

**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
REGULAR MEETING**

**DATE:** July 25, 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
Mayor Monaghan	Present

Also, present:

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

**SALUTE TO THE FLAG** – Led by Mayor Monaghan

**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.

**RECOGNIZING NEW MEMBER**

Erik Haversang, Senior Member, has applied to be a member of the Brookside Engine Company. Mayor Monaghan welcomed Mr. Haversang and thanked him for his service. Ms. Neibart noted that he has been a volunteer for many years and a previous chief in Vermont.

**ANNOUNCEMENTS**

Ms. Duarte thanked everyone who submitted an entry to the logo contest.  
Ms. Neibart announced the upcoming National Night Out event scheduled for August 10<sup>th</sup>.

**OPEN TO THE PUBLIC**

***Diana Orban Brown, Ironia Road*** – Ms. Brown had questions on the location of the trail grant, asked for an overview of the construction projects, and asked for clarification on why we didn't have the driveway to the sally port and sidewalk to the door of the police station in the construction documents.

***Kim Hart, North Gate Road*** – Statement attached

***Senator Bucco*** commented on the resolution concerning the rate increase to the State Health Benefits Program, noting that it's a critical issue that will have a major impact on municipalities, school districts, and public employees around the state. Senator Bucco is glad to see the committee is willing to introduce the resolution and explained that he recently signed on to legislation calling for a committee to investigate the reasons behind the increases. Senator Bucco expressed it is incumbent on the administration and legislature to act on this legislation to have the committee investigate the issue before the public employees and the taxpayers see the increase.

***Bernadette Koenig, North Gate Road*** – Ms. Koenig commented that the state is suddenly enforcing the number of events at craft breweries; a law enacted in 2019. She is concerned because many people are up in arms about the enforcement and state legislators want to do away with the limited events, which would make it worst for them when addressing the Backer Farm Brewery application. She reminded the committee that there is a big commercial venture in town and we have no commercial ordinances.

***Bruce Flitcroft, Tingley Road*** – Mr. Flitcroft provided an update to the Mendham Mushroom program and its criteria. He noted that the National Resource Conservation Service and their consultants have recommended that with a couple of modifications to the plan, he can exceed many of the wildlife habitat management strategists. He also commented on the native plants' inclusion in his program.

***Peter Banos, Ironia Road, Mendham Borough*** – Mr. Banos asked for clarification on the township's response to the county regarding the stormwater management plan.

***Recreation Director Guida's*** comments are attached.

***Ms. Duarte made a motion to close the open to the public session; Seconded by Mr. Baio. Voice Vote: All members present voted in favor.***

**APPROVAL OF MEETING MINUTES**

- Executive Session Minutes of January 24, 2022
- Regular Meeting Minutes of July 11, 2022

**Ms. Duarte made a motion for the approval of meeting minutes; Seconded by Mr. Baio. Voice Vote: All members present voted in favor.**

**ORDINANCE FOR SECOND READING / PUBLIC HEARING**

**11-2022** Bond Ordinance Providing a Supplemental Appropriation of \$600,000 for Capital Improvements in and by the Township of Mendham, in the County of Morris, New Jersey, and Authorizing the Issuance of \$570,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof  
***Introduced on July 11, 2022***

**PUBLIC HEARING**

**Ms. Duarte made a motion to opened the meeting to the public on Ordinance 11-2022; Seconded by Ms. Neibart.**

Mayor Monaghan provided details about the bond ordinance and a construction update on the police department building and town hall. The committee engaged in a discussion regarding the construction update.

Patricia Zimmerman – 3 West Main Street – Ms. Zimmerman asked if the vast majority of the \$600,000 was for the municipal building restoration; Mayor Monaghan confirmed it was for the restoration. She asked if the township had put money aside for landscaping at the police station, which the mayor confirmed was part of the ordinance. She asked to see the landscaping plan. She also asked if the committee could account for the increase, and the committee responded.

**Motion to close hearing persons present made by Mr. Baio; Seconded by Ms. Neibart. Voice Vote: All members voted in favor.**

Mr. Baio noted his reasons for supporting the project, noting that the opportunity to renovate the municipal building is here, there’s a wonderful team that has helped construct the police department which will also assist with the municipal building. But finally, it’s a public building and it’s not ADA-compliant.

Ms. Duarte also agreed with the importance of an ADA-compliant ‘public’ building which is why she will support the construction project.

Ms. Neibart explained that we do not currently have a heating and cooling center in the township, and the current building does not have a generator. However, with the completion of these municipal projects, we will have access to a generator, and we can identify the municipal building as a heating and cooling center.

Mr. Orlins commented that excluding the library grant, we are lucky to be where we are and that the cost is not greater.

**Ordinance 11-2022**

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

**12-2022** Ordinance Appropriating \$592,633.36 of ARRA Funds Available to the Township of Mendham, in the County of Morris, New Jersey in Order to Provide for Various Building Improvements, Road Improvements and Storm Water Improvements in and by the Township  
***Introduced on July 11, 2022***

**PUBLIC HEARING**

**Ms. Neibart made a motion to opened the meeting to the public on Ordinance 12-2022; Seconded by Mr. Baio.**

There were no comments from the public.

**Motion to close hearing persons present made by Mr. Baio; Seconded by Ms. Neibart. Voice Vote: All members voted in favor.**

Ordinance 12-2022

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		

CONSENT AGENDA – RESOLUTIONS

- 2022-121

Resolution of the Township Committee of the Township of Mendham Approving Staff Appointments for the Department of Recreation Summer Season
- 2022-122

Resolution of the Township Committee of the Township of Mendham Establishing Dates for Hunting from Tree Stands on Township Owned Natural Areas
- 2022-123

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		
Ms. Duarte	X		X		
Ms. Neibart		X	X		
Mr. Orlins			X		
Mayor Monaghan			X		

REGULAR AGENDA – RESOLUTIONS

- 2022-124

Resolution of the Township Committee of the Township of Mendham Authorizing a Morris County Trail Construction Grant Application
- Motion made by Mr. Baio; Seconded by Ms. Neibart. Voice Vote: All members present voted in favor of Resolution 2022-124.

- 2022-125

Resolution of the Township Committee of the Township of Mendham Amending the Contract for J.R. Contracting & Environmental Consulting, Inc. for the Site Work and Improvements at the Mendham Township Police Headquarters

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		

- 2022-126

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	ROLL CALL		
			YES	NO	ABSTAIN
Mr. Baio			X		
Ms. Duarte		X	X		
Ms. Neibart	X		X		
Mr. Orlins			X		
Mayor Monaghan			X		

- 2022-127

Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract to S. Houran USA Contractors, LLC of Lyndhurst, New Jersey for Renovations of the Mendham Township Town Hall and Library at 2 West Main Street, Brookside

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		

**2022-128** 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 Renovations of the Town Hall and Library at 2 West Main Street to Include Additional Services: Construction Management

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		

**2022-129** Resolution of the Township Committee of the Township of Mendham Opposing the Proposed Rate Increases to the State Health Benefits Program

Mayor Monaghan read the resolution since it was not published in advance.

The committee engaged in a discussion. During discussion, Ms. Duarte offered a suggestion to remove the “Be It Further Resolved Clause” that calls for an investigation and establishment of an investigate committee with subpoena power to investigate the provenance of the proposed SHBP rate increases. Stating she would vote for it if we took that portion out of it; however, her proposal was not seconded by anyone. Ms. Neibart stressed that the investigation is important since we need the information to be able to understand why these increases are being proposed/considered. These costs will be shouldered by public employees throughout the state and taxpayers. This has the capacity to balloon our budgets. Mr. Baio stressed that importance for this vote to be Bipartisan. Ms. Duarte abstained on the Resolution because it was not on the published agenda, and the Township Committee was not provided with the Resolution in advance or during the meeting.

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		

**OPEN TO THE PUBLIC**

**Diana Orban Brown, Ironia Road** – She praised the county for the update to their grant application process. She also commented that the increase in the state health benefits is outrageous, and every single employee should be sending letters and making phone calls. Finally, she congratulated the committee for getting the construction projects done.

**Patricia Zimmerman, West Main Street** – She would like to meet with Ms. Neibart regarding the landscaping plans for the Police Station and Municipal Building.

**Peter Banos, 47 Ironia Road, Mendham Borough** – He reminded the committee that he represents 25 residents regarding the Backer Farm Brewery application. He noted that Ms. Voight’s letter regarding the Backer Farm Brewery application mentioned that she had discussions with the Municipal Engineer. Mayor Monaghan clarified that the Municipal Engineer had a conversation with their engineer, noting that he would not review anything because he doesn’t have a plan in front of him.

**Ms. Duarte made a motion to close the open to the public session; Seconded by Ms. Neibart. Voice Vote: All members present voted in favor.**

**DISCUSSION**

Tub grinding discussion was moved to the next meeting.

**LIAISON REPORTS**

None

**ADJOURN**

**Ms. Duarte made a motion to adjourn; Seconded by Mr. Orlins. Voice Vote: All members present voted in favor.**

Respectfully submitted,

Distributed: 08/09/2022  
Approved: 09/12/2022

Maria F. Coppinger  
Township Clerk

**ATTACHMENTS:**

- 1. Kim Hart, North Gate Road
- 2. David Guida, Recreation Director

## Kimberly Hart, North Gate Road

The Committee has heard me and many residents asking you to take a “big picture” approach to the BF brewery proposal, and not look at each request for a variance or waiver in a vacuum. The big picture requires you to ask:

- What does a **78-seat, 2 story brewery** with an outdoor patio and upper deck, that is open for **36 or more hours per week** and can have over **100 “events” per year** mean for Mendham Township?
- How would such a commercial operation impact the neighborhood surrounding BF?
- What impact would such crowded events have on our volunteer fire department and first aid squad, who as recently as a few weeks ago responded to a **terrible accident** at the intersection of Mendham Road and Roxiticus Road where a MT resident was badly injured?

Thinking about the big picture, I submitted a proposal to the Committee by **email** on **March 24th** on behalf of several residents with the “terms” we would accept and had communicated to BF previously. These terms related to hours, parking, capacity, events and noise, and we hoped that they would be considered and incorporated by the Committee in its submission to the CADB.

When I reviewed the **Township’s May 24th memo** to the CADB, I have to admit that I was disappointed by it. We wanted a stronger recommendation with regard to parking, hours, capacity and events. It was very disappointing that the Township did not weigh in on the 100+ events BF wants or could have. I understand that Backer Farm was also not happy with the Township’s submission.

I recognize that the Township’s recommendations to the CADB were a **compromise** between what many neighboring residents want and what Backer Farm wants. Like any good compromise, both sides were unhappy.

I hope the Committee has had an opportunity to review **BF’s July 15 submission** to the CADB which was largely in response to the Township’s May 24th memorandum. Their recent submission to the CADB makes it clear that **they either do not understand or care about the neighboring residents’ concerns**. And, it does not appear that they recognize that the Township’s position attempted to **balance** BF’s hopes to maximize its earning potential with the Township’s obligation to ensure that public health, safety and welfare is protected. Backer Farm now wants relief from the recommendations that the Township made that don’t align with their desire to create a large-scale commercial operation that will indeed change the nature of the Ralston and Oak Knoll areas.

It appears they will fight the Township’s recommendations on three of the biggest areas:

1. **Hours.** BF states that 36 hours/week plus an additional 10/hours a week on holidays are needed to market and sell their beer to the public, as well as attract employees. Their insistence that the brewery be open at 3pm on school days is especially disturbing.

The Twp recommended 29 hours/week after we requested 20-23 hours which seemed more than generous give the 10 hours/week that Screamin’ Hill - the only other farm brewery in NJ - is open. The Twp’s requested 29 hours with a closing time of 5 pm on Sundays is more than reasonable.

2. **Capacity.** The Twp set a reasonable capacity limit of **78 persons** in the licensed brewery area, inside and outside. This limit reflects the residential nature of the farm’s setting, the public road it’s on and the desire to respect the neighbors’ right to enjoy their homes and properties without the sights, sounds, smells and traffic hazards of non-traditional farming activities that our zoning protections never imagined.

BF maintains that 78-seats does not equate to 78 persons. But they don’t state in writing what the capacity should be. We understand that their numbers could be **200 or more(!) people** at the brewery and farm. Think about what that would mean for noise, traffic and safety if hundreds of people are on Ironia Road every weekend.

3. **Noise.** It appears that BF has no intention of complying with MT’s new noise ordinance. They also take issue with the municipal processes that have taken place to date, particularly the planning board, and believe that the Township shouldn’t weigh in and that our municipal ordinances are too burdensome.

I want to draw your attention to one item in BF’s updated submission to the CADB, which contained over 20 items by the way. They included the “**Special Conditions**” that derived from the 2019 Limited Brewery Special Ruling by the Division of Alcoholic Beverage Control (ABC). The Special Conditions remove the requirement that the limited brewery notify the clerk and chief law enforcement officer in the municipality 10 days prior to an “on-premises special event.” That means if Backer Farm has 25 special events that are open to the public as requested, the Township and its police and volunteer fire and first aid squads will have no advanced notice of those events. What impact will that have on our community - and the response time should an emergency occur?

My hope is that the Township Committee **vigorously defend** its position and its recommendations on hours, capacity and noise at the CADB hearing. The CADB wants more input from you. They are giving you an opportunity to present your case when the hearing opens on August 11th as the process memorandum issued by the CADB states that after the applicant (BF) has completed its application and witnesses:

“the Township and its Attorney shall provide an overview of its recommendations and introduce its witnesses.”

If you don’t have experts, please hire them! At least a **traffic expert** should opine on the numbers of cars at the projected capacity limits, as well as all the trucks that will be delivering ingredients that are grown on the various part of the FMU, as well as food delivery vehicles like DoorDash and UberEats. And, of course, the report should include the historical data of accidents that have occurred on Mendham Road, particularly at the intersections with Ironia and Roxiticus Roads. We have offered before - concerned residents have hired a traffic expert to whom we would give you access.

In closing, please remember the position the Twp took less than a year ago in response to the County Farmland Preservation Plan Survey. I’ll remind the Committee what your letter states in part:

- The Twp notes with great dismay the proliferation of destination farms, amusement park farms, eco tourism farms and venue farms.
- Agritourism operations, to the extent limited to “pick your own”, farm stands and limited hayrides/pumpkin picking are fine. *The Twp draws the line when the farm seeks to become a destination venue such as an amusement destination, a distillery, a gathering site or other large scale commercial attraction which is other than farming.* (In this regard we invite your attention to the Alstede operation in Chester.)

BF’s CADB application *is* an application to become a destination venue. With social media and the ability to have 100+ events a year, it seems destined to become a large scale commercial attraction like Alstede’s. Please defend your recommendations to the CADB and preserve all the things we love about Mendham and what you as defenders of the Twp said is important - **traditional, not destination or amusement, farms.**

**David Guida, Recreation Director**

I just wanted to take a moment to apologize to the Mendham Township residents for the partial closure of Brookside Beach on Saturday, July 16.

As the director of recreation, ensuring the safe operation of this gem in our community is a top priority of mine.

Anyone who knows me, knows that I love the beach, and it's a key project of mine.

Unfortunately, on July 16 I was unable to secure the proper number of guards for the safe operation of the beach.

I do not want anyone to think that this in any way shape or form is a reflection of our guards. Our guards are predominantly high school, with a few college students.

Our guards at Brookside Beach dedicate countless hours of their time to make Brookside Beach the beautiful place that it is. Each and every single guard shows up ready to work every day and I am so proud of the way they serve our community and ensure the safe and successful operation of the beach.

I do firmly believe that jobs in high school and college are meant to be learning experiences for our youth. Considering their hard work at the beach and their dedication - I know no guard would take off if it wasn't necessary, because on many other occasions when we have been potentially short staffed, they always do step up for the community.

Many had made me aware of vacation plans this week prior to being hired, and others were unavailable solely on the given day, Which I was not aware of until later. When this was brought to my attention, we did work all different Options to staff the Beach. Unfortunately, I was unsuccessful in securing guards and I apologize to the town that this resulted in the partial closure of the beach.

I promise to the community that I will work to ensure that this will not happen again.