

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES**

DATE: September 12, 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.

PROCLAMATION

Hispanic Heritage Month Proclamation – presented by Ms. Duarte.

ANNOUNCEMENTS

Mendham Mushrooms – The township was informed by the New Jersey Department of Environmental (DEP) on September 10th that, based on their review, the reforestation project would not be an allowable use of green acres encumbered lands. Mendham Mushrooms has requested a re-review of the discussion; the township has not heard back from DEP regarding a re-review. In the meantime, the request to the township remains current; however, we are not taking any additional action at this time. Mayor Monaghan does not believe that even if a re-review does change the DEP's position, there would be sufficient time to gain agreement on a lease and have it approved Township Committee. Therefore, while the township may continue to maintain a dialogue with Mendham Mushrooms, the deadline pressure is now removed. Mayor Monaghan thanked Attorney Mills and Mr. Gabloff for their efforts in performing due diligence on behalf of the township, which ensured that we proceeded in a transparent, ethical, and legal manner, even under time constraints. Mayor Monaghan also thanked the public for their incredibly valuable and relatively consistent input. The committee provided their announcements on upcoming events, status on the town-wide tax assessment and openings for the student representative program.

Mayor Monaghan provided background on the NJ S757. He expressed that we need to work with the farmers to ensure that they are able to keep their farms healthy from a business perspective but also ensure that we hold true to the residential nature of our community.

The committee provided their announcement on upcoming events, and feedback on Mendham Mushrooms.

OPEN TO THE PUBLIC

Bruce Flitcroft, Tingley Road – He thanked the Township Committee, Mr. Mills, and Mr. Gabloff for their interest and hard work on the Mendham Mushroom proposal. He provided a status on the project and expressed the public's interest in the project.

Diana Orban Brown, Ironia Road – statement attached.

Martin Slayne, India Hollow Road – He commended the Township Committee for pursuing NJDEP to ensure the township did its due diligence. He noted that the Environmental Commission proposes to go forward to look into a real strategy for conservation for the township. He commented on Mr. Orlins' behavior towards the Environmental Commission & Historic Preservation Committee and members of the public. He asked Mr. Orlins to consider an apology. Mr. Orlins commented by reviewing the Environmental Commission's recommendation on Mendham Mushrooms.

Jack Curtis, Michael Road – Mr. Curtis noted that the committee has started down a slippery slope by rushing to judgment with the Mendham Mushroom proposal. He reminded the committee that Mendham Mushrooms is a private company that wants to take 100 areas of township land for "scientific experimentation" but also to gain professional knowledge about growing mushrooms. Finally, Mr. Curtis provided his proposal for 'Jack's Tasty Truffle Inc.' He noted that the proposal is made in humor.

Terrill Doyle, Cross Way – statement attached.

George Koenig, North Gate Road – Mr. Koenig expressed that S757 struck a nerve, along with residents having issues with other proposals in the township. He noted that it all wraps into one thing, people care deeply about this town and its environment. He asked the committee for their assistance with S757 to get it forestalled so that municipalities can have language inserted, giving them a little more leverage in the farm process versus everything reverting to the Agricultural Board regardless of the township’s ordinances. He thanked Ms. Duarte for organizing a nonpartisan forum the week before, with environmental experts, including the Highlands Coalition to discuss stewardship and planning.

Tracey Moreen, Hardscrabble Road – Ms. Moreen spoke on the Mendham Mushroom process and outcome, noting that no matter what side of the debate we are on, she feels we all lost, in a way. However, she said we have reasons to reflect on the lessons learned, our behavior, process, and approach that would benefit the committee and our community. She hopes the committee continues to listen to the public comments.

Bernadette Koenig, North Gate Road – Ms. Koenig provided the Governor’s contact information so that residents could ask the Governor to veto S757.

Peter Banos, Ironia Road, Mendham Borough – Mr. Banos also asked the Governor for a conditional veto on S757 until we understand the bill better. He thanked the committee for understanding the complexity and trying to keep our neighborhoods somewhat residential and the commercialization of Mendham and its impact.

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

APPROVAL OF MEETING MINUTES

Special Meeting Minutes of June 29, 2022

Regular Meeting Minutes of July 25, 2022

Motion made by Ms. Neibart; Seconded by Ms. Duarte. Voice Vote: All members present voted in favor.

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

Motion made by Ms. Duarte; Seconded by Ms. Neibart. Voice Vote: All members present voted in favor except for Mr. Baio who abstained.

REGULAR AGENDA – RESOLUTIONS

2022-138 Resolution of the Township of Committee of the Township of Mendham Authorizing the Award of a Contract to Deandrea Land and Stone of Brookside, New Jersey for Snow Plow Services

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		

2022-139 Resolution of the Township Committee of the Township of Mendham Authorizing the Purchase of Mulch for Various Parks and Playgrounds to Downes Forest Products, LLC of Hawthorne, New Jersey through the ESCNJ Co-Op - Contract Number 20/21-02 in an Amount of \$12,750

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		

2022-140 Resolution of the Township Committee of the Township of Mendham Authorizing the Purchase of a Generator for the Mendham Police Headquarters from Foley Power System of Piscataway, New Jersey through the ESCNJ CO-OP - Contract Number 21/22-11 in an Amount of \$107,804

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		

2022-141 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 Meetings Act, N.J.S.A. 10:4-12

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

2022-142 Resolution of the Township Committee of the Township of Mendham Authorizing the Municipal Clerk to Advertise for Bid and Notice to Bidders for Asbestos Remediation to the Municipal Building

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

2022-143 Resolution of the Township Committee of the Township of Mendham Authorizing the Execution of a Lease Agreement between John Kemp and the Township for Apartment C at 97 Ironia Road, Mendham, New Jersey 07945

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		

2022-144 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		
Mr. Orlins		X	X		
Mayor Monaghan			X		

OPEN TO THE PUBLIC

Jack Curtis, Michael Road – Mr. Curtis spoke on the contract approval for snow plowing services noting that the DPW could benefit from hiring another employee, for the entire year, instead of having multiple snow plowing contracts for just the winter season. He also commented on the time limit during open to the public, noting that there should be some form of uniformity – everyone should follow the time limit.

Diana Orban Brown, Ironia Road – Ms. Brown agreed with Mr. Curtis on the limit limits – if you set a time limit then we should stick to a time limit.

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

DISCUSSION

Mr. Gabloff noted that several boards and committees are scheduled to relocate, during renovations, from the town hall to the middle school starting in November. He pointed out that this location meets the needs of the boards and committees.

EXECUTIVE SESSION

Mr. Orlins made a motion to enter into Executive Session at 9:10 pm; Seconded by Ms. Neibart. Voice Vote: All members present voted in favor.

Returned from Executive Session at 9:32 pm.

ADJOURN

Mr. Orlins made a motion to adjourn at 9:33 pm; Seconded by Ms. Duarte. Voice Vote: All members present voted in favor.

Respectfully submitted,

Distributed: 10/18/2022
Approved: 10/24/2022

Maria F. Coppinger
Township Clerk

ATTACHMENTS:

- 1. Diana Orban Brown, Ironia Road
- 2. Terrill Doyle, Cross Way

Diana Orban Brown Comments 9/12/2022 re: Reforestation of Open Space

Thank you to the Township Committee, Town Administrator, and Town Attorney for their due diligence in the matter of Mendham Mushrooms. You, as officials, clearly were responsive to the concerns of residents, and that is what good governance is all about.

That said, this discussion revealed very valuable information about the state of some of the forest areas in New Jersey, the desirability to pursue a process of reforestation, and the potential availability of grants and other funding to do so.

We have heard that very soon Mendham Township's open space acquisition debt will be paid off. When that happens – and because we are no longer in the mode of acquiring and preserving open space – it will be a good time to reconstitute the Open Space Trust Committee and amend the Open Space Trust Ordinance to redirect the OSTC and its activities to managing Mendham Township's preserved open space, rather than acquiring new open spaces.

Management should focus primarily on grant-seeking to remove undesirable invasives and replace them with desirable hardwood seedlings – much as the Mendham Mushrooms proposal described. The very small Mendham Township open space tax – which voters have approved overwhelmingly – will help support these goals and processes.

I believe that all of this can be accomplished with the approval of the residents, the governmental agencies overseeing the stewardship of our open space, donors who gifted lands to Mendham Township, organizations that partnered with Mendham Township, and all interested parties. With the assistance of an arborist, reforestation can take place without the need for fencing and without interfering with our wildlife and our residents' enjoyment of their lands.

In addition, this project will provide an excellent educational opportunity for our Mendham Township children and a volunteer opportunity for town residents.

We never will have the canopy of treetops that “will allow a squirrel to go from the Atlantic Ocean to the Mississippi River without touching the ground” as was described tongue in cheek at an early presentation on the subject, but we will be able to improve our forests and to be better stewards of our valuable open space.

Thank you.

Submitted
9.12.2022
T. Doyle

From: "terrell doyle"
To: "nmonaghan" <nmonaghan@mendhamtownship.org>, "aduarte" <aduarte@mendhamtownship.org>, "sneibart" <sneibart@mendhamtownship.org>, "tbaio" <tbaio@mendhamtownship.org>, "jorlins" <jorlins@mendhamtownship.org>
Cc: "jgabloff" <jgabloff@mendhamtownship.org>
Sent: Wednesday, September 7, 2022 12:55:30 PM
Subject: Please protect Mendham and join in asking Governor Murphy to veto the bill transforming preserved farms into massive event venues

Dear Mayor Monaghan and Township Committee Members,

I am forwarding the letter I sent recently to Governor Murphy requesting a veto of S757/A2772 for the reasons explained in that letter.

The legislation, now on Governor Murphy's desk, would allow Preserved Farms to hold frequent "special events" for thousands of people.

The impact of this legislation on Mendham would be brutal. It has the potential to change Mendham from a rural, quiet community to an agritourism destination littered with large event spaces and crowded with countless tourists every weekend.

The "special events" permitted by this legislation could occur on any Preserved Farm, and the "occupied area" -- meaning structures, porta potties, and parking -- would be allowed in up to 10% or 10 acres of the Preserved Farm, whichever is lesser. Yet the area for attendees to gather is not limited under this definition of occupied area, and could arguably include the entire acreage of the Preserved Farm.

While the Township would be required to "rubber-stamp" these special events in exchange for a \$50 permitting fee, only the CADB and the SADC would have the ability to enforce any limits on the events. As the Township knows from its experience with the Backer's September 11th concert last year, the CADB and the SADC have never imposed any monetary or other penalty, even when rules are brazenly broken.

Mendham's borders contain all or part of eight preserved farms, with a total for those farms of around 326 acres preserved (see reference below). Thus, the legislation contemplates that potentially at least 32.6 acres of the Township's agriculturally preserved farmland could be used exclusively as an "occupied area" to support "special event" gatherings that could draw thousands of attendees over several days. Those 32.6 acres would be used for parking and other structures, not for food production.

Mendham Township's preserved farms received, on average, \$32,621 per acre for their preserved farmland. Should this legislation become the law, that is \$1,063,444.00 that taxpayers paid for 32.6 acres of "agriculturally suitable" land to be turned into parking lots. This would be contrary to the farmland preservation program rationale: the

legislation notes that the original intent of preserving farmland was to "prevent the conversion of agriculturally suitable land... to other purposes." (emphasis added)

These special events, as explained in more detail in the letter below, would cause traffic, pollution, noise, environmental degradation, and threats to public safety.

That is not what Mendham taxpayers want. It is not what taxpayers paid for when they gave millions of dollars to farms to preserve their land for food production.

For these reasons, set forth here and in more detail below, I request that Mendham Township join the NJ Conservation Foundation and other thoughtful opponents and concerned citizens in asking Governor Murphy to veto this legislation.

Sincerely

Terrill Doyle

References - See

<https://www.morriscountynj.gov/Departments/County-Agriculture-Development-Board/Comprehensive-Farmland-Preservation-Plan>

Appendix C lists preserved farms, total acreage, and money paid to farmers in Mendham Township. Note that five of the preserved farms are contained completely within Mendham. Two of the preserved farms share acreage with Chester and have Chester addresses, and one preserved farms shares acreage with Mendham Borough and has a Mendham Borough address. My estimate of the amount of farmland is higher than noted on page 96 of this report because I have included the three farms that have acreage, but not a home address, in Mendham Township. This is frankly a more accurate measure: the bill does not confine the "special event" to the acreage within the town of the home address of the Preserved Farm, and the impact of the special event use on the contiguous parcels will fall on Mendham Township as well.

Bill text https://www.njleg.state.nj.us/bill-search/2022/S757/bill-text?f=S1000&n=757_R2

Please note that this is the final version of the bill as I received it from the State, but it needs to be read with an understanding of brackets and underlining. Brackets mean language has been removed from the final bill. Underlining means language has been added and is part of the bill. If it is bracketed and underlined it means it has been removed if the brackets are outside of the underlines. This is according to emails with Roger Lai, Assistant Legislative Counsel.

https://www.njconservation.org/press_release/nj-conservation-foundation-urges-gov-murphy-to-strengthen-protections-on-preserved-farms/

link to New Jersey Conservation Foundation opposition to the bill.

Subject: S757 and A2772

Dear Governor Murphy,

Please veto S757 and A2772

As you know, owners of "Preserved Farms" have been paid hundreds of millions of dollars in taxpayer funds in exchange for their promise to limit their land use to open space and food production. The referenced bill would allow land intended for open space and food production to be used instead as an event venue for "special events," defined to include weddings, other parties, and multi-day events for thousands of people. This bill would essentially convert Preserved Farms into bars, restaurants, catering halls, and event venues.

The only reason given for changing Preserved Farmlands into commercial catering /event venues, is to allow farmers -- who already receive many millions in government subsidies -- to make even more money. As the attached video shows, farmers are chomping at the bit to make over \$500,000 more every year by transforming their "Preserved Farms" into large event venues.

This is wrong and the Bill should be vetoed for the following reasons:

1. The Bill undercuts the reasons for farmland preservation. Farms are preserved for two basic reasons: to preserve open space, and to preserve the ability of New Jersey to grow and raise food locally. The point of Preserved Farms was not to allow farmers to make \$500,000 a year as commercial catering operation/event venues. The parking, crowds, traffic, environmental degradation and noise that attend such commercial uses are not consistent with open space or the careful stewardship of agricultural land. In my town, one Preserved Farm has requested turning productive agricultural land into a parking lot for large scale special events. This would destroy the ability of that land to grow crops.
2. Municipalities already grant significant subsidies to farms annually. Farms -- preserved or not -- get a significant tax break. In my town, one preserved farm pays only \$126 a year in taxes on a parcel that would be taxed at a minimum of \$400,000 a year. That amounts to a savings to the farm -- and a cost to the town -- of \$8 million over the 20 years it has been assessed as a farm. Why should farms be able to create another \$500,000 of "special event" annual income -- that they will not be taxed on -- at a significant cost to their neighbors, their town, and the environment?
3. In addition to the ongoing farm tax subsidy, Preserved Farms received a significant cash payment when they became a Preserved Farm. One Preserved Farm in our town received \$1.2 million in taxpayer cash 20 years ago when it agreed to limit its development rights and instead grow crops and/or raise livestock. That payment would be worth over \$5 million dollars today if the farm had invested it in the S & P 500. In exchange for paying the farm millions of tax

dollars to be "Preserved," taxpayers had every right to believe that they were safeguarding food production and preventing commercial development. When millions of dollars were handed over to farms, the taxpayers certainly did not want to enable farmers to become restaurateurs and bartenders who maximize profits from non-food production uses. This was never the intent of farm preservation.

4. If farms are so economically stressed that they cannot survive, even with millions of dollars in up front cash payments and more millions in yearly tax breaks, then the State needs to thoughtfully consider how to make farming more economically sustainable in order to protect local food sources. Instead of changing the nature of farming operations from food production to event management, New Jersey should consider more direct subsidies to farmers who may have experienced loss because of drought or climate change. This would reward food production and frankly be a more honest and direct way of subsidizing the farming industry and ensuring continued food production. Why should neighbors have to subsidize a "farm" by enduring constant loud, noisy, and crowded events and a diminution of property values? Why should towns have to subsidize a "farm" by providing expensive municipal services for concerts attracting tens of thousands of people over several days?
5. The point of preserving farms was not and should not now be to maximize profits to farmers. Rather, the point is to preserve open space and to preserve the ability to grow food locally. Farmers seem to think they have the right to use their land in any way that will maximize their profits, even though they sold those rights when they entered the farm preservation program. In the attached video, farmers gleefully point out that these events can produce up to an additional \$500,000 income per year. Again, that was certainly not the intent of the preserved farmland program. The intent was the opposite: to ensure that land used for food production and open space was not used for other commercial or even residential purposes. If the goal is to maintain traditional farms, how is that goal served by transforming a farm into a catering operation?
6. The potential impact on neighbors and towns has been dismissed and ignored. This change will in effect invalidate local zoning regulations, noise ordinances, and nuisance ordinances. It transfers some enforcement of many local laws from the towns to the SADC or the CADB. In my town, the town could not enforce its municipal noise ordinances against a local farm because the farm claimed it was agriculturally exempt from all local ordinances. Even after a year of discussion, owners of the the preserved "farm" are still refusing to say they will comply.
7. In this era of drought and climate change, the use of scarce water resources for event management rather than for irrigation is problematic. Will farms deplete their own and neighbor's wells to hold a two-day special event potentially attended by thousands? Should a farm be able to claim that such water use is

an "agricultural use" exempt from drought restrictions? Instead, shouldn't their water be used to grow food? How will their neighbor's wells be protected?

8. The use of farmland as an event space is antithetical to its use for agriculture. The state's soil and stormwater management guidelines specifically note that use of land as a parking area -- even with a permeable surface -- will degrade its ability to grow crops. Wasn't the purpose of a preserved farm to enhance the soil rather than destroy it?

In conclusion, the state should make the hard call to subsidize food production and protect actual food production activities from the vicissitudes of climate change and market forces, if that is what is necessary to ensure the continued viability of local food production. That goal is laudable.

Instead, what this Bill does -- under the guise of protecting "farms" -- is to destroy productive farms and replace them with large special event spaces so that farmers can make more money than they would by actually growing crops. Is that why taxpayers gave millions of dollars to farmers?

Please veto this Bill.

Sincerely,

Terrill Rupp Doyle and Michael Doyle

5 Cross Way
Mendham NJ

REFERENCES

<https://www.njspotlightnews.org/video/should-preserved-farmland-be-used-for-special-events-like-weddings-concerts/> video quoting farmer who plans to make \$500,000 per year on special events on his Preserved Farm.

<https://www.officialdata.org/us/stocks/s-p-500/2002#:~:text=S%26P%20500%3A%20%24100%20in%202002%20%E2%86%92%20%24496.60%20in%202022&text=This%20investment%20result%20beats%20inflation,%2C%20or%205.53%25%20per%20year.&text=The%20graph%20below%20shows%20the,an%20S%26P%20500%20index%20fund.> \$ 100 invested in 2002 in S&P 500 is worth \$ 496 in 2022.

<https://www.nj.gov/agriculture/sadc/documents/news/press/2020/2020.05.29ReleaseAFTFarmsUnderThreatReportNewJerseyFINAL.pdf> 2,600 farms preserved in new jersey