



Founded 1749

**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
FEBRUARY 13, 2017
Executive Session 7:00 PM
Regular Session 7:30 p.m.**

1. ROLL CALL:

Mr. Baumann
Mr. Cioppettini
Mr. Diegnan
Mr. Gisser
Mayor Orban Brown

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 Daily Record, Observer Tribune and the Star Ledger on January 7, 2017. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

4. RESOLUTION 2017-25

AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC
Motion to adopt, second, discussion, roll call vote

5. EXECUTIVE SESSION

Personnel

6. ANNOUNCEMENTS

Honoring Sarah Dean Link
Recreation Resources Town Hall Meeting - 6:30 to 8 p.m. on Friday, February 24, 2017

7. APPROVAL OF MINUTES

January 24, 2017, regular session
Motion to adopt, second, discussion, roll call vote
January 24, 2017, regular session
Motion to adopt, second, discussion, roll call vote

8. NEW BUSINESS

ORDINANCES

ORDINANCE 2017-1 ON AFFORDABLE HOUSING

AN ORDINANCE FOR THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AFFORDABLE HOUSING REGULATIONS

Motion to introduce, discussion, roll call vote

This ordinance will be on for second reading and public hearing at the February 28, 2017 Township Committee meeting.

RESOLUTIONS

RESOLUTION 2017-26

AUTHORIZING ADMINISTRATOR TO EXECUTE NJPDES/TWA APPLICATION FOR HILLANDALE BLOCK 100 LOT 17.03

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2017-27

INTENT TO AWARD A CONTRACT SUBJECT TO NJDEP APPROVAL

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2017-28

AUTHORIZING RENEWAL OF CONTRACT FOR PROFESSIONAL LEGAL SERVICES

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2017-29

AWARDING CONTRACT FOR CONSTRUCTION SERVICES RE; MENDHAM SEWER EAST FACILITY UPGRADE

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2017-30

APPROVING RAFFLE LICENSE

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2017-31

APPOINTING COMMITTEE MEMBERS

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2017-32

APPOINTING FRANK V. CIOPPETTINI JR., DEPUTY MAYOR OF THE TOWNSHIP OF MENDHAM FOR THE WEEK OF FEBRUARY 13 THROUGH 18, 2017

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2017-33

AUTHORIZING PAYMENT OF BILLS

Motion to adopt, second, discussion, roll call vote

9. REPORTS
10. DISCUSSION
11. HEARING PERSONS PRESENT
12. ADJOURN

RESOLUTION 2017-25
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

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.

Attest: February 13, 2017

TOWNSHIP OF MENDHAM,
COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR
Township Clerk

Diana Orban Brown
Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-25 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli, Township Clerk

ORDINANCE 2017-1
TOWNSHIP OF MENDHAM
MORRIS COUNTY, NEW JERSEY
ORDINANCE OF THE TOWNSHIP OF MENDHAM AMENDING
ORDINANCE 1999-15 ENTITLED "AFFORDABLE HOUSING REGULATIONS"
(Sections 5.6 and 5.7 thereof)

BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris and State of New Jersey, being the Governing Body of said Township, as follows:

SECTION ONE:

Chapter 26, is hereby amended to provide as follows:

26-5.6 Sale of the Units. Upon sale of the unit, the seller shall pay a 1.25% fee to the Housing Partnership upon sale of the affordable housing unit.

26-5.7 Enforcement of affordable housing regulations.

a. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

b. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

c. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

- i. A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
- ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Mendham Affordable Housing Trust Fund of the gross amount of rent illegally collected;
- iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

d. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be

enforceable as if the same were a judgment of default of the loan, and shall constitute a lien against the low- and moderate-income unit.

e. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off all and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

f. The proceeds of the Sheriff's sale shall first be applied to satisfy the lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

g. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

h. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the lien and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the mortgage and any prior liens and crediting the violating owner with an

amount equal to the difference between the current mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

i. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of

the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

j. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

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.

INTRODUCED:

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR
Township Clerk

Diana Orban Brown
Township Mayor

**RESOLUTION 2017-26
RESOLUTION OF THE TOWNSHIP COMMITTEE
AUTHORIZING ADMINISTRATOR TO EXECUTE
NJPDES/TWA APPLICATION FOR HILLANDALE
BLOCK 100 LOT 17.03**

Whereas, the Township of Mendham has been requested to endorse (without assuming responsibility therefore) a certain Treatment Works Application (TWA); and

Whereas, the application has been favorably reviewed by the municipal engineer,

Now Therefore, Be It Hereby Resolved by the Township Committee of the Township of Mendham as follows:

That the Township Administrator is hereby authorized sign the Governing Body consent line in section A-1 on page 1 of the WQM-003 form attached to the TWA application.

It is noted that an Amended Site Plan approval from the Planning Board is required so that the project approved by the Planning Board is consistent with the NJDEP application documents. Prior to any endorsement, the Township Administrator's name and position shall be updated on the consent line in section A-1 of the WQM-003.

It is further noted that by so approving the execution of the WQM-003 form, the Township of Mendham assumes no liability for, nor does it enter into any undertaking or other agreement to maintain, operate, own, repair or support the associated sewerage treatment plant and that the sole purpose of such consent is to allow the project to move forward.

Adopted: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM,

COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR

Diana Orban Brown

Township Clerk

Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-26 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli, Township Clerk

RESOLUTION 2017-27
RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF MENDHAM
INTENT TO AWARD A CONTRACT
SUBJECT TO NJDEP APPROVAL

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township of Mendham publicly advertised for the submission of sealed bids for upgrades to the Mendham East Wastewater Treatment Facility and

WHEREAS, on January 10, 2017, bids were received as follows:

<u>Bidder</u>	<u>Amount Bid</u>
Iron Hills	\$1,595,800.00
Tomar Construction	\$2,489,000.00
Coppola Services	\$1,663,890.00
MBE Mark II	\$1,861,469.00
Ferraro Construction	\$1,889,888.00
Pact II, LLC	\$1,930,000.00
Fred Devens Construction	\$1,925,000.00

WHEREAS, the Governing Body of the Township has determined that Iron Hills Construction Company must be rejected based upon failure to comply with New Jersey statutory requirements; and

WHEREAS, the next lowest complying bidder was Coppola Services as the lowest responsible bidder and the lowest responsive bidder; and

WHEREAS, the Chief Financial Officer of the Township has issued a certificate designating the appropriation to which the contractor will be properly charged and stating that adequate funds are available under the appropriation for the payment of the proposed contract price and copies of said certificate is attached hereto and made a part hereof; and

THEREFORE, BE IT RESOLVED, the award of contract is contingent upon approval by the New Jersey Department of Environmental Protection (NJDEP) and;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that it is their intent to award the contract for the upgrades to the Mendham East Wastewater Treatment Facility to Coppola Services, subject to the conditions herein.

Certified copies of this resolution shall be forwarded to the NJDEP and Coppola Services.

Adopted: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM,

COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR
Township Clerk

Diana Orban Brown
Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-27 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli
Township Clerk

**RESOLUTION 2017-28
RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF MENDHAM
AUTHORIZING RENEWAL OF CONTRACT FOR
PROFESSIONAL LEGAL SERVICES**

Whereas, the Township of Mendham has need to acquire legal services; and

Whereas, an attorney is a licensed, professional field, regulated by the State of New Jersey requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A, 40A:11-5 et.seq.; and

Whereas, the Township Committee had previously authorized the engagement of Schenck, Price, Smith and King, LLP for purposes of conducting litigation not to exceed \$10,000 at an hourly rate of \$200, and

Whereas, the Township of Mendham has need to extend said contract for legal services;

Now Therefore, Be It Hereby Resolved by the Township Committee of the Township of Mendham that a contract heretofore previously awarded is extended for the year 2017 and additional funds are hereby authorized, not to exceed three thousand dollars. This authorization shall become effective upon the filing of a certificate of availability of funds by the Chief Financial officer.

Adopted: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM,

COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR

Diana Orban Brown

Township Clerk

Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-28 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli, Township Clerk

RESOLUTION 2017-29
RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF MENDHAM
AWARDING CONTRACT FOR CONSTRUCTION SERVICES RE; MENDHAM
SEWER EAST FACILITY UPGRADE

WHEREAS, pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township of Mendham solicited proposals for the management of the construction and re-construction of the Mendham East Sewer Treatment Plant, and

WHEREAS, Veolia North America submitted a proposal that has been deemed acceptable to the municipality, and

WHEREAS, the municipality has determined to award said contract to Veolia North America in accordance with a written proposal dated January 12, 2017, and

WHEREAS, the Chief Financial Officer of the Township has issued a certificate of availability of funds for this contract, which shall not exceed \$99,750.00,

BE IT FURTHER RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that a construction management contract be awarded to Veolia North America in an amount not to exceed \$99,750.00 subject to the execution of formal contracts.

Adopted: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM,
COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR
Township Clerk

Diana Orban Brown
Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-29 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli
Township Clerk

**RESOLUTION 2017-30
RESOLUTION OF THE TOWNSHIP COMMITTEE
APPROVING RAFFLE LICENSE**

WHEREAS, an application for the following raffle license has been presented to the Township Clerk; and

WHEREAS, the Township Clerk has reviewed said application, finding it to be satisfactory and recommends that the Township Committee approve same;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, that the following application for a raffle license be and hereby are approved.

<u>Classification</u>	<u>of Raffle</u>	<u>Date of Affair</u>
Raffle		
Ralston Women's Auxiliary RL #198	Off-Premise 50/50 Raffle	June 10, 2017

Adopted: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM,
COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR
Township Clerk

Diana Orban Brown
Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-30 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli
Township Clerk

RESOLUTION 2017-31
RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF MENDHAM
APPOINTING MEMBERS TO THE FACILITIES AD HOC COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following appointments are made to the Mendham Facilities Ad Hoc Committee:

Peter Dumovic
Rick Blood
Nick Witezak
Dan Wood
Rich Diegnan
John Gefaell
Ryan Guthrie
Diana Brown

This resolution shall take effect immediately
Adopted: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM, IN
THE COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR
Township Clerk

Diana Orban Brown
Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-31 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli, Township Clerk

**RESOLUTION 2017-32
RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF MENDHAM
APPOINTING FRANK V. CIOPPETTINI JR.,
DEPUTY MAYOR OF THE TOWNSHIP OF MENDHAM FOR THE WEEK OF FEBRUARY 13
THROUGH 18, 2017**

Whereas, the Township of Mendham has need for the services of Deputy Mayor for a portion of the month of February, 2017; and

Whereas, Frank V. Cioppettini Jr., is available to fill such post so as to perform certain ceremonial duties; and

Whereas, the Mayor, Diana Orban Brown does authorize the exercise of such ceremonial functions by Mr. Cioppettini,

Now Therefore, Be It Hereby Resolved by the Township Committee of the Township of Mendham that , Frank V. Cioppettini Jr., is hereby appointed to the position of Deputy Mayor of the Township of Mendham for the week of February 13 through 18, 2017 with all statutory powers pertaining thereto.

This resolution shall take effect immediately

Adopted: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM

THE COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR

Diana Orban Brown

Township Clerk

Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-32 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli, Township Clerk

**RESOLUTION 2017-33
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: February 13, 2017

Attest:

TOWNSHIP OF MENDHAM
COUNTY OF MORRIS

Mary Beth Zichelli
Township Clerk

Diana Orban Brown
Mayor

CERTIFICATION

I, Mary Beth Zichelli, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of Resolution 2017-33 from the February 13, 2017 meeting of the Township Committee.

Mary Beth Zichelli, Township Clerk