TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
December 10, 2018  
Regular Session 7:30 PM

1. ROLL CALL:
   Mr. Cioppettini  
   Ms. Duarte  
   Mr. Gisser  
   Ms. Neibart  
   Mayor Diegnan

2. SALUTE TO THE FLAG

3. STATEMENT OF ADEQUATE NOTICE:
   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 4, 2018. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

4. ANNOUNCEMENTS/REPORTS

5. OPEN TO THE PUBLIC ON AGENDA ITEMS

6. APPROVAL OF MINUTES  
   Regular Meeting of October 9, 2018  
   Executive Session of October 23, 2018

7. RESOLUTIONS
   2018-188 Resolution of the Township Committee of the Township of Mendham Authorizing the Township Clerk to Advertise a Notice of Bid for the Demolition of the Mosle Structures
   2018-189 Resolution of the Township Committee of the Township of Mendham Accepting Donations of Playground Equipment for the Ralston Playground
   2018-190 Resolution of the Township Committee of the Township of Mendham Authorizing Staff Appointments for the Department of Recreation Winter 2019 Ski Club
   2018-191 Resolution for the Township Committee of the Township of Mendham Appointing Construction Official
   2018-192 Resolution for the Township Committee of the Township of Mendham Authorizing the Payment of Bills
ORDINANCE FOR INTRODUCTION (Pending Discussion from Workshop)
24-2018 An Ordinance of the Township Committee of the Township of Mendham Amending the Land Use Ordinances of the Township of Mendham in Accordance with N.J.S.A 40:55D-25 (c) Pursuant to which the Planning Board shall Exercise the Combined Functions of the Planning Board
Second Reading / Public Hearing scheduled for December 20, 2018

ORDINANCES FOR ADOPTION
22-2018 An Ordinance of the Township Committee of the Township of Mendham Amending Ordinance No. 17-2017 Entitled “Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey
Introduction/First Reading was held on November 27, 2018

23-2018 An Ordinance of the Township Committee of the Township of Mendham Amending Chapter 75 “Affordable Housing” Section 75-4 “Income Limits” and Section 75-5 “Affordability Controls”
Introduction/First Reading was held on November 27, 2018

8. DISCUSSION

9. OPEN TO THE PUBLIC

10. EXECUTIVE SESSION
2018-193 Resolution of the Township Committee of the Township of Mendham Authorizing Discussion without the Presence of the Public – Personnel Matter

11. ADJOURN
RESOLUTION 2018-188
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE TOWNSHIP CLERK TO ADVERTISE A NOTICE OF BID FOR THE
DEMOLITION OF THE MOSLE STRUCTURES

BE IT FURTHER RESOLVED that the Township Committee authorizes the Township Clerk to advertise a notice of bid for the demolition of unsafe structures on the Mosle Property, which said bid will be advertised in the Daily Record in accordance with the Local Public Contract Law (N.J.S.A. 40A:11, et seq.)

Adopted: December 10, 2018

Attest: TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk

Richard Diegnan, Mayor
RESOLUTION 2018-189
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
ACCEPTING DONATIONS OF PLAYGROUND EQUIPMENT FOR THE RALSTON
PLAYGROUND

WHEREAS, the Recreation Director advises the Township Committee that the following individuals have offered to generously donate the following items to the Township of Mendham to assist with the completion of the Ralston Playground, located at 327 Route 24 West Main Street, Mendham, New Jersey:

- Mendham Pastime Club
- Mauriello Family of Mendham
- Joseph & Mary Mauriello of Naples, FL
- James & Holly Puleo Family of Mendham
- Tot's Bongos
- Park Bench
- Park Bench
- 3 Bay Swing Set and Sandbox w/ Backhoe Digger

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby accepts the donations of said playground equipment for the Ralston Playground.

BE IT FURTHER RESOLVED, that the Township Committee authorizes the Recreation Director to process the necessary paperwork and directs the Township Administrator to send a thank you letter with a copy of this resolution to the aforementioned donors.

Adopted: December 10, 2018

Attest:                                           TOWNSHIP OF MENDHAM,
Maria Coppinger, Township Clerk  IN THE COUNTY OF MORRIS

Richard Diegnan, Mayor
RESOLUTION 2018-190
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING STAFF APPOINTMENTS FOR THE DEPARTMENT OF RECREATION
WINTER 2019 SKI CLUB

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following named persons be paid from the Recreation Trust in accordance with the following:

WINTER 2019 - SKI CLUB

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>John Kemp</td>
<td>Head Supervisor</td>
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<tr>
<td>Kimberly VanSavage</td>
<td>Supervisor</td>
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<tr>
<td>Brittany Demarest</td>
<td>Supervisor</td>
<td>$12.00/hour</td>
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<tr>
<td>Rachael Romer</td>
<td>Supervisor (Alternate)</td>
<td>$12.00/hour</td>
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</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, approves the hiring of seasonal employees and a copy of this resolution be provided to the Recreation Director and the Chief Financial Officer.

Adopted: December 10, 2018

Attest: TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk

Richard Diegnan, Mayor
RESOLUTION 2018-191
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPOINTING CONSTRUCTION OFFICIAL

WHEREAS, effective December 31, 2018, various positions within the Construction Department will become vacant due to Russell Heiney’s retirement; and

WHEREAS, the Township Administrator conducted interviews with various inspectors which hold the necessary certification.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, that Leonard Perre be appointed as the Construction Official effective December 4, 2019 at an annual rate of $53,000.

Adopted: December 10, 2018

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk

Richard Diegnan, Mayor
RESOLUTION 2018-192
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the Chief Financial Officer be and hereby is authorized to pay current bills as attached hereto and made a part hereof, contingent upon the approval of the Finance Committee.

Adopted: December 10, 2018

Attest: TOWNSHIP OF MENDHAM,
        IN THE COUNTY OF MORRIS

Maria Copping, Township Clerk
Richard Diegnan, Mayor
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<thead>
<tr>
<th>Vendor # Name</th>
<th>PO Date</th>
<th>Description</th>
<th>Contract Amount</th>
<th>Charge Account</th>
<th>Acct Type Description</th>
<th>First Stat/Chk Date</th>
<th>Rcvd Date</th>
<th>Chk/Void Date</th>
<th>Invoice</th>
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Total Of All Projects: 6,506.33 0.00 6,506.33
TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE NO. 24-2018


WHEREAS, the Township Committee of the Township of Mendham has determined it is in the best interests of the Township and the residents to consolidate and transfer the powers of the Board of Adjustment to the Planning Board and create one unified board to be known as the Mendham Township Land Use Board; and

WHEREAS the population of Mendham Township is less than 15,000 persons; and

WHEREAS the above referenced statute provides that the Planning Board “...shall exercise, to the same extent and subject to the same restrictions, all the powers of the Board of Adjustment…”

NOW, THEREFORE BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham as follows:

SECTION ONE:

The index to Chapter XIV is modified to delete the reference to Planning Board and replace the same with Land Use Planning Board.

Sections 14-1 through 14-14 are hereby deleted and replaced as follows:

§ 14-1 Establishment; composition.
§ 14-3 Attorney; experts and staff.
§ 14-4 Powers and duties generally.
§ 14-5 Time limits.
§ 14-6 Citizens Advisory Committee.
§ 14-7 Environmental Commission.
§ 14-8 Rules and regulations.
§ 14-9 Appeals and applications.
§ 14-10 Expiration of variance.
§ 14-11 Time limit for decision.
§ 14-12 Conditional approval.
§ 14-13 General provisions.

§ 14-14 Escrows.

§ 14-15 Application for more than one type of relief.

§ 14-16 Fees.

§ 14-17 Revised plans.

§ 14-18 Hearings.

§ 14-19 List of property owners furnished.

§ 14-20 Decisions.

§ 14-21 Records to be retained.

§ 14-22 Payment of taxes.

§ 14-23 Additional duties of Board Secretary.

§ 14-24 Professional review; applicant

§ 14-25 Appeals to the land Use Planning Board

§ 14-26 Appeals from the Land Use Planning Board

The index to Chapter XV entitled “Board of Adjustment” is deleted in its entirety.

Chapter XII entitled GENERAL DEFINITIONS is amended in its entirety to replace any reference to either “Planning Board” or “Board of Adjustment” or “Zoning Board of Adjustment” with “Land Use Planning Board”, sometimes hereinafter referred to as the “Board” or the “Land Use Board”. The general definitions are further amended to provide that the term “administrative office” shall mean the Township Clerk.

Chapter XIII entitled LAND USE PROCEDURES AND FEES is amended in its entirety to replace any reference to either “Planning Board” or “Board of Adjustment” or “Zoning Board of Adjustment” with “Land Use Planning Board”.

The APPLICATION CHECKLIST and Appendices (Chapter 13-17) are amended to provide that any reference to either the Planning Board or the Zoning Board of Adjustment shall be changed to the Land Use Planning Board.

CHAPTER XIV PLANNING BOARD is deleted in its entirety and replaced with the following:

§ 14-1 Establishment; composition.

A. There is hereby established, pursuant to N.J.S.A. 40:55D-1 et seq. (Municipal Land Use Law) in the Township of Mendham a Land Use Planning Board, hereinafter sometimes referred to as the "Land Use Board," or the “Board “ consisting of nine members consisting of the following classes:
(1) Class I: the Mayor or the Mayor's designee in the absence of the Mayor. Said designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.

(2) Class II: one of the officials of the Township other than a member of the Township Committee, to be appointed by the Mayor.

(3) Class III: a member of the governing body to be selected by the governing body.

(4) Class IV: six citizens of the Township of Mendham to be appointed by the Township Committee. The members of Class IV shall hold no other municipal office. A member of the Environmental Commission who is also a member of the Land Use Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Land Use Board member.

B. The term of the member composing Class I shall correspond with his official tenure. The term of the member composing Class II shall be for one year or terminate at the completion of his term of office, whichever occurs first. The term of a Class III member shall correspond with his term of office. The term of the Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his/her term, whichever comes first.

C. The terms of all other Class IV members shall be for four years, provided that the initially appointed members shall receive staggered terms as follows: one one-year term; one two-year term; two three-year terms; two four-year terms. All terms shall run from January 1 of the year in which the appointment was made.

D. The Township Committee shall appoint four alternate members for Class IV members who shall meet the qualifications of Class IV members. Alternate members shall be designated by the Mayor at the time of their appointment as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3" and "Alternate No. 4." The terms of the alternate members shall be for two years commencing from January 1 of the year of their appointment, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first, then Alternate No. 2, Alternate No. 3 and Alternate No. 4, in that order.

E. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

F. Any member other than a Class I member, after a public hearing if he or she requests one, may be removed by the Township Committee for cause.

§ 14-2 Organization.

The Land Use Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Land Use Board or a Township employee designated by it.
§ 14-3 Attorney; experts and staff.

A. There is hereby created the office of Land Use Planning Board Attorney. The Land Use Planning Board may annually appoint and fix the compensation of or agree upon the rate of compensation of the Land Use Planning Board Attorney, who shall be an attorney other than the Township Attorney, in an amount not exceeding the amount appropriated by the Township Committee for such purpose.

B. The Land Use Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not exceed, however, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

§ 14-4 Powers and duties generally.

The Land Use Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the statutory powers conferred upon both Planning Boards and Boards of Adjustment pursuant to N.J.S.A. 40:55D-1 et. seq. (the Municipal Land Use Law). The Land Use Board shall also have the following powers and duties:

A. To make and adopt and from time to time amend a Master Plan for the physical development of the Township, in accordance with the provisions of N.J.S.A. 40:55D-28.

B. To administer the provisions of the Land Subdivision and Site Plan Ordinances of the Township in accordance with the provisions of said ordinance and the Municipal Land Use Law.

C. To issue permits for conditional uses. The term "conditional use" means a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Land Use Planning Board. The Land Use Planning Board shall either issue or deny issuance of a conditional use permit within 95 days of submission of a complete application therefor by a developer or within such further time as may be consented to by the applicant. The review by the Land Use Planning Board of a conditional use shall include any required site plan review. The time period for action by the Land Use Planning Board on conditional uses shall apply to such site plan review. Failure of the Land Use Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Clerk as to the failure of the Land Use Planning Board to act shall be issued on request of the applicant. Such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.

D. To participate in the preparation and review of programs or plans required by State or Federal law or regulation.

E. To assemble data on a continuing basis as part of a continuous planning process.

F. To annually prepare a program of Township capital improvement projects projected over a term of six years, and amendments thereto, and recommend the same to the Township Committee.

G. To consider and make a report to the Township Committee within 35 days after referral as to any proposed development regulation submitted to it, pursuant to the provisions of N.J.S.A. 40:55D-26a, and also to pass upon other matters specifically referred to the Land Use Board by the Township Committee, pursuant to the provisions of N.J.S.A. 40:55D-26b.
H. Applications for approval.

(1) When reviewing applications for approval of subdivision plots, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as a Zoning Board of Adjustment:

(a) Variances pursuant to N.J.S.A. 40:55D-70c and d.

(b) Direction, pursuant to N.J.S.A. 40:550-34, for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32c direction, pursuant to N.J.S.A. 40:550-36 for issuance of a permit for a building or structure not related to a street.

(2) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for the issuance of a permit as the case may be.

I. The Land Use Planning Board is authorized to act as a zoning board of adjustment and to exercise all the powers and duties granted to a zoning board of adjustment in the Municipal Land Use Act. In acting upon the variances set forth in N.J.S.A. 40:55D-70d, Class I and Class III members shall not participate in the consideration of the variance. The powers and duties include, but are not limited to the following:

(1) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an official based on or made in the enforcement of Chapter XXI, ZONING REGULATIONS.

(2) To hear and decide requests for interpretation of the Zoning Map or this chapter or for decisions upon other special questions upon which the Board is authorized to act.

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situations or condition of such piece of property the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to grant, upon an application or an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, including a variance for a conditional use.

(4) Variances.
   (a) In particular cases and for special reasons, grant a variance to allow departure from regulations to permit: a use or principal structure in a district restricted against such use or principal structure; an expansion of a nonconforming use: deviation from a specification or standard pertaining solely to a conditional use; an increase in the permitted floor area ratio as defined in this chapter; an increase in the permitted density as defined in this chapter, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling-unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from minor subdivision; or a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members.
(b) If any application for development requests one or more variances but not a variance for a purpose enumerated in this Subsection I(4), the decision on the requested variance or variances shall be rendered under Subsection I(3) of this section.

(c) No variance or other relief may be granted under the terms of Subsection I(1), (2), (3) or (4) unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zoning plan and the zoning ordinances of the Township of Mendham.

(5) To direct issuance, upon application, of a permit pursuant to N.J.S.A. 40:550-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on the Official Map.

(6) To direct issuance, upon application, of a permit pursuant to N.J.S.A. 40:550-36 for a building or structure not related to a street.

J. No variance or other relief may be granted under the provisions of Subsection I(1), (2), (3) and (4) of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan and zoning ordinance of the Township of Mendham. Any application under any subsection of this section may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the Land Use Board shall act.

§ 14-5 Time limits.

Unless otherwise set forth herein or differently established in MLUL the Land Use Board shall exercise its powers for the granting or denying of approvals on applications as follows:

on a simultaneous application for site plan, subdivision or conditional use with a “c” or “d” variance the Board must grant or deny the application within 120 days from the filing of a complete application.

For site plan and subdivision applications only, once certified to be complete, the Board shall act:

(1) Within 45 days on an application for subdivision of ten or fewer lots (N.J.S.A. 40:55D-48);

(2) Within 95 days on an application for a subdivision of more than ten lots (N.J.S.A. 40:55D-48);

(3) Within 45 days on an application seeking approval of a minor site plan or minor subdivision (N.J.S.A. 40:55D-46.1 and 47 respectively);

(4) Within 45 days on an application for approval of a site plan which involves ten acres or less and ten or fewer dwelling units (N.J.S.A. 40:55D-46);

(5) Within 95 days on an application for a site plan which involves more than ten acres or more than ten dwelling units (N.J.S.A. 40:55D-46);

(6) Within 95 days on an application for approval of a conditional use (N.J.S.A. 40:55D-61); and

(7) Within 95 days on an application for a general development plan (N.J.S.A. 40:55D-45.3)
Failure of the Land Use Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Board Secretary as to the failure of the Land Use Planning Board to act shall be issued on request of the applicant.

§ 14-6 Citizens Advisory Committee.

The Mayor may appoint one or more persons as a Citizens' Advisory Committee to assist or collaborate with the Land Use Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

§ 14-7 Environmental Commission.

Whenever the Environmental Commission has prepared and submitted to the Land Use Planning Board an index of the natural resources of the Township, the Land Use Planning Board shall make available to the Environmental Commission an informational copy of every application for development to the Land Use Planning Board. Failure of the Land Use Planning Board to make such informational copies available to the Environmental Commission shall not invalidate any hearing or proceeding.

§ 14-8 Rules and regulations.

The Land Use Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A-67A-1 et seq.) shall apply.

§ 14-9 Appeals and applications.

A. Appeals to the Land Use Planning Board may be taken by any interested party affected by any decision of a Township official based on or made in the enforcement of this chapter or Official Map. Each appeal shall be taken within 20 days by filing a notice of appeal with the official from whom the appeal was taken, together with three copies of such notice with the secretary of the Land Use Board. Such notice of appeal shall specify the grounds for the appeal. The official from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. Three copies of an application for the exercise of the Board's power pursuant to Subsection I (2), (4) (5) or (6) of section 14-4 shall be filed with the secretary of the Land Use Board. The application shall also contain a certification from the Township Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made. The failure to provide said certification and the failure to provide all application and escrow fees to the secretary shall result in the application being deemed incomplete.

C. At the time of filing the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all relevant plot plans, maps or other papers. The applicant shall obtain all necessary forms from the secretary of the Land Use Board. The secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meetings dates of the Board.
D. An appeal shall stay the decision appealed from, unless the official from whose decision the appeal is taken certifies to the Land Use Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order of the Superior Court of New Jersey upon notice to the official from whom the appeal is taken and on good cause shown.

E. The Land Use Planning Board may reverse or affirm, wholly or partly, or modify the action, order, requirement, decision, interpretation or determination appealed from and, to that end, have all the powers of the official from whom the appeal is taken.

§ 14-10 Expiration of variance.

Unless otherwise specified by the Land Use Planning Board, any variance from the terms of this chapter granted by the Land Use Planning Board permitting the erection or alteration of any structure or structures or specified use of any premises shall expire and become null and void two years from the date of authorization by the Land Use Planning Board unless such construction, alteration or use shall have been actually commenced on or in each and every structure permitted by such variance within said period. The Land Use Planning Board, upon application, notice and for good cause and within said period, may extend said period for one year, but not to exceed three extensions. The running of this period shall be tolled from the date of filing an appeal from the decision of the Board to the Township Committee or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding. Each request for extension shall be subject to the same fee and escrow requirements as those applicable to a variance application.

§ 14-11 Time limit for decision.

A. When exercising the powers of the Board of Adjustment the Land Use Planning Board shall render its decision not later than 120 days after the date an appeal is taken pursuant to § 14-4 I(1) or not later than 120 days after a complete application for approval of a subdivision plat, site plan, conditional use, zoning variance or direction for the issuance of a permit is submitted to the Board pursuant to the provisions of § 14-4 I(3), (4), (5) or (6).

B. Failure of the Board to render such decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. In the event that the Board fails to so act on a complete application for development, the secretary of the Board shall issue a certificate on request to the applicant, and it shall be sufficient in lieu of written endorsement or other evidence of approval herein required and shall be so accepted by the County Clerk for purposes of filing subdivision plats.

§ 14-12 Conditional approval.

A. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3 in the case of a subdivision or N.J.S.A. 40:27-6.6 in the case of a site plan, the Township Land Planning Use Board shall condition any approval that it grants upon the timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.
B. An application under this section may be referred to any appropriate person or agency, including the Land Use Planning Board, pursuant to § 14-4 G of this chapter, for its report, provided that such reference shall not extend the period of time within which the Land Use Board shall act.

§ 14-13 General provisions.

A. No member of the Land Use Planning Board shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

B. Meetings.

(1) Meetings of the Land Use Planning Board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled, unless cancelled for lack of applications for development to process.

(2) Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which meetings shall be held on notice to the Board's members and the public in accordance with all applicable legal requirements.

(3) No action shall be taken at any meeting without a quorum being present, which is defined as the majority of the full authorized membership of the Board.

(4) All actions shall be taken by majority vote of the members of the Board present, except as otherwise required by statute.

(5) All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

C. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney; the action taken by the Board; and the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use, as provided for in the rules of the Board.

D. Fees for application or for the rendering of any service by the Land Use Planning Board or any member of its administrative staff, including fees for variance applications and conditional use applications, shall be as set forth in Chapter 13 of the Code of the Township of Mendham.

E. No application for development shall be deemed complete if there are outstanding, uncollected fees and escrows resulting from past applications or prior submissions involving the property in question or any part thereof, including the base tract. No performance guaranty shall be released or reduced unless all professional fees to be charged against escrow are paid.

F. Should construction, building, excavation, clearing or use of structure or property take place that is not in accordance with the approvals granted by the reviewing authority and required by any developmental ordinance or without fulfillment or compliance with the conditions imposed by such
approvals, such deviation shall be considered a violation of said ordinance. If within 95 days of notification and demand by the municipality the applicant has failed to pay the fees and escrows required by the ordinance or the applicant has failed to pay the inspection fees assessed pursuant to N.J.S.A. 40:55D-53h, a violation of said ordinance shall be deemed to have occurred.

G. Any developmental ordinance of the Township of Mendham shall be enforced by the municipality's Construction Official or its Zoning Officer. Any citizen of the municipality may bring a proceeding in Municipal Court alleging a violation of any developmental ordinance. Any administrative violation of any developmental ordinance, including nonpayment of fees, escrows, inspection fees or other costs, may be enforced by the Administrative Officer of the municipality by instituting a proceeding in the Municipal Court of the municipality alleging a violation of the developmental ordinances of the municipality.

§ 14-14 Escrows.

A. The escrow amount set forth in any developmental ordinance shall be subject to increase upon demand. Charges against the escrow account shall be made for inspection and professional review fees by the Township's staff, such as but not limited to the Township Engineer, Township Planner, Board Attorney and Administrative Officer. Charges against the escrow account shall be at the same rate that said professional bills the municipality, and no applicant shall be charged in excess of that rate. Each professional shall file annually with the Secretary of the Board his or her billing rate and fee schedule, and a copy of said billing rate or fee schedule shall be available to any applicant who requests the same, without charge. No sums shall be disbursed from the escrow account without receipt by the Township of appropriate vouchers from its professionals. Any balances remaining in the escrow account when the development or action on the application in question has been completed shall be returned to the applicant. For purposes of this section, completion of action on the application includes the approval and review of the resolutions. Furthermore, the Township is authorized to charge against inspection escrows for the review of performance guaranties and the coordination required with other agencies and the preparation for issuing construction permits and/or certificates of occupancy. No performance guaranty shall be released until all professional fees are paid. Moneys deposited by applicants shall, in addition to the provisions of this chapter, be covered by terms and conditions of an escrow agreement to be entered into and agreed upon by the applicant as part of the application procedure. For purposes of certifying completeness, the execution of the escrow agreement shall be deemed necessary.

B. In the event that an applicant, developer or property owner, whether or not said entity has received Land Use Planning Board approval pursuant to the Municipal Land Use Law,[1] applies to the New Jersey Department of Environmental Protection for a permit to construct certain facilities or to otherwise utilize land in accordance with New Jersey Department of Environmental Protection regulations and said regulations require the approval or consent of the Township, said entity shall deposit in escrow with the Township the amount of $1,500. Said escrow deposit shall be utilized to pay for the cost of professional review of the application, plans and regulations and a review of the property, if necessary, and any and all correspondences and actions necessary with respect to municipal approval or consent. Said amount shall be increased or decreased in accordance with the provisions set forth in this section.[1] Editor's Note: See N.J.S.A. 40:55D-1 et seq.

§ 14-15 Application for more than one type of relief.

In the event that an application includes a request for more than one type of relief, the fees applicable to each type of relief shall be separately charged and collected and separate application forms shall be submitted, even though the applicant may be applying to only one municipal board.
§ 14-16 Fees.

A. Any interested party appealing the decision of the Board to the governing body, pursuant to N.J.S.A. 40:55D-17, shall pay a fee of $150 to the Municipal Clerk at the time that the notice of appeal is filed in accordance with N.J.S.A. 40:550-17a, and, within five days of service of the notice of appeal upon the Municipal Clerk, arrange for a transcript of the proceedings before the Board for use by the governing body and pay a deposit of $50 or the estimated cost of such transcription, whichever is less, unless the appellant submits a transcript as otherwise arranged to the Municipal Clerk in accordance with N.J.S.A. 40:55D-17c.

B. In the event that an application to the Land Use Board or to the governing body results in changes to the Zoning Map, the cost of said changes shall be charged against any escrow funds which exist.

§ 14-17 Revised plans.

A. In the event during the plan review process, it is necessary that revised plans for approval be submitted to the Land Use Planning Board, said revised plans shall be submitted to the Board at least 21 days prior to the Board's meeting scheduled to review the revised plans. The failure to submit the revised plans within the appropriate time shall be adequate grounds to deny approval to the application.

B. Any proposed revision to a previously approved site plan of a single-family residential property would first be reviewed by the Zoning Officer, Engineer and Planner. If it is determined that the revision is "minor" in scale and/or nature a filed approval may be issued without the necessity of an appearance before the Board. The Board shall however be apprised of any such field revisions. Any proposed revision that results in a variance condition must be presented to the Land Use Board.

§ 14-18 Hearings.

A. Rules. The Land Use Planning Board may make rules governing the conduct of hearings before such body, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:550-1 et seq., or of this chapter.

B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq., shall apply.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

D. Evidence. Technical rules of evidence shall not be applied to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. The Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript of the proceedings to
any interested party at his request and at his expense, charging therefor at the maximum rate permitted by N.J.S.A. 2A:11-15. The transcript shall be certified in writing by the transcriber to be accurate.

F. Notice requirements for hearings. Whenever a hearing is required on an application for development, pursuant to N.J.S.A. 40:550-1 et seq., the applicant shall give notice thereof as follows:

(1) Public notice shall be given by publication in the official newspaper of the Township at least 10 days prior to the date of the hearing.

(2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the Township in which the applicant's land is located. Such notice shall be given by serving a copy thereof on the owner, as shown on the current tax duplicate, or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership owner, corporate owner or condominium association, horizontal property regime, community trust or homeowners' association owner may be made in the manner provided by N.J.S.A. 40:550-12.

(3) Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection F(2) of this section to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.

(4) Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed county road shown on the Official County Map or on the County Master Plan, adjoining other county land or situate within 200 feet of a municipal boundary.

(5) Notice shall be given by personal service or certified mail to the State of New Jersey Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.

(6) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of the State of New Jersey of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the secretary of the appropriate board.

(7) All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.

(8) Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing, in accordance with the provisions of N.J.S.A. 40:55D-14.

(9) Form of notice. All notices required to be given, pursuant to the terms of this chapter, shall state the date, time and place of the hearing; the nature of the matters to be considered; the identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office; and the location
and times at which any maps and documents for which approval is sought are available for public inspection.

(10) The notices of an application shall not be required unless public notice, pursuant to N.J.S.A. 40:55D-12a, and notice, pursuant to N.J.S.A. 40:55D-12b, are required.

(11) Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan under Township Ordinances requiring public notice pursuant to this section shall be given, in the case of a public utility, cable television company or local utility which possesses a right-of-way or easement within the Township and which has registered with the municipality in accordance with Section 5 of P.L. 1991, c.412 (N.J.S.A. 40:550-12-1), by serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility, or mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

§ 14-19 List of property owners furnished.

A. Pursuant to the provisions of N.J.S.A. 40:550-12c, the Township Tax Assessor shall, within seven days after receipt of a request therefor and upon receipt of a fee of $10 or $0.25 per name, whichever is greater, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to § 95-29F(2) of this chapter. In addition, the Administrative Officer shall include on the list the names, addresses and positions of those persons who, not less than seven days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to the Municipal Land Use Act. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or to any public utility, cable television company or local utility on the list shall not invalidate any hearing or proceeding.

B. Every public utility, cable television company and local utility interested in receiving notice pursuant to Subsection h of Section 7.1 of P.L. 1975, c.291 (N.J.S.A. 40:550-12) may register with the Township in which the public utility, cable television company or local utility has a right-of-way or easement. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.

C. The Administrative Officer of the Township shall adopt a registration form and shall maintain a record of all public utilities, cable television companies and local utilities which have registered with the Township pursuant to Subsection A of this section. The registration form shall include the name of the public utility, cable television company or local utility and the name, address and position of the person to whom notice shall be forwarded, as required pursuant to the Municipal Land Use Act. The information contained therein shall be made available to any applicant, as provided by this chapter and the Municipal Land Use Act.

D. There shall be a registration fee of $10 payable to the Township by any public utility, cable television company or local utility which registers to receive notice pursuant to this section.

§ 14-20 Decisions.

A. Each decision on any application for development shall be set forth, in writing, and shall include findings of fact and conclusions based thereon. Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the
application. The Board may provide such written decision and findings and conclusions either on the
date of the meeting at which the Board takes action to grant or deny approval or, if the meeting at which
such action is taken occurs within the final 45 days of the applicable time period for rendering a
decision on the application for development, within 45 days of such meeting by the adoption of a
resolution of memorialization setting forth the decision and the findings and conclusions of the Board
thereon. An action resulting from the failure of a motion to approve an application shall be
memorialized by resolution as provided above, notwithstanding the time at which such action occurs
within the applicable time period for rendering a decision on the application. The adoption of a
resolution of memorialization shall not be construed to alter the applicable time period for rendering a
decision on the application for development. Such resolution shall be adopted by a vote of a majority of
the members of the Board who voted for the action previously taken, and no other member shall vote
thereon. The vote on such resolution shall be deemed to be a memorialization of an action of the Board
and not to be an action of the Board, except that failure to adopt such a resolution within the forty-five-
day period shall result in the approval of the application for development, notwithstanding any prior
action taken thereon. Whenever a resolution of memorialization is adopted in accordance herewith, the
date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and
publications required herein.

B. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the
applicant or, if represented, then to his attorney, without separate charge. A copy of the decision shall
also be mailed to all persons who have requested it and who have paid the fee set forth in N.J.S.A.
47:1A-2. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a
copy of such filed decision available to any interested party upon payment of the fee set forth in
N.J.S.A. 47:1A-2.

C. A member of the Board who was absent for one or more of the meetings at which a hearing was
conducted may vote upon the application notwithstanding his absence from one or more of the
meetings, provided that such Board member has available to him the transcript or recording of all of the
hearing from which he was absent and certifies, in writing, to the Board that he has read such transcript
or listened to such recording.

D. A brief notice of every final decision shall be published in the official newspaper of the
Township. Such publication shall be arranged by the Secretary of the Land Use Board, who shall
charge the applicant for the cost of such publication. Such notice shall be sent to the official newspaper
for publication within 10 days of the date of any such decision.

§ 14-21 Records to be retained.

Upon the conclusion of any matter coming before the Land Use Planning Board, or, upon appeal, to the
Township Committee, a copy of each application, supporting documentation, minutes of hearings,
correspondence, decisions and other information relevant to the determination shall be maintained in the
office of the Secretary of the Land Use Planing Board of the Township of Mendham for a period of not
less than five years, which copies shall be considered as public records under N.J.S.A. 47:1A-1 et seq.
(Right to Know Act).

§ 14-22 Payment of taxes

Pursuant to the provisions of N.J.S.A. 40:550-39 and 40:550-65, every application for development
submitted to the Land Use Board shall be accompanied by proof that no taxes or assessments for local
improvements are due or delinquent on the property which is the subject of such application.
§ 14-23 Additional Duties of Board Secretary

The secretary to the Land Use Planning Board shall have the below listed duties and responsibilities and such other duties as may be assigned by the Land Use Board, said duties to include but not be limited to the following:

A. Cause to be published the public notices required by statute or this Code to be published by a Township official.

B. Assemble the record on appeal from a Land Use Planning Board approval of a use variance as set forth in N.J.S.A. 40:550-17.


D. Assist all advisory committees created pursuant to N.J.S.A. 40:550-27.

E. Assist the Township experts and the Land Use Board in the preparation of the Master Plan and amendments, capital improvement programs and official maps as set forth in the Municipal Land Use Act.

F. Assist the Township Engineer and coordinate the review of plans submitted to the Land Use Planning Board.

G. Coordinate the inspection of on- and off-site improvements and the procedure with respect to the release of performance guaranties filed with respect thereto.

H. Maintain escrow fund accounts with respect to plan review and inspection of improvements.
I. Schedule hearings and application review processes for the Land Use Board.

§ 14-24 Professional review; applications for development

All applications for development (including, but not limited to, subdivisions, site plans, variances, ordinance interpretations, whether formal or informal) shall be reviewed by the appropriate professionals and staff (Land Use Planning Board Attorney, Township or Board Engineer, Township Planner, Architect and/or Township Attorney) prior to review and consideration by the Land Use Board. The appropriate professionals and/or staff shall prepare oral and/or written reports for presentation to the Land Use Board with respect to various issues, including but not limited to, completeness of the application, substantive aspects of the approval, waivers, changes and variances. No application shall be deemed complete nor forwarded to the Land Use Board for its review unless the applicant has completed all applicable items on the checklist incorporated herein and made a part hereof as if written fully herein. A copy of the checklist shall be provided to each applicant as part of the application package. The fees incurred in the review process shall be charged against the escrows posted by the applicant pursuant to other sections of this Code. Applications shall not be considered by the Land Use Planning Board until said professional and/or staff review is provided. Said professional and/or staff review may be provided as many times as deemed necessary to meet the statutory deadlines with respect to approvals.
§ 14-25 Appeals to the land Use Planning Board

An appeal to the Land Use Planning Board may be taken by any interested party affected by any decision of an official based on or made in the enforcement of this chapter or Official Maps. Such appeal shall be taken within 20 days by filing a notice of appeal with the official from whom the appeal is taken, specifying the grounds of such appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken. However, an applicant for development may file such an application with the Land Use Planning Board for action under any of its powers without prior application to an official.

§ 14-26 Appeals from the Land Use Planning Board

A. An appeal from any final decision of the Land Use Planning Board approving an application for development, pursuant to the provisions of N.J.S.A. 40:55D-70d or of the Land Use Planning Board granting preliminary approval of a major subdivision, may be taken to the Township Committee, provided that such appeal shall be made within 10 days of the date of publication of such final decision of the Land Use Planning Board. Such appeal shall be made by serving the Township Clerk, in person or by certified mail, with a notice of appeal specifying the grounds of such appeal, the name and address of the appellant, and, if represented, his or her attorney. Such appeal shall be decided by the Township Committee only upon the record established before the Board from which the appeal is taken.

B. Notice of the meeting to review the record below shall be given by the Township Committee by personal service or certified mail to the appellant, to those entitled to notice of a decision, pursuant to this ordinance at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record of such meeting. The appellant, within five days of service of the notice of appeal, shall arrange for a transcript for use by the Township Committee and pay a deposit of $50, or the estimated cost of such transcription, whichever is less, if the appeal is from the granting of preliminary approval of a major subdivision; or within 35 days of service of the notice of appeal submit a transcript as otherwise arranged to the Township Clerk. Otherwise, the appeal may be dismissed for failure to prosecute. If the appeal is from the approval of an application for development, pursuant to the provisions of N.J.S.A. 40:55D-70(d), the Township Committee shall provide the transcript.

C. The Township Committee shall conclude a review of the record below no later than 95 days from the date of publication of notice of the decision below, unless the applicant consents in writing to an extension of such period. Failure of the Township Committee to hold a hearing and conclude a review of the record below and to render a decision within such specified period, without such written consent of the appellant, shall constitute a decision affirming the action of the Board.

Chapter XV ZONING BOARD OF ADJUSTMENT is deleted in its entirety.

Chapter XVI SUBDIVISION AND SITE PLAN REVIEW is amended to reflect that any reference to “Planning Board” or “Board of Adjustment” shall mean the Land Use Planning Board.

Chapter XVII ENVIRONMENTAL IMPACT STUDY is amended to reflect that any reference to “Planning Board” or “Board of Adjustment” shall mean the Land Use Planning Board.

Chapter XVIII FLOOD HAZARD AREA REGULATIONS is amended to reflect that any reference to “Planning Board” or “Board of Adjustment” shall mean the Land Use Planning Board.
Chapter XIX SOIL EROSION, SEDIMENT CONTROL AND FLOOD PREVENTION is amended to reflect that any reference to “Planning Board” or “Board of Adjustment” shall mean the Land Use Planning Board.

Chapter XX SOIL EXTRACTION REGULATIONS is amended to reflect that any reference to “Planning Board” or “Board of Adjustment” shall mean the Land Use Planning Board.

Chapter XXI ZONING REGULATIONS is amended to reflect that any reference to “Planning Board” or “Board of Adjustment” shall mean the Land Use Planning Board.

Chapter XXI ZONING REGULATIONS is further amended in the following manner:

Sections 13-6; 13-7; 13-8; and 13-9 are deleted in their entirety.

SECTION TWO:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION THREE:

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR:

This ordinance shall take effect upon final passage and publication thereof as provided by law.
ORDINANCE NO. 22-2018
TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY


WHEREAS, N.J.S.A. 40A 0-165 permits a municipality to establish salaries, wages, or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Township Committee have made a careful examination of the salaries, wages and compensation appropriate to the compensation of said Township employees; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the below stated titles and compensation shall be amended upon adoption of this ordinance as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Annual Salary Minimum</th>
<th>Annual Salary Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>$1,800</td>
<td>$4,000</td>
</tr>
<tr>
<td>Committee Person</td>
<td>$1,500</td>
<td>$3,500</td>
</tr>
<tr>
<td>Deputy Mayor</td>
<td>$1,500</td>
<td>$3,500</td>
</tr>
<tr>
<td>Township Administrator</td>
<td>$70,000</td>
<td>$140,000</td>
</tr>
<tr>
<td>Township Clerk</td>
<td>$45,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Tax Assessor - Part Time</td>
<td>$15,000</td>
<td>$30,000</td>
</tr>
<tr>
<td>Chief Financial Officer</td>
<td>$60,000</td>
<td>$120,000</td>
</tr>
<tr>
<td>Tax Collector</td>
<td>$24,000</td>
<td>$65,000</td>
</tr>
<tr>
<td>Deputy Tax Collector</td>
<td>$24,000</td>
<td>$65,000</td>
</tr>
<tr>
<td>Magistrate/Municipal Judge</td>
<td>$8,000</td>
<td>$35,000</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>$80,000</td>
<td>$160,000</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>$70,000</td>
<td>$140,000</td>
</tr>
<tr>
<td>Police Patron</td>
<td>$65,000</td>
<td>$75 per call out</td>
</tr>
<tr>
<td>Superintendent Department of Public Works</td>
<td>$65,000</td>
<td>$130,000</td>
</tr>
<tr>
<td>Foreman Department of Public Works</td>
<td>$45,000</td>
<td>$85,000</td>
</tr>
<tr>
<td>Custodian</td>
<td>$12 per hour</td>
<td>$20 per hour</td>
</tr>
<tr>
<td>Construction Code and Zoning Official</td>
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<td>$70,000</td>
</tr>
<tr>
<td>Plumbing Sub Code Official / Inspector - Salaried</td>
<td>$5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Plumbing Sub Code Official / Inspector – Hourly</td>
<td>$35 per hour</td>
<td>$55p per hour</td>
</tr>
<tr>
<td>Electrical Sub Code Official / Inspector - Salaried</td>
<td>$5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Electrical Sub Code Official / Inspector – Hourly</td>
<td>$35 per hour</td>
<td>$55 per hour</td>
</tr>
<tr>
<td>Fire Sub Code Official / Inspector – Salaried</td>
<td>$5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Fire Sub Code Official / Inspector – Hourly</td>
<td>$35 per hour</td>
<td>$55 per hour</td>
</tr>
<tr>
<td>Building Sub Code Official / Inspector</td>
<td>$5,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Building Sub Code Official / Inspector</td>
<td>$35 per hour</td>
<td>$55 per hour</td>
</tr>
<tr>
<td>Fire Official</td>
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<td>$25,000</td>
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<td>Clerical – Full Time</td>
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<tr>
<td>Clerical – Part Time</td>
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<td>$24 per hour</td>
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<tr>
<td>Deputy Registrar</td>
<td>$500</td>
<td>$600</td>
</tr>
<tr>
<td>Land Use Planning Board Secretary – additional stipend</td>
<td></td>
<td>$50 per meeting</td>
</tr>
<tr>
<td>Board of Health Secretary – additional stipend</td>
<td></td>
<td>$50 per meeting</td>
</tr>
<tr>
<td>Recreation Director</td>
<td>$20,000</td>
<td>$55,000</td>
</tr>
</tbody>
</table>
1. The specific salary to be paid each officer and employee within the ranges set forth in Section 1 shall be determined by Resolution adopted by the Township Committee of the Township of Mendham.

2. Each employee of the Department of Public Works, excluding the Superintendent and Foremen, shall be entitled to the benefits provided by the terms of the Collective Bargaining Agreement between the Township of Mendham and the International Brotherhood of Teamsters Local 469 currently in force. The Foreman shall be entitled to receive overtime pay for each hour worked in excess of a forty-hour week, such overtime pay to be at the rate of one and one-half times the employee’s regular hourly rate. However, any time worked on New Year's Day, Thanksgiving Day or Christmas Day shall be paid at the rate of two times the employee’s regular hourly rate.

3. Each member of the Police Department below the rank of Lieutenant shall be entitled to the benefits provided by the terms of the Agreement between the Township of Mendham and the Mendham Township Police Bargaining Unit, P.B.A. Local 402.

4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

5. This ordinance shall take effect January 1, 2019.

INTRODUCED: 11/27/2018

PUBLIC HEARING: 12/10/2018

ADOPTED:

ATTEST:

Maria Coppinger, Township Clerk

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Richard Diegnan, Mayor
ORDINANCE NO. 23-2018
TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING CHAPTER 75 “AFFORDABLE HOUSING” SECTION 75-4
“Income limits” and section 75-5 ‘Affordability Controls’

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MENDHAM, IN THE COUNTY OF MENDHAM, NEW JERSEY, AS FOLLOWS:

SECTION 1.

In compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-329.1 et. seq.; and recognizing that an important function historically performed by the Council on Affordable Housing (COAH) is setting income limits for each of the COAH housing regions, which are used to determine eligibility for affordable housing, and setting rent increases for existing affordable housing; and COAH having not published income limits or rent increases since 2014; and the Township finding it necessary to establish income limits and rent increase information to comply with the directives of the Fair Housing Act, and to more generally ensure the implementation of municipalities’ constitutional obligations through the availability of existing affordable housing and new affordable housing constructed through the court compliance process pursuant to Mount Laurel IV to qualified individuals; and Mount Laurel IV having directed that it is necessary to adhere to the First and Second Round rules and aspects to the two earlier versions of the Third Round rules that were found valid by the appellate courts; and the parties and the Township thus having deemed it appropriate to establish income limits and rent increases based on COAH’s established practice for setting such income limits and rent increases, and to update such income limits and rent increases on an annual basis themselves based on the process historically used by COAH;

Now therefore be it hereby ordained as follows:

1. **Income limits** for all units that are part of the Townships’ Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Townships’ Affordable Housing Coordinator (sometimes hereinafter referred to as the “Administrative Agent”) annually within 60 days of the publication of determinations of median income by HUD as follows:

   (a) **Regional income limits** shall be established for the region that the Township is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the
estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township’s housing region. This quotient represents the regional weighted average of median income for a household of four.

The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

(b) The income limits derived from applying the percentages set forth in paragraph (a) above to HUD’s determination of median income for FY 2017 shall be utilized until the Municipality updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

(c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Affordable Housing Coordinator annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year’s income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

2. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

(a) The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph 1. above. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

(b) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

3. **Affordability Controls.** The resale pricing for affordable housing units offered for resale ibn
accordance with Chapter 75, shall have such resale prices set and configured by the Administrative Agent in accordance with the guidelines established by the Affordable Housing Professionals of New Jersey”.

SECTION 2.
If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION 3.
All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.
This Ordinance shall take effect after final passage and publication pursuant to law.

INTRODUCED: 11/27/2018          ADVERTISED: 11/30/2018
PUBLIC HEARING: 12/10/2018
ADOPTED:                   ADVERTISED:

ATTEST:
TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk                   Richard Diegnan, Mayor
RESOLUTION 2018-193
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

WHEREAS, it is deemed appropriate that the Township Committee discuss the matters hereafter mentioned without the presence of the public, in accordance with the provisions of R.S. 10:412b, being section 7b of the Open Public Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, as follows:

Personnel Matters

Shall be discussed by the Township Committee without the presence of the public. It is anticipated that these matters can be disclosed to the public when further action is taken in connection with the discussion.

Adopted: December 10, 2018

Attest: TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria Coppinger, Township Clerk

Richard Diegnan, Mayor