressed that the township should complete the studies before approving the ordinance.

Josh Moreen – 52 Hardscrabble Road – Mr. Moreen pinned a few points his wife made earlier. In particular, his concern, other than the lack of notice, is that the Planning Board voted to acknowledge that the ordinance met the goals of the Master Plan. He disagrees with this vote because several items in the Master Plan are listed specifically as priorities – The protection of the headwaters. In addition, he noted that the adjacent properties have the Passaic running through them, which will potentially drastically change the run-off and flow rates and what happens with the Passaic. His other concerns are the trees and the increased classroom size. He asked the committee for a little more thought on the ordinance and its impact if we subdivide the property.

Patricia Zimmerman – East Main Street – Ms. Zimmerman asked if the change of plan would mean that the property owners have to go back to the planning board and produce a whole new plan. Also, she mentioned that it seems to her that often when there is a reduction in the size of a building lot, the builders have a certain give back to the town, for example, buffer zones which might be an improvement for the property owners in that area.

Brian Hayes – Tree Preservation Committee - Mr. Hayes addressed the tree permit concern on this property, noting that he is aware of one tree permit for one lot originally part of Irene Spring Tree that has been sold and re-sold.

**Mr. Orlins moved to close the public comment on Ordinance 15-2021; seconded by Ms. Duarte.**

The Township Committee engaged in a discussion about the changes to the zoning.

Mr. Baio noted that the lack of support that the resident demonstrated for the ordinance is something that the township should strongly reconsider.

Ms. Duarte has several concerns about the ordinance, which have been raised by the residents tonight, around the environmental impacts, traffic study, and classroom size. She expressed that she would vote against the ordinance for all those concerns.

Mr. Orlins commented that the property owner is asking for treatment consistent with his neighbors zoning which is 5 acres. Mr. Orlins feels it’s a reasonable request.

Mr. Monaghan explained the planning board process noting a submission of plans, studies, etc. He is troubled that people didn’t get noticed for this ordinance. He expressed that he is not troubled by a 5-acre zone, but at the Planning Board level, they need to look at whatever plan is brought forward in terms of how many homes will be built. Generally, he supports the ordinance.

Mayor Neibart asked for clarification on the process once zoning is changed.

Mr. Baio recommended deferring the ordinance to another meeting, giving the Township Clerk time to confirm that all property owners on the 200ft list were mailed notices.

**Mr. Monaghan made a motion to table Ordinance 15-2021 to until November 8, 2021; Seconded by Mr. Monaghan. All members present voted in favor to table the ordinance.**

**RESOLUTIONS - REGULAR AGENDA**

**2021-203** Resolution of the Township Committee of the Township of Mendham to Approve Settlement of Real Property Tax Appeals

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio				X	X		
Ms. Duarte	X		X		X		
Mr. Monaghan		X			X		
Mr. Orlins					X		
Mayor Neibart					X		

**2021-204** Resolution of the Township Committee of the Township of Mendham Amending the Contract for Cornerstone Architectural Group, LLC For Redesign of the Electrical Service of the Town Hall Renovations/ New Police Building Facilities

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio					X		
Ms. Duarte				X	X		
Mr. Monaghan	X				X		
Mr. Orlins		X	X		X		
Mayor Neibart					X		

**2021-205** Resolution of the Township Committee of the Township of Mendham Amending the Professional Services Contract to Cornerstone Architectural Group for Architectural Design and Base Construction Services for Construction of a New Police Facility at 4 West Main Street to include Additional Services: Construction Management

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio	X		X		X		
Ms. Duarte		X		X	X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

**2021-206** Resolution of the Township Committee of the Township of Mendham Recognizing the Extra Duty by the Township Public Works Superintendent

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X	X		X		
Ms. Duarte	X				X		
Mr. Monaghan					X		
Mr. Orlins				X	X		
Mayor Neibart					X		

**2021-207** Resolution of the Township Committee of the Township of Mendham Approving Raffle License – First Presbyterian Church of Mendham – Hilltop Christian Nursey School

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X			X		
Ms. Duarte	X		X		X		
Mr. Monaghan				X	X		
Mr. Orlins					X		
Mayor Neibart					X		

**2021-208** Resolution of the Township Committee of the Township of Mendham Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X			x		
Ms. Duarte	X			X	x		
Mr. Monaghan			X		x		
Mr. Orlins					x		
Mayor Neibart					x		

**2021-209** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract to Landworks Landscape Design, LLC, For Snow Plowing Services

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X	X		X		
Ms. Duarte	X			X	X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

**2021-210** Resolution of the Township Committee of the Township of Mendham Awarding the Purchase of a F750 Regular Cab and Dump Body Truck from Maple Crest Ford, Inc of Mendham, New Jersey

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X		X	X		
Ms. Duarte	X		X		X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

**2021-211** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X	X		X		
Ms. Duarte	X			X	X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

## **DISCUSSION**

### **Solar Panel Update**

Mr. Gabloff explained that if the project was deemed viable and we decided not to proceed, the cost would be \$5,000 to \$7,500. However, if the project were considered viable and proceed with the project, there would be no cost to the township and the same if the project was deemed not viable. Mr. Gabloff also asked the architects to review the electric needs if we were to put one or two electric vehicle charging stations (EVCS) as part of the building renovation. If it can handle the EVCS and if it makes sense, we will take the next steps with them.

### **Tree Clearing**

Mayor Neibart spoke on the need for acquiring a tree permit and the consequences of not receiving one when removing trees. The committee discussed the possibility of hiring a Forester to help remove trees.

### **Girls Scouts Proposal for Pitney Park**

Mayor Neibart asked if the committee would agree to add items that the Girls Scouts have been working on to the Pitney Fundraising website; some items include an outdoor chess table, benches, outdoor ottoman, and furniture. The Township agreed to place the items on the Pitney Farm Fundraising Website.

### **Tiger Dam**

Mayor Neibart noted that Fire Dept. will invest in a tiger dam to be deployed during emergency weather events, especially in the Dismal Harmony area. The Fire Dept. will invest in additional tiger dams if there's positive feedback with the first purchase. Mr. Orlins expressed that he's all for fixing the problem around Dismal Harmony, but he's not sure about investing in tiger dams for other areas.

There was discussion about the Master Plan and the next step; a public hearing to discuss the recommendations in the Master Plan was suggested.

## **OPEN TO THE PUBLIC**

***Mr. Orlins made a motion to open the meeting for public comment; seconded by Ms. Duarte.***

Jerry Rivera– Morristown – He is a current student at Rutgers University, and part of his assignment is to attend a council meeting. He asked what effects resolution 2021-203 (approval of Tax Settlement) has on the municipal budget.

Martin Slayne – Mr. Slayne commented on the meeting procedures and agenda format. He expressed that we should want to be energy efficient, so what should we do to make solar energy work – look at the positive, not the negative.

Eric (last name inaudible) – 65 Tingley Road – He addressed the tree issue in the northern part of the township, noting that he is concern with run-off. He also commented on the noise ordinance in reference to commercial work.

Richard Smith – 29 East Main Street Thanked Jason for his assistance with his concern regarding the flooding.

***Ms. Orlins made a motion to close the meeting for public comment; seconded by Mr. Baio.***

Mr. Monaghan responded to Mr. Rivera's question on tax appeal settlements.

The Township Committee recessed into closed session at 10:50 PM.

## **ADJOURN**

Respectfully submitted,

Maria F. Coppinger  
Township Clerk

Distributed: 04/21/2022  
Approved: 04/25/2022