

**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
REGULAR MEETING**

**DATE:** August 15, 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** – 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**

Chief Sauerman introduced John B. Zimmerman, Junior Member, who applied to be a member of the Brookside Engine Company

**PROCLAMATION**

Women’s Equality Day – Read by Ms. Duarte

**ANNOUNCEMENTS**

The committee provided their announcements on upcoming events, status on the town-wide tax assessment and openings for the student representative program.

**OPEN TO THE PUBLIC**

Frank Zammataro, Corey Lane – representing a new organization called ‘The Mendham Alliance for Preservation Conservation.’ He was present to cover two items; 1. Irene Spring Tree Farm – he did additional research beyond the C1 Waterways on those properties, including the endangered and threatened species. He requested an audience (meeting) with the Planning Board. 2. Mendham Mushrooms – He did similar research on the four different properties being considered. He explained that the township deals with environmental resources like C1 Waterways, wetlands, archeological sites, historic districts, etc. His bottom line is that more research is required before you enter into any binding contract that creates a commercial enterprise.

Patricia Zimmerman, West Main Street – She understands that NJDEP and the Raritan Watershed Association are taking an interest in the Backer Farm Brewery Proposal. She would like an update on their interest and how it might affect the proposal.

Ken Dickison, Tempe Wick Road – Mr. Dickison commented on the Mendham Mushroom project, which has him perplexed. He would love to listen to the proposal in a little more detail as he lives next door to one of the proposed properties. He pressed the committee for full transparency and disclosure about why this project resonated with them. Unfortunately, the presentation lacks a lot of substance to fill in the holes in the cracks. He presented the committee with several questions on the project.

Chris Neff, West Main Street – He echoed some concerns other residents had with the Mendham Mushrooms proposal. He noted that, in his opinion, open space should never be made available to private business interests. The proposal goes against everything open space is about; open space lands are purchased or acquired by towns, counties, or larger with the intent to preserve and protect natural habitats for residents of New Jersey. Mr. Neff had several concerns about the proposal.

George Koenig, North Gate Road – Mr. Koenig read a letter from Mr. Kibler, of the Raritan Headwaters regarding Backer Farm Brewery Proposal. Letter attached.

Peter Banos, Ironia Road – Mr. Banos read the letter from Mr. Lavery and Mr. Keenan regarding the Backer Farm Application. Letters attached. He also read a portion of the MCADB’s response to the township’s determination regarding the stormwater. Mr. Banos commented on the litter at Buttermilk Falls and Ralston Park.

Jane Mac Neil, East Main Street – Ms. Mac Neil spoke on the Mendham Mushroom proposal noting that the proposal ruins the whole integrity of our conservation. She also expressed that it was irritating to hear that the proposal could be commercialized so that people could financially benefit from the project.

Bruce Flitcroft, Tingley Road – Founder of Mendham Mushroom – Mr. Flitcroft addressed some of the questions from the public. The committee will schedule a formal public presentation for the end of August to address all questions on the proposal.

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

The Township Committee discussed a date to host a presentation on the Mendham Mushroom Proposal. The meeting will be held on Tuesday, August 30th, at 7:00 PM.

**APPROVAL OF MEETING MINUTES**

- Special Meeting Minutes of June 28, 2022
- Regular Meeting Minutes of July 25, 2022
- Special Meeting Minutes and Executive Session of July 25, 2022 (Mr. Baio absent)

*Meeting minutes were tabled to the next meeting.*

**REGULAR AGENDA – RESOLUTIONS**

**2022-130** Resolution of the Township Committee of the Township of Mendham Awarding the Purchase of a Western Star Model 4800 Four-Wheel Drive Chassis and Beau-Roc Model DHS Dump Body Truck from Robert H. Hoover & Sons, Inc. of Flanders, New Jersey

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

**2022-131** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Professional Services Contract for a Study of the Department of Public Works Operations

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		

**2022-132** Resolution of the Township Committee of the Township of Mendham Authorizing the Municipal Clerk to Advertise for Bid and Notice to Bidders for Plowing Services for the 2022-2023 season

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

**2022-133** Resolution of the Township Committee of the Township of Mendham to Authorize the Execution of Lease Agreement with the Brookside Church for the Use of the Church Facility, Anderson Wing, During the Library Renovation

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		

**2022-134** Resolution of the Township Committee of the Township of Mendham Amending the Award of a Professional Services Contract to Mcmanimon, Scotland, Bauman LLC for Bond Council Services

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		

**2022-135** Resolution of the Township Committee of the Township of Mendham to Authorize Cancellation of Capital Account Fund Balances

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

**2022-136** Resolution of the Township Committee of the Township of Mendham Approving Issuance of Social Affair Permit for Mendham Township PBA Local 402

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

**2022-137** 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		

**OPEN TO THE PUBLIC**

Tracey Moreen, Hardscrabble Road – She noted three things that are happening in our town that deal with land areas containing C1 waterways; Backer Farm, Irene Spring Tree, and the proposed plots for Mendham Mushrooms. These are exceptional waterways designated as C1 due to their ecological significance. We need to acknowledge that we live in a unique area; Projects that would typically seem okay are not as okay in our town because of the environmental importance of the area. She expressed that it's time for the township committee to communicate aggressively with the town residents. She suggested a township committee-sponsored Facebook group, Twitter account, and town e-mail blast that the committee always uses to communicate with the residents.

Patricia Zimmerman, West Main Street – Ms. Zimmerman suggested bringing back the dual-stream recycling program.

Bernadette Koenig, North Gate Road – Ms. Koenig asked about water restrictions on a commercial business during a drought.

Bruce Flitcroft, Tingley Road – Mr. Flitcroft noted that the proposal needs to meet a federal grant deadline; this is why the Mendham Mushroom proposal needs to move forward now.

George Koenig, North Gate Road – The township should not rush the Mendham Mushroom proposal to meet a grant deadline; every question, concern, etc. should be vetted.

Martin Slayne, Indian Hollow Road – Mr. Slayne commented on the Mendham Mushroom proposal noting that the committee should not rush the project. We need to understand the potential impact of the project.

*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**

**Police Headquarters and Municipal Building Construction Update**

The police department building is moving along. However, significant components are delayed, namely the windows and elevator. In addition, the delivery of the door frames could potentially hold up the move-in date. Mayor Monaghan noted that on September 2nd, the builder has to begin paying a fine for not having the building substantially ready for occupancy. The move-in date for the police department is scheduled for the end of September and the interior work of the municipal building is to start in early November. The committee engaged in a conversation on the asbestos bid for the municipal building and the location of the public meetings.

**Recycle Track System (RTS)**

RTS has requested an increase due to the increasing prices of the county’s tipping fee, gas, and diesel. Mr. Gabloff explained to RTS that a contract is in place, and we cannot grant an increase. RTS then requested a sticker price increase; however, the township asked for additional information on the program. Mr. Gabloff noted that during these requests, it has become apparent the sticker program could be confusing. Mayor

Monaghan provided a summary on the sticker program. There was discussion around an annual permit for garbage bags or a RTS garbage can. Discussions are still taking place – options will be presented in a future meeting.

**Mendham Mushrooms**

Discussion was held earlier in the meeting: Public meeting on the Mendham Mushroom proposal scheduled for August 30<sup>th</sup> at 7:00 PM.

Ms. Neibart followed up on the resolution opposing the rate increase for the state health benefits; she noted that a new hearing had not been scheduled, but a lot of towns, elected officials, and groups are on board with the committee’s coalition opposing the increase.

**LIAISON REPORTS**

None

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

Respectfully submitted,

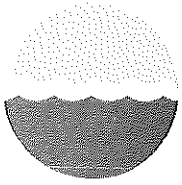
Distributed: 09/26/2022

Approved: 09/29/2022

Maria F. Coppinger  
Township Clerk

**ATTACHMENTS:**

- 1. George Koenig, North Gate Road – Letter from Mr. William Kibler of the Raritan Headwaters
- 2. Peter Banos, Ironia Road – Letters from Mr. Michael Lavery and Mr. Denis Keenan



## Raritan Headwaters

George Koenig  
August 15, 2022

Katherine Coyle, Director  
Morris County Agriculture Development Board  
PO Box 900  
Morristown, New Jersey 07963-0900

August 10, 2022

Re: Backer Farm, Mendham Township

Dear Ms. Coyle:

Raritan Headwaters writes to express concerns regarding the application by the Backer Farm to the Morris County Agriculture Development Board (MCADB) for approval of a site-specific agricultural management practice (SSAMP) to operate a brewery.

As the local watershed association, Raritan Headwaters shares residents' concerns about the impact of the proposed SSAMP at the Backer Farm on water quality and stormwater runoff.

The tributary stream on the Backer Farm is a Category One (C-1) stream and is part of the Raritan Basin system. It is a vital element of the drinking water system for approximately 1.5 million New Jersey residents. It is critically important that the MCADB protect the stream, its riparian buffers, associated wetlands and flood hazard areas, and the forests and soils that protect water quality.

The 300' C-1 buffer must be protected. This includes protecting soils within the 300' buffer from compaction caused by long-term parking. Traffic and parking on unimproved surfaces compacts the soil. Compaction of the soil destroys the organic soil layer, makes it difficult or impossible for plants to grow in the soil, severely reduces or eliminates the soil's ability to absorb water, and destroys the critical ability of soil to filter surface water and shallow groundwater. Soil compaction on site will result in additional erosion, stormwater runoff, and pollution. No parking or traffic areas should be allowed within the 300' C-1 buffer.

After reviewing the proposal, it appears that the project is a major development pursuant to both New Jersey Department of Environmental Protection (NJDEP) regulations and the stormwater ordinance of Mendham Township. The MCADB must address the requirement that the project meet Mendham and NJDEP stormwater standards, including the use of Green Infrastructure.

If the Backer Farm is to be allowed to develop a portion of the farm as a commercial brewery, the development must be managed in a way that preserves soil integrity, protects water quality, and does not increase stormwater runoff.

Thank you for considering our comments.

Sincerely,

William S. Kibler  
Director of Policy

Peter BANDS  
8.15.22

MICHAEL D. LAVERY  
MICHAEL S. SELVAGGI\*  
JOHN J. ABROMITIS  
LAWRENCE P. COHEN\*  
KATHERINE E. INGRASSIA\*  
JAMES F. MOSCAGIURI  
RICHARD W. WENNER\*  
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LAW OFFICES  
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August 10, 2022

**Via Email: [ssantucci@co.morris.nj.us](mailto:ssantucci@co.morris.nj.us)**

Staci L. Santucci, Esq.  
First Assistant County Counsel  
County of Morris  
P.O. Box 900  
Morristown, New Jersey 07963-0900

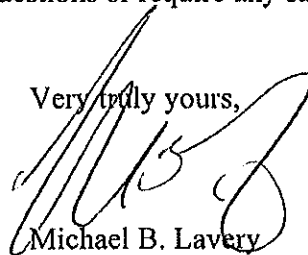
**RE: Mendham Township – Backer Farm Application**

Dear Ms. Santucci:

As you know, this office serves as Special Counsel to the Township of Mendham with regard to the above referenced matter. Enclosed please find a letter from Denis F. Keenan, P.E., the Mendham Township Engineer, regarding the issue of stormwater. As you can see from the letter, it is Mr. Keenan's opinion that the application as presently constituted is a major stormwater development. As the hearing is scheduled for tomorrow evening, we wanted to get this to you as quickly as possible.

In the meantime, if you have any questions or require any further information, please do not hesitate to contact me.

Very truly yours,



Michael B. Lavery

MBL/dmw  
enc.

cc: Jason Gabloff, Mendham Township Administrator (via email)  
Ncole Voight, Esq. (via email: [nicole@legalcounselnj.com](mailto:nicole@legalcounselnj.com))  
Susan Rubright, Esq. (via email: [srubright@bracheichler.com](mailto:srubright@bracheichler.com))  
Michele Donato, Esq. (via email: [mdonato@micheledonatoesq.com](mailto:mdonato@micheledonatoesq.com))

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**Hackettstown Office**  
43 Newburgh Road, Suite 100, Hackettstown, New Jersey 07840

**Regional Offices**  
Corporate - Wall, New Jersey  
King of Prussia, Pennsylvania  
Camden, New Jersey  
New York, New York

August 9, 2022

Mr. Jason Gabloff  
Township Administrator  
**MENDHAM TOWNSHIP**  
PO Box 520  
Brookside, NJ 07926

Re: **BACKER FARM BREWERY**  
**MORRIS COUNTY AG BOARD APPLICATION**  
Block 109, Lot 23  
32 Ironia Road  
Township of Mendham, Morris County  
*FPA No. 13311.084*

Dear Mr. Gabloff:

As requested, our office has performed a review of the Backer Farm Brewery Application currently under consideration by the Morris County Agricultural Development Board. We have reviewed the application specifically with respect to whether the project should be considered a Major Stormwater Development under our ordinance.

Multiple triggers are identified for a project to be considered a major development, one of which is:

"The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021"

The site plan indicates that the existing riding ring will be utilized as a parking area for the brewery patrons. The regulations indicate that the conversion of a surface to a parking area is considered as a new "regulated motor vehicle surface," even if no disturbance is proposed. The portion of the riding ring that is proposed as parking area is approximately 12,500 sqft (0.29 acres). This exceeds the 0.25 acre threshold for a Major Stormwater Development. This parking area is in addition to the 0.1 acre of new impervious surface the engineer has indicated is created by this project.



The applicant has indicated that the riding ring has historically been used as a parking lot. However, a review of aerial photography indicates that any parking use has been limited and the area has more consistently been used for the storage of trailers and farm equipment. It is our opinion that the conversion of the riding ring to a parking area that will be regularly used for brewery parking would constitute a significant change in the intensity of use, and should be considered a new regulated motor vehicle surface. As such, it is my interpretation that the project as proposed should be considered a Major Stormwater Development under our ordinance.

Should you have any questions or require any additional information, please do not hesitate to contact our office at 908-850-0977.

Sincerely,

**FRENCH & PARRELLO ASSOCIATES**

A handwritten signature in black ink, appearing to read 'D. Keenan', with a long horizontal flourish extending to the right.

Denis F. Keenan, PE CME CFM  
Mendham Township Engineer  
[Denis.Keenan@fpaengineers.com](mailto:Denis.Keenan@fpaengineers.com)

Cc: Michael Lavery