

**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: May 9, 2022
TIME: 7:30 PM
LOCATION: Municipal Building and Remote Via Zoom

ROLL CALL

Mr. Baio	Present
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.

Mayor Monaghan moved Resolution 2022-068 to the top of the agenda.

RESOLUTION

2022-068 Resolution of the Township Committee of the Township of Mendham Appointing Police Officer Victoria Di Maggio

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

Mr. Mills administered the Oath of Office to Ms. Victoria Di Maggio. Chief Johnson thanked the Township Committee for the opportunity and announced that Ms. Di Maggio is the township's first female police officer for the Mendham Township Police Department. The committee members and public welcomed Ms. Di Maggio.

PROCLAMATION

Mental Health Awareness Month

Ms. Duarte read the proclamation and members of the Mendhams Stigma-Free Task Force were in attendance. Ms. Liz Tomasi and Ms. Renee-Noele Pisani spoke on the Stigma Free Task Force and the Stomp Out Stigma Walk!

ANNOUNCEMENTS

Committee members made their announcements on upcoming events.

PRESENTATION

Budget Presentation - Mr. Gabloff presented the Budget Adoption, which is attached.

OPEN TO THE PUBLIC

Bob Fox, 34 Oak Knoll Road – Mr. Fox followed up on the letter that he emailed the Township Committee, asking if there were any questions from the committee. Mayor Monaghan acknowledged the letter, and there were no questions presented by the committee.

Tom Moretti, 24 Ironia Road – Mr. Moretti expressed his concerns with Backer Farm brewery application, noting safety concerns (intoxicated drivers) and the potential decrease in property values.

Larry Corsi, 323 Mendham Road West – Mr. Corsi asked about the surplus in the budget and its use.

Barbara Kolton, 3 North Gate Road – Ms. Kolton spoke on the Backer Farm Brewery application. She asked the committee to consider the regulations they have to impose to protect the health and safety of the

residents. She requested that the committee give the matter a deep consideration while we have the chance, so we don't regret it later on.

Melissa Rainis, 290 Mountainside Road, Mendham Borough – Ms. Rainis thanked Mr. Moretti for his comments about the alcohol content in the brewery process. She expressed that it's really important to have the brewery application start small, with the Backers having to come back to the township for changes to their application.

Adam Dubeck, 307 Mendham Road West – Mr. Dubeck presented a donation, on behalf of the Pastime Club, towards the permanent sunshade at the Ralston Playground.

Martin Slayne, Indian Hollow Road - Mr. Slayne highlighted that there would be a new reporting system for notifying the Environmental Commission via a township email to report any issues on the trails.

Richard Watson, 14 North Gate Road – He asked that the Backer Farm Brewery application (concept) be put to bed once and for all.

Sam Barsa, 20 Conifer Drive - Mr. Barsa thanked Mr. Orlins, Finance Committee, and Township Committee for doing such a great job with no budget increase for the last years and expressed that we need more ratables.

George Koenig, 13 North Gate Road – Mr. Koenig made several points on the brewery proposal on Ironia Road, noting that the AG Board made a resolution but not an approval; stating that the Township Committee's input to the AG Board will carry a lot of weight; he hopes the committee's response is measured to reflect the committee's recent responses to the AG Board about agrotourism and recognizes that the Township is 99.9% residential both in orientation and planning with low density; and recognizes that the proposal is a commercial business operating in a residential zone, in a residential community. Finally, Mr. Koenig presented several suggestions to the application, commenting on the event plan, brewery hours, parking, noise level, lighting, and reservation system.

Diana Orban Brown, Ironia Road – Ms. Brown congratulated Chief Johnson on the new hire. Ms. Brown attended the school's budget hearing and noted that she was the only member of the public present. She encouraged the members of the public and committee members to attend the board of education meetings because its important.

Terrill Doyle, 5 Cross Way – Ms. Doyle followed up on the comments on the number of events noting that one event can be up to one to three days long. She hopes the committee will consider public health and the good for most people and most taxpayers in the town and not just focus on whether Backers can make the most profitable business plan but on whether this proposal serves the town.

Marie Fox, 34 Oak Knoll Road – Ms. Fox asked the committee to consider the increase of school-age children if the committee considers changes to the Master Plan and subdivisions, noting that the revenue would be far less than the cost to educate a child and the cost for services.

Tracey Moreen, 52 Hardscrabble Road – Ms. Moreen thanked the committee for scheduling the workshop on the Master Plan. She asked about the intersection of Corey Lane and Tempe Wick Road, noting that the look and feel of the road scape are to be determined, but she's curious if the county is required to comply with our master plan. She thanked that committee for hearing community feedback about improving transparency with the more expedient posting of the meeting minutes. She requested that the September and October meeting minutes of the Planning Board be posted on the website. Finally, she congratulated Ms. Di Maggio on being the first female police officer in Mendham Township and thanked Chief Johnson for his efforts.

Eric Hart, 17 North Gate Road – Mr. Hart reiterated the support for what Mr. Koenig proposed earlier in the meeting (hours, parking, capacity, and limited events); it's also very similar to what his wife sent to the committee on March 24th. He noted that they shared these points with the Backers. The essential of this proposal is that the operation's overall size and scale are too big for the area. However, he thinks there could be a workable middle ground where the Backers can do what they need to do to continue their business while fitting in better within the community.

Sam Barsa, 20 Conifer Drive – Mr. Barsa commented on the school budget and regarding zoning, noting that the township should consider housing for 55 and over.

Peter Banos, 47 Ironia Road, Mendham Borough – Mr. Banos spoke on the environmental concerns regarding the brewery application on stormwater and impervious coverage issues.

Motion to close public comments made by Mr. Baio; Second by Ms. Duarte. All member voted by voice call in favor of closing the public comment section.

APPROVAL OF MEETING MINUTES

Regular Meeting Minutes of March 14, 2022 and Regular Meeting Minutes of March 28, 2022
Motion made by Ms. Duarte; Seconded by Mr. Baio. All members present voted in favor.

Regular Meeting Minutes of April 11, 2022
Motion made by Ms. Duarte; Seconded by Ms. Neibart. All members present voted in favor except for Mr. Baio who abstained.

Special, Regular and Executive Session Minutes of April 25, 2022
Motion made by Ms. Duarte; Seconded by Ms. Neibart. All members present voted in favor except for Mr. Orlins who abstained.

REGULAR AGENDA – RESOLUTIONS

- 2022-069** Resolution of the Township Committee of the Township of Mendham Self Examination of the 2022 Budget
- 2022-070** Resolution of the Township Committee of the Township of Mendham Authorizing the Budget to be Read by Title Only
- Resolutions 2022-069 and 2022-070 were voted on together:**

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

BUDGET HEARING – 2022 MUNICIPAL BUDGET – PUBLIC COMMENT

Mayor Monaghan opened the meeting for public comment on the 2022 Municipal Budget.
There were no comments from the public.
Mr. Orlins made a motion to close public comment; Seconded by Mr. Baio. All members presented voted in favor.

- 2022-071** Resolution of the Township Committee of the Township of Mendham Adoption of the 2022 Municipal Budget

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

- 2022-072** 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 Meeting Act, N.J.S.A. 10:4-12
- Motion made by Ms. Neibart; Seconded by Mr. Orlins. Voice Call: All members present voted in favor.**

- 2022-073** Resolution of the Township Committee of the Township of Mendham Appointing Wendy Parrinello, Administrative Clerk and Secretary for the Zoning Board of Adjustment for the Township of Mendham

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

- 2022-074** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

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

2022-075 Resolution of the Township Committee of the Township of Mendham Authorizing Purchases Off Cooperative Purchasing Contracts and New Jersey State Contracts Pursuant To N.J.S.A 40A: 11-11, N.J.A.C. 5:34-7.1 and N.J.S.A. 40a:11-12 (Calendar Year 2022) and Amending Resolution 2022-047 to Include a New Contract
Motion made by Ms. Neibart; Seconded by Ms. Duarte. Voice Call: All members present voted in favor.

2022-076 Resolution of the Township of Mendham, County of Morris, State of New Jersey Amending the Contract For LTI, Inc. for Landscaping Services and Addition of Maintenance of Pitney Park

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

ORDINANCE(S) INTRODUCTION / FIRST READING

08-2022 An Ordinance of the Township Committee of the Township of Mendham Amending Subsection 10-48: The Mendham East and West Water Pollution Control System Advisory Committee - Second Reading/Public Hearing Scheduled for May 23,2022

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

ORDINANCE(S) FOR SECOND READING / PUBLIC HEARING

06-2022 Bond Ordinance Providing for the Improvement of Roads in and by the Township of Mendham, in the County of Morris, New Jersey, Appropriating \$1,255,000 Therefor, Including \$411,700 Expected to be Received as a FY 2021 New Jersey Department of Transportation Grant, and Authorizing the Issuance of \$1,255,000 Bonds or Notes of the Township to Finance the Cost Thereof - Introduced on April 25, 2022

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

PUBLIC HEARING:

Mayor Monaghan opened the meeting for public comment on Ordinance 06-2022.
There were no comments from the public.
Mr. Baio made a motion to close public comment; Seconded by Mr. Neibart. All members presented voted in favor.

07-2022 Ordinance Appropriating \$50,000 from the Capital Improvement Fund in Order to Provide for Guard Rail Replacement in and by the Township of Mendham, in the County of Morris, New Jersey - Introduced on April 25, 2022

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

PUBLIC HEARING:

Mayor Monaghan opened the meeting for public comment on Ordinance 07-2022.
There were no comments from the public.
Mr. Orlins made a motion to close public comment; Seconded by Mr. Baio. All members presented voted in favor.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting to the public.

Diana Orban Brown – Ironia Road – Ms. Brown commented on the committee’s interaction that took place earlier in the meeting, stating that the job of a committee member is challenging, especially when personalities come in conflict with one another. She reminded the committee of the power of raising a “point of order” because the chair gets to end the conversation without a second. She recommended that the committee use it. She also commented on the committee discussing items dear to their heart or ones they are a part of, reminding the committee of the conflict-of-interest concern.

Mr. Orlins made a motion to close open to the public; Seconded by Mr. Baio. All members voted in favor.

DISCUSSION

Construction Project

The bid notice for the municipal building renovation project will go out on May 16th. The committee could see an award at the end of June or mid-July, depending on how things progress. There was a discussion on the plan for the current police station. Mr. Gabloff noted that he would like to see the municipal building settled before moving on to another project. Mr. Gabloff provided a status update on the construction of the new police department.

EXECUTIVE SESSION

Motion to enter into Executive Session made by Mr. Orlins; Seconded by Ms. Neibart. All members present voted in favor.

ADJOURN

The Township Committee adjourned at 10:49 PM.

Respectfully submitted,

Distributed: 05/18/2022

Approved: 05/23/2022

Maria F. Coppinger

Township Clerk

Attachments:

- Ordinance 06-2022
- Ordinance 07-2022
- Budget Adoption Presentation

ORDINANCE 06-2022

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF ROADS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$1,255,000 THEREFOR, INCLUDING \$411,700 EXPECTED TO BE RECEIVED AS A FY 2021 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, AND AUTHORIZING THE ISSUANCE OF \$1,255,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (with not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,255,000, including \$411,700 expected to be received as a FY 2021 New Jersey Department of Transportation grant (the "NJDOT Grant"). No down payment is required for the purpose described in Section 3(a) hereof pursuant to N.J.S.A. 40A:2-11(c) due to the funding available from the NJDOT Grant.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,255,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the improvement of roads involving milling and paving of Mt. Pleasant Road, Harding Terrace, Standish Drive, Walsingham Drive, Devonshire Road, Tingley Road Section 1, Olmstead Lane, Governors Drive and related areas, including acquisition of road supplies and materials, related and incidental work, and engineering for Woodland Road Phase 2 road work.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,255,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$251,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE 07-2022

**ORDINANCE APPROPRIATING \$50,000 FROM THE CAPITAL IMPROVEMENT FUND IN ORDER TO
PROVIDE FOR GUARD RAIL REPLACEMENT IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY
OF MORRIS, NEW JERSEY**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE
COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. \$50,000 from the Capital Improvement Fund is hereby appropriated to provide
for guard rail replacement in the Township of Mendham, in the County of Morris, New Jersey (the
"Township").

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary
capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended
to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the
extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital
budget, a revised capital or temporary capital budget has been filed with the Division of Local Government
Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise
as provided by law.