TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING

DATE: Monday, April 11, 2022

TIME: 7:30 PM

LOCATION: Municipal Building and Remote via Zoom

ROLL CALL

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

Also, present:
Mr. John M. Mills, Esq.
Mr. Jason Gabloff, Township Administrator
Ms. Maria Coppinger, Township Clerk

SALUTE TO THE FLAG

STATEMENT OF ADEQUATE NOTICE – Read by Mayor Monaghan
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 10, 2022. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

PROCLAMATION
AUTISM AWARENESS MONTH – presented by Mayor Monaghan

PRESENTATION
2022 MUNICIPAL BUDGET – presented by Jason Gabloff, Township Administrator/Chief Financial Officer. Presentation attached.

ANNOUNCEMENTS
Members of the Township Committee provided their announcement on upcoming events.

OPEN TO THE PUBLIC
Barrett Kolton – 3 North Gate Road – Statement attached.

George Koenig – 13 North Gate Road – Mr. Koenig thanked the committee for the autism and mental health initiatives and thanked Mr. Gabloff and Township Committee for the budget.

Diana Orban Brown – 100 Ironia Road – Ms. Brown announced the upcoming Raritan Headwater Association Stream Cleanup at Buttermilk Falls on April 23rd.

Peter Banos – 47 Ironia Road, Mendham Borough – Mr. Banos commented on the Backer Farm Brewery Application, specifically on stormwater, wetlands, and traffic. Mr. Banos requested the attorney not approve the application until the applicants revise the (stormwater, wetlands, and traffic) studies.

Tracey Moreen – 52 Hardscrabble Road – Ms. Moreen commended Mr. Gabloff on the budget. She also asked the Township Committee to host a Master Plan Workshop.

Motion to close hearing persons present made by Mr. Orlins; Seconded by Ms. Duarte.

APPROVAL OF MEETING MINUTES

- Special and Executive Session of August 16, 2021
- Executive Session of September 13, 2021
- Regular and Special Meeting of September 27, 2021

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

REGULAR AGENDA – RESOLUTIONS

2022-058 Resolution of the Township Committee of the Township of Mendham Authorizing Substitution of Performance Surety (Bond) of K. Hovnanian at Hillendale, LLC and Release of Performance Guaranty of Pinnacle Ventures, LLC

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

2022-059 Resolution of the Township Committee of the Township of Mendham Approving the Sharing Project to Utilize the Mt. Pleasant Road Baseball Field

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

2022-060 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

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

2022-061 Resolution of the Township Committee of the Township of Mendham Introduction of the 2022 Municipal Budget and Establish Hearing Date

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

Mayor Monaghan's statement on the budget is attached.

Mr. Orlins commented that three years with no increase in the tax levy is pretty spectacular.

Ms. Duarte expressed that she is not a huge fan of the finance committee; she believes the township committee should hold those (finance committee) meetings with the department heads and have those conversations. She thanked the residents for giving up their time to serve and noted that some good ideas did come out of it. Ms. Duarte expressed that it's hard to say a bad thing about a decreased budget but she would like to see money put back into the road budget line.

Ms. Duarte made a motion to increase the road budget to the full amount that was requested by the DPW which was $750,000. There was no second to the motion.

Ms. Duarte suggested the finance committee look at utilizing some of the funds from the American Rescue plan to come up with a strategy for the roads in the township. Ms. Duarte asked for the number around DPW staffing.

Ms. Neibart thanked Mr. Orlins and Mayor Monaghan for their tireless efforts on the budget.

ORDINANCE(S)– PUBLIC HEARING / SECOND READING

05-2022 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40a: 4-45.14) ***Introduced on March 28, 2022***

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

PUBLIC HEARING

Mayor Monaghan opened the meeting to the public on Ordinance 05-2022.

There were no comments from the public.

Motion to close hearing persons present made by Ms. Duarte; Seconded by Mr. Orlins.

OPEN TO THE PUBLIC

George Koenig – 13 North Gate Road - Mr. Koenig commented on the Morris County Farmland Preservation Draft Plan, noting that the takeaway from the plan is how farming was sold to taxpayers as a land preservation program years ago. He believes that traditional farming has evolved over the years, but over the last 20 years, it's not always about farmland preservation anymore. Along the way, some progressive state agricultural development committees and farmers came up with new non-traditional farming uses that taxpayers never envisioned. He draws the line on some agricultural tourism activities, which in his mind are not farming, and he believes others are waking up to this reality as well. He asked the Township Committee to truly consider their decisions to change the township landscape with any commercial business use, including agritourism commercial business. He also asked the committee to let the AG board know that they only agree to a level of commercialization and is no more than two times what it would have been had that property been developed under the housing lots/zoning.

Motion to close hearing public present made by Mr. Orlins, Seconded by Ms. Duarte. All members present voted in favor.

DISCUSSION

Morris County Draft Farmland Preservation Plan

Ms. Duarte noted that the plan refers to Mendham Township being in the process of reviewing the Master Plan and the nitrate dilution study, which are both completed. Ms. Neibart found the plan very interesting and didn't realize how many preserved farms were for sale. Mayor Monaghan was surprised at the number of preserved farms in Mendham Township. There were no additional comments on the plan.

Ms. Neibart requested that we review the township fees – construction, permits and to see a survey.

Ms. Neibart requested a proclamation honoring the 911 Dispatchers Telecommunicators. Ms. Duarte requested a proclamation for Mental Health Awareness Month.

LIAISON REPORTS

Ms. Duarte mentioned the Environmental Commission is reviving the trail stewards' program.

ADJOURN

Motion made by Mr. Orlins; Seconded by Ms. Neibart. All members present voted in favor.

The Township Committee adjourned at 9:03 PM.

Respectfully submitted,

Distributed: 05/03/2022
Approved: 05/09/2022

Maria F. Coppinger
Township Clerk

ORDINANCE 05-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY

CALENDAR YEAR 2022

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4 45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.l et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Township of Mendham, in the County of Morris, finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, is estimated to be $263,223.80 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Mendham, in the County of Morris, a majority of the full authorized of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Mendham shall, in accordance with this ordinance and N.J.S.A. 40: 45.14, be increased by 3.5%, amounting to $263,223.80 and that the CY 2021 municipal budget for the Township of Mendham be approved and adopt accordance with ordinance; and,

BE IF FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, with the that a Director certified copy of this ordinance as of the Division of Local Government Services within 5 days of introduction; and,

BE IF FURTHER ORDAINED that a certified copy adoption, with the recorded vote included thereon be within 5 days after such adoption of this ordinance upon field with said Director

Mayor Monaghan
April 11, 2022 Meeting

Budget Introduction:

The budget we are introducing tonight calls for no increase in the amount to be raised by taxes for the third straight year. Importantly, the Municipal tax paid by the average resident will decline by $124!

We have accomplished that while increasing funding for our DPW, both Operating and Capital, and we are authorizing the hiring of a new employee in this important department while continuing to outsource landscaping, ensuring that our professional staff can be focused on important projects that impact our town on a daily basis.

We've tripled the budget for tree removal to deal with the Emerald Ash Borer issue. It won't be enough, but we are also contracting with a Forester to develop a forestry management plan, which will enable us to apply for grants for this important initiative.

- Environmental Commission +264%
- Historic Preservation +65%
- Our Recreation department budget is +50%
- We've maintained our aid to the two fire companies and for our library
- We have fully funded the MAST Ride Share program, and included money in our recreation budget to provide important services for our senior citizens.

We've made important investments across the board, and while almost no department received their entire request, nobody, except the first aid squad, came away with no budget allocation. The First Aid Squad provides outstanding service using the donations they receive, unfortunately this is becoming unsustainable, and will need to be addressed in future budgets.

On the capital side of the budget, we have maintained our road paving project, and in addition to that are paving a significant portion of Mount Pleasant Road through a combination of Municipal and state financing.

Just a note on roads, I'd like to thank Michael Rohal of our Finance Committee, who has years of municipal experience in other towns, for helping our DPW Supervisor and Township Engineer to improve our approach to applying for State road grants. Hopefully we will see the benefits next year!

We are supporting the DPW with the purchase of a new 4x4 dump truck, our police department by continuing their vehicle replacement plan, and our fire departments by purchasing a replacement Tender Apparatus, as well as funding for a match program for new SCBA harnesses and faceplates, a $400,000 expense hopefully to be covered by a 75% grant.

This is a good, strong budget. Not everyone gets what they want, but they get what they need. I'd like to thank the members of the Finance Committee who began meeting in January to formulate this budget for all of their work:

- Michael Rohal
- Bruce Flitcroft
- Bob Wowk
- Thomas Murphy
- Cam Lemly
- Our chair, Jordan Orlins
- And our CFO, Jason Gabloff

Going forward, I would like our Finance Committee to focus on long term capital planning, as well as a regular review of our operating budget utilization, providing regular updates to the Township Committee on the same. Stay Tuned.

TOWNSHIP OF MENDHAM

Budget Presentation Introduction

April 11, 2022

BUDGET PROCESS

- Introduction: April 11
- Public Notice
  - Introduced budget and user-friendly budget posted to Township website
- 28 days between introduction and public hearing/adoption
- Adoption: May 9

GOALS AND OBJECTIVES

1. Maintain fiscal responsibility and sustainable financial management
   - Continue to examine shared service opportunities and areas for cost savings
   - Uphold strong fund balance and cash flow position
   - Evaluate revenue items and fees for potential increases in these items
2. Invest in long term infrastructure improvements and maintenance of township assets
   - Improve long term capital planning and data driven infrastructure improvements

GOALS AND OBJECTIVES

3. Continue improvements of the customer experience and service delivery methods
   - Enhance payment methods for various permits and fees
   - Cross-train communication responsibilities to ensure consistency

BUDGET SUMMARY

- Increase of overall operating expenses by .18%

- Change in amount to be raised by taxes – 0%
  - 3rd straight year
  - Reassessment is tax revenue neutral

$0.418

2022 Tax Rate

0%

Increase of amount to be raised by taxation

$(124.83)

Decrease to average taxpayer

2022 TAX MUNICIPAL IMPACT

	2021	2022	$$ Change	Impact on Avg. Home
Municipal	$8,192,295.20	$8,181,289.46	(5.74)	($121.89)
Open Space	$197,665.00	$197,665.00	$0	($2.94)
Net Tax Impact	$8,389,960.20	$8,378,954.46	$0	($124.83)

Impact on the average $914,379 home

0% Increase

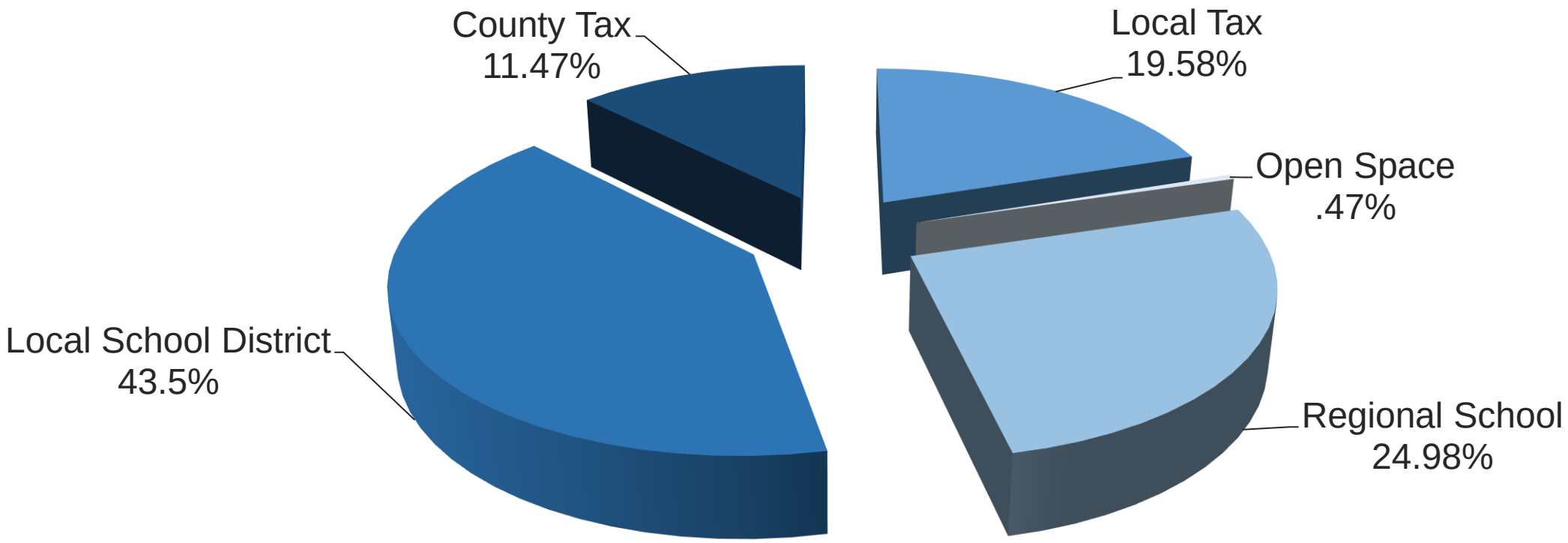
Impact on the average $914,379 home

		PROPERTY VALUES						
YEAR	**RATE**	**$ 500,000.00**	**$ 600,000.00**	**$ 700,000.00**	**$ 800,000.00**	**$ 900,000.00**	**$ 1,000,000.00**	**$1,100,000.00**
2021	0.449	$ 2,245.00	$ 2,694.00	$ 3,143.00	$ 3,592.00	$ 4,038.92	$ 4,490.00	$ 4,939.00
		$ 500,000.00	**$ 600,000.00**	**$ 700,000.00**	**$ 800,000.00**	**$ 914,379.00**	**$ 1,000,000.00**	**$1,100,000.00**
2022	0.428	$ 2,140.00	$ 2,568.00	$ 2,996.00	$ 3,424.00	$ 3,914.09	$ 4,280.00	$ 4,708.00
INCREASE		$ (105.00)	$ (126.00)	$ (147.00)	$ (168.00)	$ (124.83)	$ (210.00)	$ (231.00)

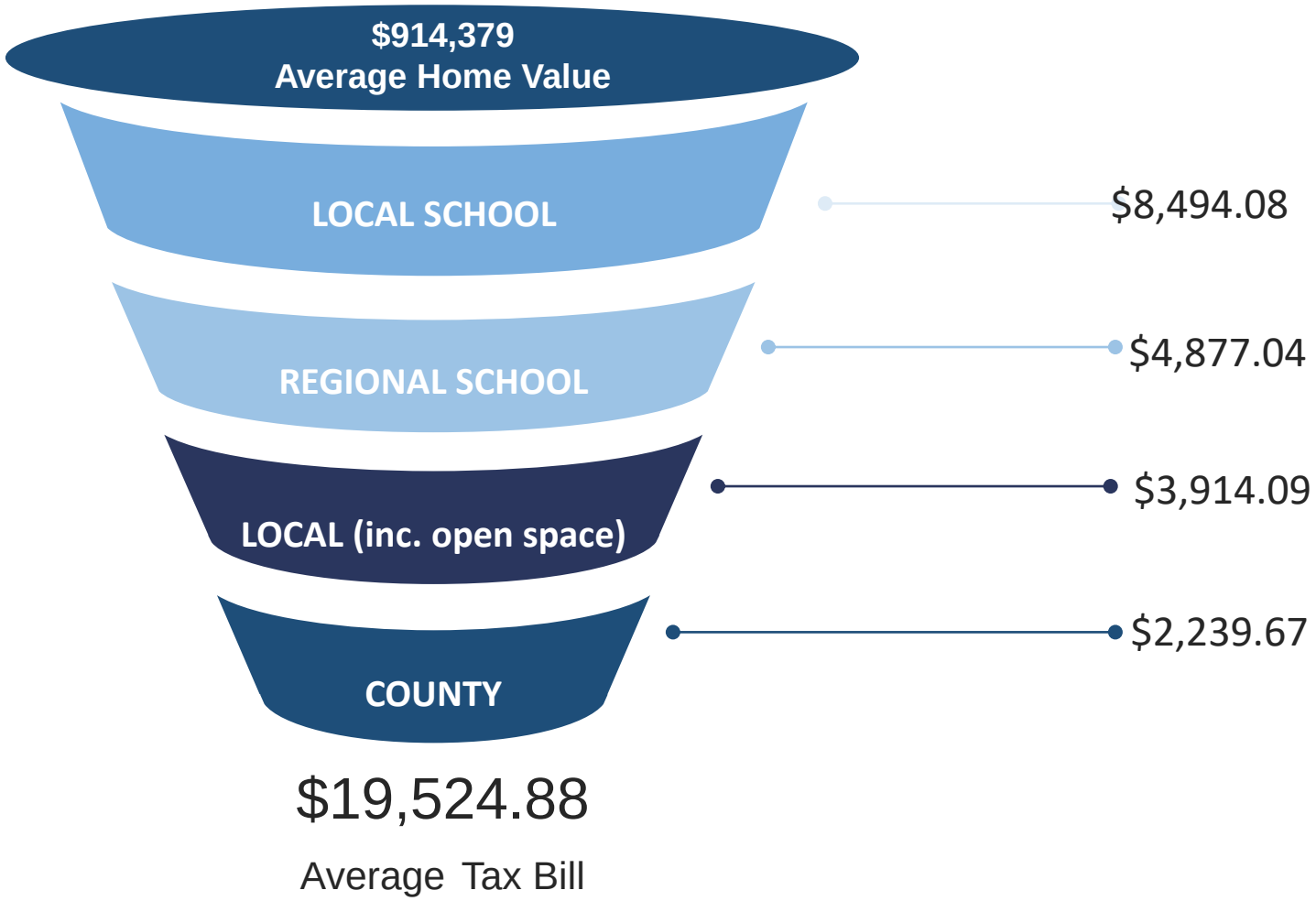
Impact on the average $914,379 home

NVT 2021 = $1,867,099,302
NVT 2022 = $1,957,427,656

TOTAL TAX LEVY
$41,797,253.36



OVERALL TAX DOLLAR BREAKDOWN



CURRENT FUND REVENUES – Excluding Grants

REVENUE	2021 ANTICIPATED	2021 REALIZED	2022 ANTICIPATED	% CHANGE
Fund Balance	$1,360,830.00	$1,360,830.00	$1,492,025.22	9.64%
Local Revenues	$227,185.00	$229,624.69	$191,185.00	-15.85%
State Aid	$487,059.00	$487,059.00	$487,059.00	0
UCC Fees	$166,000.00	$219,368.00	$190,000.00	14.46%
Other Special Items	$496,784.80	$502,842.31	$397,800.00	-19.93%
Delinquent Taxes	$225,000.00	$266,155.00	$250,000.00	$11.11%
Amount to Be Raised by Taxes	$8,181,295.20	$8,181,295.20	$8,181,289.46	0%
TOTAL	**$11,170,848.41**	**11,868,848.21**	**11,190,403.38**	

CURRENT FUND OPERATING EXPENSES

Budget Category	2021 $$	% of 2021 Budget	2022 $$	% of 2022 Budget
Statutory Expenditures	$931,296.00	8%	$932,956.90	8%
Insurance	$912,200.00	8%	$888,251.00	8%
Utilities	$255,500.00	2%	$255,500.00	2%
Debt Service & CIF	$513,500.00	5%	$525,000.00	5%
Debt Service	$1,785,385.00	16%	$1,783,740.00	16%
Salary & Wages	$3,226,665.00	29%	$3,203,102.65	29%
All Other Expenses	$2,517,713.41	23%	$2,579,614.40	23%
Reserve for Uncollected Taxes	$1,028,589.00	9%	$1,022,235.43	9%
Total Budget	**$11,170,848.41**		**$11,190,403.38**	

April 11, 2022 meeting

BARRETT D. KOLTON
3 North Gate Rd Mendham, NJ 07945
[redacted]

To Mendham Twp. Committee Members & Atty. Michael Lavery:

I was advised by Katherine Coyle, Director of the MCADB, that the Board Meeting that had been scheduled for Thursday, April 4th, which was going to start reviewing the Backer's Brewery application, was put off pending the Board's receipt of information she requested from Mendham Township. I assume she requested the positions that the Township will take on various aspects of the Backer application, and I know that the Twp. Committee has hired an experienced attorney, Michael Lavery, to represent the Twp. in this matter. I understand that the rescheduled date for the Ag Board meeting may be May 5, but that has not been resolved yet.

I have spoken previously to the Twp. Committee as one of the original complaintants of the concert noise on Sept. 11th, and I have expressed my opposition to the entire Backer application. At this time, I would like to take a few minutes describing for the Twp. Committee and for Mr. Lavery what I feel are the problems of that application for both Mendham Twp, and for the adjacent residents.

First, regarding the Twp, let me list the negatives and positives as I see them:

Negatives:

1. I do not believe there will be any tax income for the Twp. from the brewery operation regardless of sales, because the farm will still be taxed with the farm assessment of about $150 per year, so even a very profitable operation will net zero income for the Twp., with any and all profits going to the Backers and their financiers.

2. Instead of receiving income from the project, it is quite possible that the Twp. could incur some very large expenses. For example, the narrow and winding sections of Ironia Rd and Roxiticus Rd may have to be widened from Rte 24 to the farm entrance to safely accommodate farm trucks and vehicles, and the cost of acquiring adjacent land, installing paving and curbing, etc., could be enormous – and that cost would have to be paid by the Twp (and some by the Borough) and then passed along to the taxpayers.

3. It is also possible that extra police services will be required at the Brewery above and beyond their normal service requirements. If that occurs often, it might require payment of expensive overtime, or even hiring additional police at an even greater cost. Also, any time the volunteer EMT squad and ambulance are dispatched to Backers, the crew would not be available to handle another emergency at the same time, endangering someone else in need.

4. There might also be a cost to the Twp to defend against possible lawsuits that might be filed by Mendham residents for other types of problems emanating from the brewery operation.

5. If the brewery is approved as requested, with 78 bar seats, extensive parking and hours of operation, etc., it would adversely affect the health, safety, and tranquility of hundreds of Twp residents living in proximity to the Brewery.

6. It would turn residential, tranquil Mendham Twp into an Agri-tourist site, and completely destroy Mendham's historical character. That could reduce the attractiveness of Mendham Twp. as an ideal place to live, for potential buyers.

7. It is also quite possible that property tax income will drop as a result of residents applying for tax abatements due to the lower value of their houses caused by the negatives of the Brewery operation.

Positives:

1. The brewery will financially benefit one family in the Twp. (although to the detriment of about 2,000 other families.)

2. It would provide a place for residents to gather, socialize, and drink beer (although there are at least 3 other restaurants in the Mendhams that already sell beer.)

3. It would provide a venue for family, friends, and business gatherings with the availability of beer, with more space available than the existing restaurants provide.

Next, let me summarize the problems facing Mendham Twp residents regarding this brewery proposal. You committee members have recently received a detailed email from Peter Banos, another member of our opposition group, outlining most of our concerns, which are:

1. Large capacity of cars and patrons

2. Excessive parking on premises.

3. Extensive hours of operation.

4. Extensive quantity of events planned.

5. Continued exposure to loud amplified music.

6. Lighting beyond the confines of the farm.

In addition to the above, there are substantial issues regarding their new septic system design, their disposal of waste, source of water, and health and environmental issues. There is also our concern about the Backers obtaining a liquor license, which has possibly not yet been applied for.

Please understand that this is not a vendetta against the Backers by 2 adjacent families. Our committee presently consists of about 25 families living in Oak Knoll, on Ironia Rd, on Mountainside Rd, and in the Ralston section near Rte. 24. None of us are looking to cause trouble; we just want to preserve the peace, tranquility, health and safety of this beautiful, residential area.

Respectfully submitted,

Barrett D. Kolton