



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

**DATE:** Monday, July 26, 2021  
**TIME:** 7:30 PM  
**LOCATION:** Town Hall and Remote Via Zoom

**ROLL CALL**

|               |         |
|---------------|---------|
| Mr. Baio      | Present |
| Ms. Duarte    | Present |
| Mr. Monaghan  | Present |
| Mr. Orlins    | Present |
| Mayor Neibart | Present |

Also, present

Mr. John Mills, Township Attorney  
Ms. Maria F. Coppinger, Township Clerk

**SALUTE TO THE FLAG**

**STATEMENT OF ADEQUATE NOTICE** – Read by Mayor Neibart

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 6, 2021. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**COVID – 19 UPDATE**

Mayor Neibart provided a Covid-19 update.

**PROCLAMATION**

Recognizing George Twill, Chair of Mendham TV – read by Ms. Duarte

**ANNOUNCEMENT**

Mayor Neibart announced that National Night Out will take place on Wednesday, August 11<sup>th</sup>.

**OPEN TO THE PUBLIC**

**Ms. Duarte made a motion to open the meeting to the public; Seconded by Mr. Baio.**

Bernadette Koenig – Northgate Road – Ms. Koenig asked where she could find the committee’s answer to the Morris County Agriculture questionnaire. She hopes that the township committee will review the “Right to Farm” ordinance to determine whether it needs to be updated given that the state and county agricultural board are now including agritourism which includes alcohol consumption.

Edward Lefty Grimes- Sativa Cross Non-Proft - Mr. Grimes objected to the township’s ordinance that singles out medical cannabis.

Kim Hart - 17 North Gate Road – Ms. Hart reported that she spoke with Ms. Foley, the Planning Board secretary, who advised her that the recording of the July 1st meeting was corrupted and the hearing may have to be redone. She commented that she was disturbed by the fact that testimony was lost and that the committee was aware of the Backer Farm plan for over a year yet there were no ordinances for the public to review.

Jaime Van Sciver – Paulsboro, New Jersey - Ms. Sciver reiterated Mr. Grimes objections to the township’s decision on medical cannabis.

**Mr. Orlins made a motion to close the meeting to the public; Seconded by Mr. Monaghan.**

Mayor Neibart responded to Ms. Koenig’s questions. The results of the Agricultural Board questionnaire will be posted for the public once they are finalized and Mayor Neibart will forward them directly to Ms. Koenig via email. Mayor Neibart will clarify which ordinance Ms. Koenig referred to in a separate conversation.

Mr. Monaghan responded to the two callers who objected to the township ordinance regarding cannabis and he stated that their objections were not accurate; the township is not making cannabis illegal for medical use.

Ms. Duarte commented that decisions regarding cannabis are predicated on state regulations and she said that the township is not stigmatizing medical use.

APPROVAL OF MINUTES

Regular Meeting Minutes of January 25, 2021 – Ms. Neibart made a motion to table the minutes; seconded by Mr. Orlins. All members present voted in favor to tabled the regular meeting minutes of January 25, 2021.

REGULAR AGENDA - RESOLUTIONS

2021-154 Resolution of the Township Committee of the Township of Mendham Appointing a Chief Financial Officer for the Township of Mendham

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           | X      |        |                             | X      | X         |    |         |
| Ms. Duarte         |        |        |                             |        | X         |    |         |
| Mr. Monaghan       |        |        |                             |        | X         |    |         |
| Mr. Orlins         |        | X      | X                           |        | X         |    |         |
| Mayor Neibart      |        |        |                             |        | X         |    |         |

Mr. Baio introduced a friendly amendment to resolutions 2021-154,2021-155, and 2021-156 to correct the spelling of Mr. Gabloff’s name; seconded by Mr. Orlins.

Ms. Duarte commented that she had previously spoken to Mr. Gabloff to explain her objection to the merging of the Chief Financial Officer and Administrator positions.

2021-155 Resolution of the Township Committee of the township of Mendham Appointing an Administrator for the Township of Mendham

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           |        |        |                             | X      | X         |    |         |
| Ms. Duarte         |        |        |                             |        |           | X  |         |
| Mr. Monaghan       | X      |        |                             |        | X         |    |         |
| Mr. Orlins         |        | X      | X                           |        | X         |    |         |
| Mayor Neibart      |        |        |                             |        | X         |    |         |

2021-156 Resolution of the Township Committee of the Township of Mendham Setting Forth the Terms and Conditions of Employment for the Township Chief Financial Officer

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           | X      |        |                             | X      | X         |    |         |
| Ms. Duarte         |        |        |                             |        |           | X  |         |
| Mr. Monaghan       |        |        |                             |        | X         |    |         |
| Mr. Orlins         |        | X      | X                           |        | X         |    |         |
| Mayor Neibart      |        |        |                             |        | X         |    |         |

Ms. Duarte reiterated her position that the position of Chief Financial Officer should be separate from the position of Administrator, and that there is a trend in the township to cut positions, such as in DPW, thus reducing quality of service. Committee members Monaghan and Orlins countered that no jobs, specifically regarding the DPW, have been cut. Mayor Neibart confirmed for the record that no jobs have been lost.

2021-157 Resolution of the Township Committee of the Township of Mendham Approving the Submission of an Application to the New Jersey Department of Environmental Protection for Permits Relating to the Construction of a New Police Facility at 4 West Main Street

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           | X      |        | X                           |        | X         |    |         |
| Ms. Duarte         |        |        |                             | X      | X         |    |         |
| Mr. Monaghan       |        |        |                             |        | X         |    |         |
| Mr. Orlins         |        | X      |                             |        | X         |    |         |
| Mayor Neibart      |        |        |                             |        | X         |    |         |

2021-158 Resolution of the Township Committee of the Township of Mendham Establishing Dates for Hunting from Tree Stands on Township Owned Natural Areas

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           |        | X      |                             | X      | X         |    |         |
| Ms. Duarte         | X      |        | X                           |        | X         |    |         |
| Mr. Monaghan       |        |        |                             |        | X         |    |         |
| Mr. Orlins         |        |        |                             |        | X         |    |         |
| Mayor Neibart      |        |        |                             |        | X         |    |         |

2021-159 Resolution of the Township Committee of the Township of Mendham Approval of the LOSAP Qualification List for Brookside Engine Company No. 1, and Mendham Township First Aid Squad

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

2021-160 Resolution of the Township Committee of the Township of Mendham Approving Staff Appointments for the Department of Recreation Summer Season

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           |        |        | X                           |        | X         |    |         |
| Ms. Duarte         |        | X      |                             | X      | X         |    |         |
| Mr. Monaghan       |        |        |                             |        | X         |    |         |
| Mr. Orlins         | X      |        |                             |        | X         |    |         |
| Mayor Neibart      |        |        |                             |        | X         |    |         |

2021-161 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      |        | X         |    |         |
| Mr. Monaghan       |        |        | X         |    |         |
| Mr. Orlins         |        |        | X         |    |         |
| Mayor Neibart      |        |        | X         |    |         |

Mayor Neibart requested that the bill for the sprinkler at the Fire Department be removed from the bills list.

ORDINANCE FOR INTRODUCTION

11-2021 An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Ordinance No. 11-2019 Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey

Public hearing scheduled for August 16, 2021

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           | X      |        |                             | X      | X         |    |         |
| Ms. Duarte         |        |        |                             |        |           | X  |         |
| Mr. Monaghan       |        |        |                             |        | X         |    |         |
| Mr. Orlins         |        | X      | X                           |        | X         |    |         |
| Mayor Neibart      |        |        |                             |        | X         |    |         |

Ms. Duarte reiterated her previous objections regarding the merging of the Chief Finance Officer and Administrator positions.

12-2021 An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Chapter 21 of the Ordinances of the Township ‘Zoning’ By Adding a New Classification of Use, The M-1 Municipal Use Zone

Public hearing scheduled for September 13, 2021

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

ORDINANCE FOR SECOND READING / PUBLIC HEARING

10-2021 An Ordinance of the Township of Mendham, County of Morris, New Jersey Prohibiting the Operation of any Class of Cannabis Businesses within the Township’s Geographical Boundaries and Amending Chapter XXI, Zoning Regulations of the Land Use Ordinances of the Township of Mendham Code

Ordinance Introduced on June 26, 2021

| TOWNSHIP COMMITTEE | MOTION | SECOND | MOTION TO CALL THE QUESTION | SECOND | ROLL CALL |    |         |
|--------------------|--------|--------|-----------------------------|--------|-----------|----|---------|
|                    |        |        |                             |        | YES       | NO | ABSTAIN |
| Mr. Baio           |        | X      | X                           |        | X         |    |         |
| Ms. Duarte         | X      |        |                             |        | X         |    |         |
| Mr. Monaghan       |        |        |                             |        | X         |    |         |
| Mr. Orlins         |        |        |                             | X      | X         |    |         |
| Mayor Neibart      |        |        |                             |        |           | X  |         |

PUBLIC HEARING ON ORDINANCE 10-2021

Ms. Duarte made a motion to open the meeting to the public; Seconded by Mr. Monaghan.

Jeffrey King – 24 Elizabeth Parkway, Eatontown, New Jersey - Mr. King expressed his disappointment in the direction the township is going with Ordinance 10-2021.

Jonathan Powers – 361 Stelton Road, Piscataway- He is a representative of United Food and Commercial Workers International Union and objects to the ordinance (10-2021).

Bernadette Koenig – Northgate Road – Ms. Koenig thanked the committee for the decision to refuse these licenses since the township is residential and not a business community.

Jaime Van Sciver – Paulsboro, New Jersey – Ms. Sciver disagreed that medical cannabis is not being banned in the township based on what she reads in the ordinance.

Rev. Nicolette Siragusa – Brookside- Rev. Siragusa questioned the need for this ordinance since there is not a business district in town.

Edward Lefty Grimes – Mr. Grimes reiterated his prior comments that he feels the township is not supporting disabled veterans by passing this ordinance.

Ms. Duarte made a motion to close the meeting to the public; Seconded by Mr. Monaghan.

Mayor Neibart initiated a discussion amongst the committee members regarding the wording in the ordinance. The committee agreed that the intent of the ordinance is to ban the formation of a business, not to ban the use of the substance. The availability of medical marijuana in the community is not changed as a result of this ordinance. Due to the August 21st state deadline that requires the township to either opt in or out, the ordinance is considered a stop-gap until the state clarifies regulations, and the committee can revisit the issue once further guidance is provided by the state.

The committee decided to pass the ordinance and review the language for amendment, if necessary, after the state provides guidelines.

Mayor Neibart explained she will vote ‘no’ on philosophical grounds since she supports the right of farmers to grow any crop they choose.

#### **OPEN TO THE PUBLIC**

**Ms. Duarte made a motion to open the meeting to the public; Seconded by Mr. Monaghan.**

No members of the public opted to speak.

**Ms. Duarte made a motion to close the meeting to the public; Seconded by Mr. Baio.**

#### **DISCUSSION**

##### **CONSTRUCTION PROJECT UPDATE - Mayor Neibart**

- Demolition of the house at 4 West Main Street is dependent on shut off notices from Verizon and Jersey Central Power and Light (JCP&L). Neighbors will be advised of the demolition date.
- On Wednesday, there will be a pre-bid meeting for the Police Station.
- SHPO reported that the Town Hall application was incomplete, which the committee anticipated.
- Depending on the cost of the Police Station, details such as how windows are handled may change.
- No action was reported on the library grant however it is anticipated that results will be known by November.
- Construction on the Municipal Building should begin in March. Once the Police Station is complete by the end of June, Municipal Building employees can move into the old Police Station during construction.
- New Jersey Department of Environmental Protection questioned what will be done with the old Police Station. Some options are to sell, or to convert for to other municipal use.

##### **PARK AT PITNEY – Mr. Monaghan**

- Ongoing work is being done on benches from reclaimed wood.
- Target opening date is in September after Labor Day.
- Fundraising plan announcement to take place at next meeting.
- The Township Committee will take an active role in fundraising for the entrance sign.

##### **SEWER UPDATE – Ms. Duarte and Mayor Neibart**

The Sewer Advisory Committee (SAC) met with Jim Hankins of Natural Systems Utilities to review the evaluation report of the two sewer plants. The Committee will regroup after more solid information is obtained. Ms. Duarte mentioned that several SAC committee members toured the Brookrace facility, noting that the equipment there is deteriorated. Mayor Neibart and Ms. Duarte met with Mendham Borough to discuss the possibility of tying into the Borough’s sewer system, specifically for Drakewick. The Borough is currently updating their system however this is for maintenance with no possibility of expanding capacity in the near future. Package treatment plants were discussed but the township is not taking any action at this time. There was a suggestion that deep well injection may be an option for the township. Mayor Neibart commented that the township will look into a potential leech field across from Drakewick. Mr. Baio pointed out that deep well injection provides an opportunity to replenish the aquifer however it is very expensive.

##### **ZONING RESOLUTIONS – Mr. Monaghan**

Mr. Monaghan discussed the proposed land use ordinances/resolutions, that Ms. Duarte sent around, with Chairmen Giordano and Chairman Herbes. The issues that could apply to the township are the increase of notifications from 200 to 400 feet, the amount of notification time from 10 days to 21, and the posting of all application materials on the website. Cause for concern was raised with posting personal information on the website. Also, posting numerous drafts of material could become burdensome. Mr. Baio objected to the 21-day notification on the basis that in his experience that leads to less response.

#### **ADJOURNMENT**

Motion to adjourn at 9:43 pm made by Mr. Orlins; seconded by Mr. Baio.

Respectfully submitted,

Distributed: 2/18/2022

Approved: 3/14/2022

Maria F. Coppinger  
Township Clerk