

**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: June 13, 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 via Zoom, left meeting at 9:03PM
Mayor Monaghan	Absent

Also, present:

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

Deputy Mayor Baio presided over the meeting.

SALUTE TO THE FLAG

STATEMENT OF ADEQUATE NOTICE – Read by Deputy Mayor Baio
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.

RECOGNIZING NEW MEMBER
Deputy Mayor Baio introduced Frank Strafaci, Associate Member of the Ralston Engine Company No. 1.

ANNOUNCEMENTS
Deputy Mayor Baio noted that the township had provided input regarding the Backer Farm brewery operation, which the public can find on the Morris County AG Board's website.

Ms. Neibart announced some upcoming events in the township; Patriots Race and the Fourth of July Fireworks.

Ms. Duarte announced the launch of the township's logo contest and noted the upcoming Pride Event at Brookside Beach. She also stated that Juneteenth is Sunday, June 19th. Finally, Ms. Duarte congratulated the Environmental Commission on Saturday's successful Styrofoam recycling collection.

OPEN TO THE PUBLIC
Steve Dreskin, 3 Roxiticus Road – Mr. Dreskin expressed his disappointment in the inadequacy of the committee's response to the AG Board regarding the Backer Farm application. Mr. Dreskin requested that the committee write a supplemental letter to add context and other items that the letter to the AG board did not address. In addition, he noted that the committee did not address numerous health and safety issues. He also requested that the committee set a limit to 78 seats for the entire site.

Pat Zimmerman, 3 West Main Street – Statement attached.

Mary Michailidis, 10 Thackery Lane – As a concerned Thackery Lane resident, Ms. Michailidis is collecting data on the speed limits on Corey Lane and asked the public for their assistance.

Richard Watson, 14 North Gate Road – Mr. Watson commented on the Backer Farm application, noting that the process is not a popularity contest, it's not a debate about good versus evil, and we should not dismiss the people who disagree with the process.

George Koenig, 13 North Gate Road – Mr. Koenig thanked the committee for their response to the AG Board. However, he asked the committee to consider adding an amendment to their response to include input on an integrated parking plan and a complete site plan and to express that the township does not welcome with open arms agrotourism, to name a few.

Bob Fox, 34 Oak Knoll Road - On May 7th, Mr. Fox wrote a letter to the committee addressing concerns regarding the Backer Farm application. However, Mr. Fox expressed that the committee's input to the AG Board did not address his safety and traffic concerns that impact Route 24, Ironia and Roxiticus Roads, which he mentioned in his letter.

Terrill Doyle, 5 Crossway Road – Ms. Doyle asked for the committee's process on how their responses to the AG Board were drafted and approved. She also asked for clarification on the Backer Farm Brewery's consumption issue and if it's a permitted use.

Peter Banos, 47 Ironia Road, Mendham Borough – Mr. Banos expressed his concerns with the Backer Farm application: traffic on Ironia Road (request a more detailed traffic study), noise (asked for clarification), and

environmental concerns (stormwater). He asked the township to supplement their letter to the AG Board to include the three concerns.

Kim Hart, 17 North Gate Road – Ms. Hart requested the committee to issue a supplement to their input to the AG Board; some of the issues discussed were parking, hours of operation, and the number of events. Unfortunately, parts of Ms. Hart’s comments were inaudible.

Barrett Kolton, 3 North Gate Road – Mr. Kolton was shocked by the omissions in the committee’s input to the AG Board. He asked that committee if they would consider the comments from tonight’s meeting and amend the (input) report to the AG Board.

Terrill Doyle, 5 Crossway – Ms. Doyle asked for clarification on the production levels in the brewery application.

Tracy Moreen, 52 Hardscrabble Road – Ms. Moreen commented on tree preservation and followed up on the idea of including a letter in the town tax mailing reminding residents of the tree removal rules. She is happy to see the township is awarding a contract for a forester to address the ash tree problem; but also suggested having the forester start thinking about helpful preservation and conservation of our trees. She also indicated that the forester work with the power companies, which have gotten increasingly aggressive with removing healthy trees. Finally, at the last meeting, Ms. Zimmerman gave an impressive speech about accessory apartments and getting creative on how we can ensure Mendham is a place where our citizens can retire; she encouraged the committee to start having those discussions now.

APPROVAL OF MEETING MINUTES

Executive Session Minutes of November 22, 2021

Motion made by Ms. Duarte; Second by Ms. Neibart. Voice Call: All members voted in favor.

Regular Meeting and Executive Session Minutes of May 23, 2022

Motion made by Ms. Duarte; Second by Ms. Neibart. Voice Call: All members voted in favor.

CONSENT AGENDA – RESOLUTIONS

- 2022-094

Resolution of the Township Committee of the Township of Mendham Authorizing the Cancellation of Small Balances on Tax and Sewer Utility Accounts for the Year Ending December 31, 2022
- 2022-095

Resolution of the Township Committee of the Township of Mendham Authorizing an In-Person or Online Tax Sale
- 2022-096

Resolution of the Township Committee of the Township of Mendham Amending 2022 Budget Insertion of Special Item of Revenue for “State of New Jersey - Clean Communities Grant”
- 2022-097

Resolution of the Township Committee of the Township of Mendham Amending 2022 Budget Insertion of Special Item of Revenue for “ANJEC 2022 Open Space Stewardship Project Grant”
- 2022-098

Resolution of the Township Committee of the Township of Mendham Amending Resolution 2022-075 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)
- 2022-099

Resolution of the Township Committee of the Township of Mendham Approving Staff Appointments for the Department of Public Works for Seasonal Help
- 2022-100

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		
Ms. Neibart	X		X		
Mr. Orlins		X	X		
Deputy Mayor Baio			X		

REGULAR AGENDA - RESOLUTIONS

- 2022-101

Resolution of the Township Committee of the Township of Mendham Awarding South State, Inc through the Morris County Co-Op Contract# 6 - Road Resurfacing of Various Roads not to Exceed \$500,000

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

2022-102 Resolution of the Township Committee of The Township of Mendham Awarding Contracts to Various Vendors through the Morris County Cooperative Pricing Council for the Reconstruction of Mt. Pleasant Road in an Amount not to Exceed \$586,534.90

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

2022-103 Resolution of the Township Committee of the Township of Mendham Amending the Contract for J.R. Contracting for the Extension of the Date of Substantial Completion to September 2, 2022 for the Construction of the New Police Building Facilities

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

2022-104 Resolution of the Township Committee of the Township of Mendham Establishing Salaries for Certain Employees of the Township for the Year 2022

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

2022-105 Resolution of the Township Committee of the Township of Mendham Recognizing Extra Duty Require of the Township Public Works Superintendent

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

2022-106 Resolution of the Township Committee of the Township of Mendham Appointing Maria Coppinger, Assistant Township Administrator

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

2022-107 Resolution of the Township of Committee of the Township of Mendham Authorizing the Award of a Professional Services Contract for Professional Forestry Services (Non-Fair and Open) to Richview Consulting

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

2022-108 Resolution of the Township Committee of the Township of Mendham to Authorize the Execution of Lease Agreement Between Stanley (Nick) Witzcak and Krista Underhill and the Township for Apartment B at 97 Ironia Road, Mendham, NJ 07945

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

2022-109 Resolution of the Township Committee of the Township of Mendham Approval of the Length of Service Award Program (LOSAP) Qualification List for the Ralston Engine Company No. 1

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

2022–110 Resolution of the Township Committee of the Township of Mendham Amending the Contract for J.R. Contracting for the Installation of Conduit for a Generator for the Town Hall and Police Building Facilities

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

ORDINANCE(S) FOR SECOND READING / PUBLIC HEARING

09-2022 Ordinance Appropriating \$123,000 from the Capital Improvement Fund in Order to Provide for Various Capital Improvements or Purposes in and by the Township of Mendham, in the County of Morris, New Jersey - Introduced on May 23, 2022

Motion made on Ordinance 09-2022 by Ms. Duarte; Seconded by Ms. Neibart.
Deputy Mayor Baio opened the meeting for public comment on Ordinance 09-2022.

PUBLIC HEARING

Diana Orban Brown, Ironia Road – She expressed concern with the item for recreation improvements, including a lighting study for Mosle Field to accommodate the proposed turf field. She is surprised that the committee would move forward with this since the committee did not assess or approve a study. She noted that the public needs to know that the committee is moving forward with the study.

The committee engaged in a discussion about the lighting study process.

There were no other comments from the public.

ROLL CALL ON ORDINANCE 09-2022

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

10-2022 Bond Ordinance Providing for Various Capital Improvements in and by the Township of Mendham, in the County of Morris, New Jersey, Appropriating \$1,060,000 Therefor and Authorizing the Issuance of \$918,250 Bonds or Notes of the Township to Finance Part of the Cost Thereof.
Introduced on May 23, 2022

Motion made on Ordinance 10-2022 by Ms. Duarte; Seconded by Ms. Neibart.

Deputy Mayor Baio opened the meeting for public comment on Ordinance 10-2022.

PUBLIC HEARING

There were no comments on Ordinance 10-2022.

ROLL CALL ON ORDINANCE 10-2022

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

OPEN TO THE PUBLIC

Peter Banos, 47 Ironia Road, Mendham Borough – Mr. Banos asked for clarification on the township’s input to the AG Board on stormwater concerns, parking and if the application is a major development.

Mr. Orlins left the meeting at 9:03 PM.

DISCUSSION

A Special Meeting is scheduled for June 29th for a public workshop on the recently adopted Master Plan.

Ms. Duarte commented on the street signs and their condition after removing the test street signs; Ms. Neibart noted that DPW would repair the seven (test) signs. Ms. Duarte asked for an update on the DPW study, and Mr. Gabloff responded that he was waiting to hear from several groups about their interest in the study.

Pitney Park: Mr. Gabloff expressed concerns at the Walled Garden with people allowing their dogs off the leash to run through the garden and not cleaning up after their pets. There were suggestions to have a sign installed at the entrance of the Walled Garden prohibiting pets from using the area.

Ms. Duarte motioned to install a sign at the Walled Garden, “No Pets in the Walled Garden,”; Seconded by Ms. Neibart. Roll Call: All members present voted in favor of installing the sign.

ADJOURN

Ms. Neibart made a motion to adjourn at 9:19PM; Seconded by Ms. Duarte. All members present voted in favor.

Respectfully submitted,

Distributed: 06/22/2022

Approved: 06/27/2022

Maria F. Coppinger
Township Clerk

ATTACHMENTS:

Patricia Zimmerman, 3 West Main Street

**ORDINANCE 09-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**ORDINANCE APPROPRIATING \$123,000 FROM THE CAPITAL IMPROVEMENT FUND IN ORDER TO PROVIDE FOR
VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES 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. \$123,000 from the Capital Improvement Fund is hereby appropriated to provide for various capital improvements or purposes in the Township of Mendham, in the County of Morris, New Jersey (the "Township") as follows:

<u>Improvement or Purpose</u>	<u>Amount</u>
a) Acquisition of SUVs and equipment for the Police Department, including the buyout of an existing lease	\$70,000
b) Recreation improvements consisting of the major repair or replacement of fencing and other improvements at Brookside Beach, acquisition and installation of park furnishings, improvement of pickleball/tennis courts at Mt. Pleasant Park and a lighting study for Mosle Field to accommodate the proposed turf field	\$35,000
c) Acquisition of Emergency Management equipment consisting of a desk top radio for the Office of Emergency Management and a generator for the Brookside Community Club	\$18,000

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.

ORDINANCE 10-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$1,060,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$918,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,060,000, and further including the aggregate sum of \$141,750 as the several down payments for the improvements or purposes required by the Local Bond Law. \$41,750 of the down payments has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets for the purposes set forth in Sections 3(a), (b), (d) and (e) herein. \$75,000 of the down payments is on hand and contributed by the Board of Education for the purpose set forth in Section 3(c) herein. \$25,000 of the down payments is available from Police Off-Duty Administrative Fees for the purpose set forth in Section 3(f) herein.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$918,250 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of a tanker/water tender fire truck with equipment	\$525,000	\$498,750	10 years
b) Acquisition of an all-wheel drive dump truck with equipment	\$225,000	\$213,750	5 years
c) Acquisition and installation of gas tanks at the Department of Public Works	\$150,000 (including \$75,000 available from the Board of Education)	\$75,000	15 years
d) Supplemental appropriation for rehabilitation or replacement of the Salt Storage Shed (supplements ordinance #08-2021 finally adopted 5/10/2021)	\$50,000 (in addition to \$80,000 appropriated by ordinance #08-2021 finally adopted 5/10/2021)	\$47,500	15 years
e) Acquisition of body cameras for the Police Department	\$35,000	\$33,250	5 years
f) Acquisition of a generator for the Police Department	\$75,000 (including \$25,000 from Police Off Duty Administrative Fees)	<u>\$50,000</u>	15 years
Totals:	<u>\$1,060,000</u>	<u>\$918,250</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.59 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 \$918,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$212,000 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 purposes or improvements.

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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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.

P. Zimmerman
6.13.2022

BACKER FARM

If a resident came before you with a proposal to establish a BAR along some street in Mendham Township - say on Mountainside Road or Pleasant Valley Road - what would you say?

My question concerning the Backer Farm proposal is - What is the difference between a TASTING ROOM and a BAR?

I have visited two winery tasting rooms in my life - one in California and one on Cape Cod. In both, one stood at a bar - no stools - and were offered FREE a shot glass of the wine we were interested in. (The wine bottles were displayed on a shelf behind the servers.) They also offered tastes of others of their varieties - again in a shot glass size glass. Then it was expected we would purchase a bottle or two to take home.

From the sign in my front yard, you may have guessed that I think what is being proposed for Backer Brewery will actually be a bar and not just a tasting room. To clear this up, I pose the following questions:

1. What SIZE is a taste - sample size (shot glass) or a full size glass (8 to 12 ounces)?
2. Are the tastes FREE or will visitors be charged?
3. Is there a LIMIT on how many tastes one can consume?
4. Why will there be TABLES with seating for 78 people - understanding there will be nothing more than tasting going on - with, perhaps, a cracker or two to cleanse the palate?

As for the HOURS of operation:

Assuming the purpose of the tasting room is to sell the beer produced on the farm, the proposed hours of operation those of a typical STORE or those of a typical bar.

Understanding that approvals and permits remain with the property, whoever owns it . . .

WHAT IF THE BACKERS SELL?

I have talked about the proposal with friends and even family who say - "Oh, it would be so much fun to have a small brewery in the Township." And they add, "The Backer family loves the Township and they would never let their operation negatively impact the community." My response is - WHAT IF THE BACKERS SELL TO A CORPORATION?

With all the permits and approvals they will have received from the State, County, and local government, along with their own inventive legal advice, it appears to me, the sky is the limit for a corporation.

For example - I have heard there will be permitted a FOOD TRUCK and unlimited PICNICKING? How large a food truck, permanent or occasional? And how does one define a picnic? If these have not been carefully defined in the approvals, who knows how they could be interpreted?

Another example - EVENTS - Are there really approvals for 52 events per year? Imagine what a corporation might do with this? (Forgive me for the next, I cannot help myself - picture Disneyland at Mendham.)

Another question, how has the word "event" been defined? Bringing in a guitarist to perform on a Friday night in the Tasting Room - would that count as an Event?

I suggest the Brewery/Farm be limited to 4 Events per year, parameters for which should be clearly described and defined. For any more than four, the owners should have to come to the Township for approval. So long as the Backers own the farm and act thoughtfully, within the agreed-to parameters, more events could easily be approved - each year requiring the Backers little more than extra paperwork.

However, thinking CORPORATION - a blanket approval for 52 Events, in my opinion is begging for trouble, most likely big trouble for the Township, as well as our neighbors, Mendham Borough.

It seems to me that even with controls, such as those suggested above, the Backer family could make a good living from their brewery/farm. I also think, considering their deep roots in the Township and their expressed love for the land, the Backers would approve limiting what a corporation might be able to do with their beloved farm.

I understand that there are only certain parts of this application that the Township can control but please control what you can! What will residents say years from now about decisions you make today?

I have heard you say that the majority of residents are in favor of the Backer proposal. You and I know that the majority of residents have no idea of the possible long term consequences of what is being proposed. Fortunately, traditionally, residents have cared about the future and, the careful planning, have left us a very special place in which to live and raise our kids. Let this past be our guide for the future . . .

YOU - WHO NOW SIT ON THE TOWNSHIP COMMITTEE
WHAT WILL BE YOUR LEGACY?
HOW WILL YOU BE REMEMBERED?
WHAT WILL YOU LEAVE BEHIND?

If I were King for a Day - I would decree the Backers build their brewery with a real Tasting Room /Store and sell through appropriate outlets such as the store on Route 24 (510) on the way to Chester.

Respectfully,

Patricia Zimmerman
Three West Main Street, Brookside

June 12, 2022