

# TOWNSHIP COMMITTEE TOWNSHIP OF MENDHAM REGULAR MEETING

DATE: Monday, September 13, 2021

**TIME:** 7:30 PM

# LOCATION: IN-PERSON

Town Hall 2 West Main Street Brookside; and

# **REMOTE VIA ZOOM**

Access link and call-in numbers can be found on the last page of the agenda

# www.zoom.us

Click on "Join a Meeting" Webinar ID: 894 7638 8075 Passcode: 323628 Follow prompts

#### ROLL CALL

Mr. Baio Ms. Duarte Mr. Monaghan Mr. Orlins Mayor Neibart

# SALUTE TO THE FLAG

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

# PRESENTATION

• Girls Scout Troop 97847– Presenting Plans on the Greenhouse portion of the Seed House at Pitney Park

# COVID – 19 UPDATE

# PROCLAMATION

- National Suicide Prevention Month
- Hispanic Heritage Month

# **ANNOUNCEMENTS**

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

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial \*9** to raise your hand.

#### **RESOLUTIONS - CONSENT AGENDA**

- **2021-174** Resolution of the Township Committee of the Township of Mendham Authorizing Change in Custodian of Petty Cash Fund
- **2021-175** Resolution of the Township Committee of the Township of Mendham Requesting Permission for the Dedication-By-Rider for a Donation Trust Fund for Various Purposes
- **2021-176** Resolution of the Township Committee of the Township of Mendham Authorizing the Renewal of Membership in the Morris County Municipal Joint Insurance Fund January 1, 2022 January 1, 2025
- **2021-177** Resolution of the Township Committee of the Township of Mendham Appointing Jason Gabloff as Fund Commissioner and Ross Johnson as Alternate Fund Commissioner to the Morris County Municipal Joint Insurance Fund
- **2021-178** Resolution of the Township Committee of the Township of Mendham Authorizing the Amendment to the Animal Control Contract to Include "Appendix C" of the Animal Control Solutions, LLC for the Additional Service of Ferel Cat Mitigation
- **2021-179** Resolution of the Township Committee of the Township of Mendham Approving the Issuance of a Social Affair Permit for Mendham Township PBA Local 402
- **2021-180** Resolution of the Township Committee of the Township of Mendham Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

#### **RESOLUTIONS - REGULAR AGENDA**

- **2021-181** Resolution of the Township Committee of the Township of Mendham Amending 2021 Budget Insertion of Special Item of Revenue for "State of New Jersey – 2021 Recycling Tonnage Grant"
- **2021-182** Resolution of the Township Committee of the Township of Mendham Amending 2021 Budget Insertion of Special Item of Revenue for "State of New Jersey Division of Criminal Justice – 2021 Body Armor Grant"
- **2021-183** Resolution of the Township Committee of the Township of Mendham Amending 2021 Budget Insertion of Special Item of Revenue for "State of New Jersey – Clean Communities Grant"
- **2021-184** Resolution of the Township Committee of the Township of Mendham Expressing the Consensus of the Township Committee to Amend the Policy of the Township's Land Use Boards to Provide for Public Access of Land Use Applications by Posting to the Website the Application Information as soon as Feasible

- 2021-185 Resolution of the Township Committee of the Township of Mendham Supporting Enhancing the Statutory Requirements Governing Land Use Applications Made for Commercial and Residential Use by Expanding the 10 Day Notice Requirement to 21 Days for Adequate Notice
- **2021-186** Resolution of the Township Committee of the Township of Mendham Supporting Enhancing the Statutory Requirements Governing Land Use Applications Made by Expanding the 200 ft Requirement for Notice to 400 ft
- **2021-187** Resolution of the Township Committee of the Township of Mendham Approval of the Length of Service Award Program (LOSAP) Qualification List for Ralston Engine Company No. 1
- 2021-188 Resolution of the Township Committee of the Township of Mendham Rescinding Resolutions 2021-074, 2021-100 and 2021-128 and Reintroducing the Award of a Competitive Bidding Contract for Milling, Paving, Roadway Drainage and ADA Improvements to Cold Hill Road
- **2021-189** Resolution of the Township Committee of the Township of Mendham Rescinding Resolutions 2021-074, 2021-100 and 2021-128 and Reintroducing the Award of a Competitive Bidding Contract for Milling, Paving, Roadway Drainage and ADA Improvements to Woodland Road
- **2021-190** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract to Deandrea Land and Stone, LLC, For Snow Plowing Services
- **2021-191** Resolution of the Township Committee of the Township of Mendham Authorizing Additional Signature on Township Checks Township Clerk
- **2021-192** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

# **ORDINANCE FOR INTRODUCTION**

**15-2021**An Ordinance of the Township Committee of the Township of Mendham for a Change in<br/>Zoning for Block 147, Lots 42.01 - 42.16 from R-10 to R-5<br/>Public Hearing scheduled for October 13, 2021

# ORDINANCE FOR PUBLIC HEARING / 2<sup>ND</sup> READING

- 12-2021 An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Chapter 21 of the Ordinances of the Township 'Zoning' By Adding a New Classification of Use, The M-1 Municipal Use Zone Ordinance was introduced on July 26, 2021
- 13-2021 An Ordinance of the Township Committee of the Township of Mendham Amending Chapter 229 "Noise"
   Ordinance was introduced on August 16, 2021
- 14-2021An Ordinance of the Township of Mendham Providing for Various Capital Improvements<br/>and Appropriating \$100,000 Therefor from the Capital Improvement Fund<br/>*Ordinance was introduced on August 16, 2021*

# **OPEN TO THE PUBLIC**

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial \*9** to raise your hand.

#### DISCUSSION

- Website Design
- Dismal Harmony Trail Location
- Solar Panels Municipal Building
- Ash Trees

#### RESOLUTION 2021-174 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING CHANGE IN CUSTODIAN OF PETTY CASH FUND

WHEREAS, N.J.S.A 40A:5-21 authorizes the establishment of a Petty Cash Fund; and

**WHEREAS**, in accordance with N.J.S.A 40A:5-21, the Township of Mendham, County of Morris is changing custodians of the following petty cash funds:

DepartmentFormer CustodianNew CustodianRecreationKaren FornaroJason Gabloff

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham, County of Morris hereby authorizes such actions and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM REQUESTING PERMISSION FOR THE DEDICATION-BY-RIDER FOR A DONATION TRUST FUND FOR VARIOUS PURPOSES

**WHEREAS,** permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS,** the Township of Mendham will receive donations for special projects including and not limited donations for the Pitney Park Project; and

**WHEREAS,** the Township of Mendham would like to set up a dedicated trust fund, pursuant to N.J.S.A 40A:50-29, to account for donations to Township of Mendham; and

**WHEREAS,** N.J.S.A 40A:4-39 provides that the director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

- 1. The governing body hereby requests permission of the Director of Division of Local Government Services to pay expenditures for a Donation Trust Fund for the Township of Mendham, Pitney Park Project as per N.J.S.A. 40A:4-39.
- 2. The Township Clerk of the Township of Mendham is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND JANUARY 1, 2022 - JANUARY 1, 2025

WHEREAS, Mendham Township is a member of the Morris County Municipal Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of December 31, 2021 unless earlier renewed by agreement between the municipality and the fund; and

WHEREAS, the municipality desires to renew said membership.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham as follows:

- 1. The Township of Mendham agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the fund.
- 2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING JASON GABLOFF AS FUND COMMISSIONER AND ROSS JOHNSON AS ALTERNATE FUND COMMISSIONER TO THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Mendham is a member of the Morris County Municipal Joint Insurance Fund; and

**WHEREAS,** in accordance with the by-laws and requirements of membership promulgated by the Morris County Municipal Joint Insurance Fund, the Township must appoint a Fund Commissioner to represent the Township in all pertinent Fund affairs; and

**WHEREAS,** the Township wishes to have an Alternate Fund Commissioner to represent the Township in all pertinent Fund affairs in the event that Fund Commissioner is unavailable.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that Jason Gabloff is hereby affirmed as Fund Commissioner for Fund Year 2021 and Ross Johnson is hereby affirmed as Alternate Fund Commissioner.

**BE IT FURTHER RESOLVED** a certified copy of this Resolution shall be forwarded to the Fund through the Township's Risk Management Consultant, Professional Insurance Associates, Inc., 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ 07072.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AMENDMENT TO THE ANIMAL CONTROL CONTRACT TO INCLUDE "APPENDIX C" OF THE ANIMAL CONTROL SOLUTIONS, LLC FOR THE ADDITIONAL SERVICE OF FEREL CAT MITIGATION

**WHEREAS,** the Township has a shared service agreement for animal control services with Mendham Borough, and Chester Township; and

WHEREAS, the Township has a contract with Animal Control Solutions LLC for animal control services; and

**WHEREAS**, Animal Control Solutions offers a Low-Cost Feral Cat Mitigation Solution at no additional fee to the Township and members of the shared service agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows agree to amend the animal control contract to include "Appendix C" for "Fix the Cats – a Low-Cost Feral Cat Mitigation Solution"

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING THE ISSUANCE OF A SOCIAL AFFAIR PERMIT TO MENDHAM TOWNSHIP PBA LOCAL 402

**WHEREAS,** the State of New Jersey Division of Alcoholic Beverage Control requires that a Social Affair Permit be obtained by a bona fide, non-profit organization that wishes to hold a fund-raising event that encompasses the sale of alcoholic beverages; and

**WHEREAS,** the monies that accrue should be used for civic, religious, educational, or other purposes that are not for personal or profit-making corporate gain; and

WHEREAS, the application must be endorsed by the local issuing authority; and

**WHEREAS,** Mendham Township PBA Local 402 has submitted an application for a Social Affair Permit for their Cornhole Tournament on September 18, 2021 from 1:00PM to 6:00PM at Brookside Community Club, 1 East Main Street, Brookside, New Jersey; and

**WHEREAS,** the Township Committee of the Township of Mendham, as the local issuing authority, has no objection to the granting of this special permit and authorizes the Township Clerk to execute the application on its behalf.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham approves the issuance of a Social Affair Permit to Mendham Township PBA Local 402 for its Cornhole Tournament on September 18, 2021 from 1:00PM to 6:00PM and authorizes execution of the permit application.

Adopted: September 13, 2021

ATTEST:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Mendham is subject to certain requirements of the <u>Open Public Meetings Act</u>, N.J.S.A. 10:4-6, <u>et seq.</u>; and

**WHEREAS,** the <u>Open Public Meetings Act</u>, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS,** it is necessary for the Township Committee of the Township of Mendham to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:



 $\boxtimes$ 

(1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

(2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

(3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

(4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

#### Lease agreement – Ironia Road

(6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

(7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

(8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

- Public Works, Dept. Personal Matters
- Professional Services

(9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, in the County of Morris and State of New Jersey, assembled in public session on **September 13, 2021 at 7:30 P.M**. in the Township Municipal Building, 2 West Main Street, Brookside, New Jersey, that the Township Committee shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

**BE IT FURTHER RESOLVED** that it is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.



# RESOLUTION 2021-181 AMENDING 2021 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR "STATE OF NEW JERSEY – 2021 RECYCLING TONNAGE GRANT"

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2021 budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, that the Township Committee of the Township of Mendham in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$2,938.67 which is now available from the State of New Jersey for the Recycling Tonnage Grant.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$2,938.67 which is now available as revenue from:

Miscellaneous Revenues Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Off-set with Appropriations: State of New Jersey – Recycling Tonnage Grant \$2,938.67

**BE IT FURTHER RESOLVED** that like sum of \$2,938.67 and the same is hereby appropriated under the caption of:

**General Appropriations** 

(a) Operations Excluded from "CAPS"
 Public and Private Programs Off-set by Revenues:
 State of New Jersey – Recycling Tonnage Grant \$2,938.67

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING 2021 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR "STATE OF NEW JERSEY DIVISION OF CRIMINAL JUSTICE – 2021 BODY ARMOR GRANT"

**WHEREAS**, N.J.S.A. 40:4A-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2021 budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township has received a funds from the State of New Jersey – Division of Criminal Justice Body Armor Grant in the amount of \$1,420.74 and wishes to amend its 2021 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$1,420.74 which is now available as revenue from:

Miscellaneous Revenues Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations:

State of New Jersey – Division of Criminal Justice – 2021 Body Armor Grant \$1,420.74

**BE IT FURTHER RESOLVED** that like sum of \$1,420.74 and the same is hereby appropriated under the caption of:

**General Appropriations** 

- (a) Operations Excluded from "CAPS"
  - Public and Private Programs Off-set by Revenues:

State of New Jersey – Division of Criminal Justice – 2021 Body Armor Grant \$1,420.74.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION 2021-183 AMENDING 2021 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR "STATE OF NEW JERSEY - CLEAN COMMUNITIES GRANT"

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2017 budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township has received a funds from the State of New Jersey – Clean Communities Grant in the amount of \$22,335.00 and wishes to amend its 2021 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$22,335.00 which is now available as revenue from:

Miscellaneous Revenues: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Off-set with Appropriations: State of New Jersey – Clean Communities Grant - \$22,335.00

**BE IT FURTHER RESOLVED** that like sum of \$22,335.00 be and the same is hereby appropriated under the caption of:

General Appropriations: Operations Excluded from "CAPS" Public and Private Programs Off-set by Revenues: State of New Jersey – Clean Communities Grant - \$22,335.00

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM EXPRESSING THE CONSENSUS OF THE TOWNSHIP COMMITTEE TO AMEND THE POLICY OF THE TOWNSHIP'S LAND USE BOARDS TO PROVIDE FOR PUBLIC ACCESS OF LAND USE APPLICATIONS BY POSTING TO THE WEBSITE THE APPLICATION INFORMATION AS SOON AS FEASIBLE

**WHEREAS**, the Board of Adjustment of the Township of Mendham and the Planning Board of the Township of Mendham are separate, independent bodies which conduct regular business meetings; and

**WHEREAS**, the Zoning Board of Adjustment function is to review departures from the Township's Zoning requirements. The Zoning Board's principal duties are to grant variances from the strict application of the zoning ordinance and to rule on "use" applications; and

**WHEREAS**, the Planning Board's function is to generate and update the community Master Plan in addition to functions involved in subdivision and site plan review, creation of the official maps and associated zoning ordinances; and

**WHEREAS**, members of the public have the opportunity to participate during the regular meetings of both respective boards to learn more details about applications, and ask questions regarding those applications during public comment periods; and

**WHEREAS**, posting application information as soon as feasible is crucial to providing residents with information on specific applications that are heard by each respective board so that they are better informed and prepared ahead of application hearings; and

**WHEREAS**, posting application information once deemed complete by the Township of Mendham will better inform residents on the projects being considered by the land use boards and better prepare them for upcoming hearings.

**NOW, THEREFORE, BE IT RESOLVED** the Township Committee of the Township of Mendham hereby updates Township Policy to provide residents pertinent land use application information when applications have been deemed complete by Township professionals in advance of hearings before the land use boards of the Township of Mendham by posting the application information on the Township Website for public access.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM SUPPORTING ENHANCING THE STATUTORY REQUIREMENTS GOVERNING LAND USE APPLICATIONS MADE FOR COMMERCIAL AND RESIDENTIAL USE BY EXPANDING THE 10 DAY NOTICE REQUIREMENT TO 21 DAYS FOR ADEQUATE NOTICE

**WHEREAS**, Title 40 of New Jersey State Code, Section 40:55D-12 governs the practices of notices of applications and certain requirements for municipalities across the State of New Jersey; and

**WHEREAS**, Section 40:55D-12 requires applicants to send written notice of a public hearing postmarked at least 10 days prior to the scheduled public hearing to owners of all real property within 200 feet in all directions of the property up for discussion at the hearing; and

**WHEREAS**, residents across the State of New Jersey have too often borne a burden of large-scale development that has negatively impacted the local environment, traffic, public infrastructure, and quality of life; and

**WHEREAS**, the residents across the State of New Jersey have been provided inadequate notice of development proposals, often receiving notice of a land use application just a day or two before the Public Hearing and in some cases after it has already taken place; and

**WHEREAS**, residents deserve adequate notice to review, research, and prepare in order to participate in public hearings pertaining to land use applications; and

**WHEREAS**, the New Jersey League of Municipalities voted in 2019 to support and encourage the introduction of a state bill amending Section 40:55D-12 to require applicants to send written notice of a public hearing postmarked at least 21 days prior to the scheduled public hearing; and

**WHEREAS**, the Township of Mendham in the County of Morris seeks to exemplify best practices as they relate to land use practices, making reforms and in some instances taking on the costs to notify residents with ample time to provide input.

**NOW, THEREFORE, BE IT RESOLVED** the Township Committee of the Township of Mendham hereby endorses proposals in the New Jersey State Legislature to enhance protections of residents of Mendham Township, and across the State of New Jersey, by increasing the 10-day notice requirement to 21 days for applications made by private and commercial entities for both residential and commercial use, and urges our elected representatives to introduce or support such measures.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the NJ 25<sup>th</sup> Legislative District Representatives, Majority Leader of the NJ State Assembly, the President of the NJ Senate, the Governor of the State of NJ, the New Jersey State League of Municipalities, and Morris County municipalities.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM SUPPORTING ENHANCING THE STATUTORY REQUIREMENTS GOVERNING LAND USE APPLICATIONS MADE BY EXPANDING THE 200 FT REQUIREMENT FOR NOTICE TO 400 FT

**WHEREAS**, Title 40 of New Jersey State Code, Section 40:55D-12 governs the practices of notices of applications and certain requirements for municipalities across the State of New Jersey; and

**WHEREAS**, Section 40:55D-12 requires applicants to send written notice of a public hearing that is postmarked at least 10 days prior to the scheduled public hearing to owners of all real property within 200 feet in all directions of the property up for discussion at the hearing; and

**WHEREAS**, applicants required to provide notice to neighboring properties are required to bear the burden of the costs of written notice to said property owners; and

**WHEREAS**, examples abound in which residents across the State of New Jersey have borne the burden of large-scale development that has negatively impacted the local environment, traffic, public infrastructure, and quality of life; and

**WHEREAS**, in too many cases residents across the State of New Jersey and in the County of Morris have faced the development of properties that are too large in scale, negatively impacting residents who reside in those communities; and

**WHEREAS**, residents are far too often provided short-notice of applications for developments made by commercial interests without having the opportunity to provide input due to the fact that only those who live within 200 ft of a property subject to an application are notified; and

**WHEREAS**, the 200 ft requirement is inadequate in providing proper notice to area residents as developments in municipalities impact quality of life far beyond 200 ft of the property; and

**WHEREAS**, the Township of Morris in the County of Morris seeks to exemplify best practices as they relate to land use practices, making reforms and in some instances taking on the costs to notify residents beyond the 200 ft requirement to ensure residents in the surrounding areas of applications have the opportunity to provide input and ask questions.

**NOW, THEREFORE, BE IT RESOLVED** the Township Committee of the Township of Morris hereby endorses proposals in the New Jersey State Legislature to enhance protections of residents of Mendham Township, and across the State of New Jersey, by increasing the 200 ft requirement to 400 ft for applications made by private, commercial entities for both residential and commercial use and urges our elected representatives to introduce or support such measures.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the NJ 25<sup>th</sup> Legislative District Representatives, Majority Leader of the NJ State Assembly, the President of the NJ Senate, the Governor of the State of NJ, the New Jersey State League of Municipalities, and Morris County municipalities.

Adopted: September 13, 2021

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVAL OF THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP) QUALIFICATION LIST FOR THE RALSTON ENGINE COMPANY NO. 1

**WHEREAS**, Ordinance 12-1999, adopted by the Township Committee of the Township of Mendham on August 18, 1999, created a Length of Service Award Program (LOSAP) in order to reward members of the volunteer Mendham Township Fire Department and Mendham Township First Aid Squad; and

**WHEREAS**, Ralston Engine Company No. 1 has provided the attached list of all members who have qualified for the 2020 LOSAP award.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that the eligibility list attached to this resolution are approved and will be posted in accordance with Chapter 388, P.L. 1997.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September13, 2021.

# Resolution 2021-187

# RALSTON ENGINE CO No. 1

Ian Baio Jeffrey Betz John Bond Paul Hogan Tom Montgomery J Scott Mortensen Nick Patonak

# RESOLUTION OF THE TOWNSHIP OF COMMITTEE OF THE TOWNSHIP OF MENDHAM RESCINDING RESOLUTIONS 2021-074, 2021-100 AND 2021-128 AND REINTRODUCING THE AWARD OF A COMPETITIVE BIDDING CONTRACT FOR MILLING, PAVING, ROADWAY DRAINAGE AND ADA IMPROVEMENTS TO COLD HILL ROAD

**WHEREAS**, the State of New Jersey, Department of Transportation has requested that Resolutions 2021-074, 2021-100 and 2021-128 be identified by the roadways instead of by project type and in addition said resolutions are also in need of corrections to fix typographical errors in the stated amounts; and

**WHEREAS,** the Township Engineer publicly opened 6 bids on March 10, 2021 for various Roadway Drainage and ADA Improvements and publicly opened 13 bids on May 4, 2021 for the Milling and Paving as a part of NJDOT Grants for the reconstruction to portions of Cold Hill Road; and

**WHEREAS,** the Township Engineer has determined that the low bid of ADS Contractors of Pittstown, New Jersey for various Drainage and ADA Improvements, and the low bid for American Asphalt and Milling Services, LLC of Kearney, New Jersey for Milling and Paving are in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS,** the Township Administrator and Attorney have reviewed the bids and the Township Engineer's recommendation and concur in his evaluation; and

WHEREAS, funds for this contract award are available in the flowing accounts: Ordinance 2019-12 - C-04-55-015-000 Cold Hill Road - \$113,387.50 Ordinance 2019-12 - C-04-55-015-001 Cold Hill Road - \$236,879.90

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that Resolutions 2021-074, 2021-100 and 2021-128 are hereby rescinded.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows:

- 1. The Township Committee hereby awards a contract to ADS Contractors of Pittstown, New Jersey for Roadway Drainage and ADA Improvements to Cold Hill Road as cited in the Specifications dated February 17, 2021 in a total amount of \$113,387.50.
- The Township Committee hereby awards a contract to American Asphalt and Milling Services, LLC of Kearney, New Jersey for Milling and Paving to Cold Hill Road as cited in the Specifications dated March 24, 2021 in a total amount of \$236,879.90.
- 3. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with ADS Contractors in accordance with its bid for said Roadway Drainage and ADA Improvements.
- 4. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with American Asphalt and Milling Services, LLC of Kearney, New Jersey for Milling and Paving of Cold Hill Road.
- 5. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 13, 2021

# RESOLUTION OF THE TOWNSHIP OF COMMITTEE OF THE TOWNSHIP OF MENDHAM RESCINDING RESOLUTIONS 2021-074, 2021-100 AND 2021-128 AND REINTRODUCING THE AWARD OF A COMPETITIVE BIDDING CONTRACT FOR MILLING, PAVING, ROADWAY DRAINAGE AND ADA IMPROVEMENTS TO WOODLAND ROAD

**WHEREAS**, the State of New Jersey, Department of Transportation has requested that Resolutions 2021-074, 2021-100 and 2021-128 be identified by roadways instead of by project type and in addition said resolutions are also in need of corrections to fix typographical errors in the stated amounts; and

**WHEREAS**, the Township Engineer publicly opened 6 bids on March 10, 2021 for various Roadway Drainage and ADA Improvements and publicly opened 13 bids on May 4, 2021 for Milling and Paving as a part of NJDOT Grants for the reconstruction to portions of Woodland Road; and

**WHEREAS,** the Township Engineer has determined that the low bid of ADS Contractors of Pittstown, New Jersey for various Drainage and ADA Improvements, and the low bid of American Asphalt and Milling Services, LLC of Kearney, New Jersey for Milling and Paving are in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Township Administrator and Attorney have reviewed the bids and the Township Engineer's recommendation and concur in his evaluation; and

WHEREAS, funds for this contract award are available in the flowing accounts:

Ordinance 2020-03 - C-04-55-017-000 Woodland Road - \$ 54,500.00

Ordinance 2020-03 - C-04-55-017-001 Woodland Road - \$180,178.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that Resolutions 2021-074, 2021-100 and 2021-128 are hereby rescinded.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows:

- 1. The Township Committee hereby awards a contract to ADS Contractors of Pittstown, New Jersey for Roadway Drainage and ADA Improvements to Woodland Road as cited in the Specifications dated March 10, 2021 in a total amount of \$54,500.00.
- The Township Committee hereby awards a contract to American Asphalt and Milling Services, LLC of Kearney, New Jersey for Milling and Paving to Woodland Road as cited in the Specifications dated May 4, 2021 in a total amount of \$180,178.00.
- 3. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with ADS Contractors in accordance with its bid for various Drainage and ADA Improvements to Woodland Road.
- 4. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with American Asphalt and Milling Services, LLC of Kearney, New Jersey for Milling and Paving of Woodland Road.
- 5. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 13, 2021

# RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO DEANDREA LAND AND STONE, LLC, FOR SNOW PLOWING SERVICES

**WHEREAS**, the Township Purchasing Agent advertised for bids for snow plowing services on August 23, 2021, and publicly opened bids on September 8, 2021; and

WHEREAS, one bid was received from DeAndrea Land and Stone, LLC of Brookside, New Jersey; and

**WHEREAS,** said bid has been duly reviewed and analyzed by the Township Administrator and the Qualified Purchasing Agent; and

**WHEREAS,** the bid received DeAndrea Land and Stone, LLC provided required forms and were in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS,** the Chief Financial Officer has certified that encumbrances for these services shall come from accounts numbered 01-26-291-155 for 2021 and will be included in the 2022 budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows:

- 1. Since other required information forms are properly completed and signed, the failure to sign the ownership form is determined to be an administrative oversite and not grounds for the dismissal of the bid.
- 2. The Township Committee hereby awards a contract to DeAndrea Land and Stone, LLC for 2 trucks with GVW of 19,500 at \$190.00 per hour per truck.
- 3. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with DeAndrea Land and Stone, LLC, in accordance with its bid for said Snow Plowing Services.
- 4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

#### RESOLUTION 2021-191 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING ADDITIONAL SIGNATURE ON TOWNSHIP CHECKS – TOWNSHIP CLERK

WHEREAS, Resolution 2021-028, adopted by the Township Committee on January 5, 2021 authorized the Mayor, Deputy Mayor, Chief Financial Officer and Business Administrator to sign checks for withdrawal of funds from Provident Bank; and

WHEREAS, there is a need to add an additional signer to the account.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the Township Clerk, Maria F. Coppinger, is hereby added to the list of Officials authorized to sign checks for the withdrawal of funds from Provident Bank and all checks must be signed by two of the named Officials of the Township of Mendham.

**BE IT FURTHER RESOLVED** that all Officials of the Township of Mendham shall be bonded as required by law.

This resolution shall take effect immediately.

Adopted: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# RESOLUTION 2021-192 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: September 13, 2021

Attest:

TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

**CERTIFICATION:** I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on September 13, 2021.

# TOWNSHIP OF MENDHAM MORRIS COUNTY – NEW JERSEY

#### ORDINANCE NO. 15-2021

# AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM FOR A CHANGE IN ZONING FOR BLOCK 147, LOTS 42.01 - 42.16 FROM R-10 TO R-5

**WHEREAS**; a request to change the zoning for Block 147, Lots 42.01 - 42.16 from and R-10 to an R-5 has been made by the property owner; and

WHEREAS; the properties contiguous are currently in the R-5 zone; and

**WHEREAS**, the Township Committee of the Township of Mendham has determined that based on the Township Master Plan this is a reasonable request based on the surrounding properties.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Mendham, the County of Morris, New Jersey as follows:

**SECTION ONE:** Block 147, Lots 42.1 - 42.16 is hereby changed from a R-10 zone to and R-5 zone.

**SECTION TWO**: The Mendham Township Zoning Map shall be amended to designate Block 147, Lots 147, Lots 42.1 - 42.16 R-5 Residential Zone.

**SECTION THREE**: Any ordinances inconsistent with this ordinance are hereby amended or repealed to the extent of such inconsistency.

**SECTION FOUR**: This ordinance shall take effect upon final adoption and publication as provided by law.

INTRODUCED: September 13, 2021

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ATTEST:

ADVERTISED:

TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

# TOWNSHIP OF MENDHAM MORRIS COUNTY – NEW JERSEY

#### ORDINANCE NO. 12-2021

# AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE ORDINANCES OF THE TOWNSHIP 'ZONING' BY ADDING A NEW CLASSIFICATION OF USE, THE M-1 MUNICIPAL USE ZONE

**WHEREAS**; the Municipal Building, Police Station, the proposed new Police Station and the Emergency Services Building located at the corner of Cherry Lane and West Main Street and designated as Block 137, Lot 17.01 on the Mendham Township Tax Map are situated in the R-10 residential zoning district; and

**WHEREAS**; it is necessary, desirable and appropriate to change the zone for this site to one which mirrors the actual constitution of the municipal uses; and

**WHEREAS**, the Township Committee of the Township of Mendham has determined that no suitable existing zoning designation appropriately fits this classification of use.

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

**SECTION ONE**: Chapter 21, "Zoning Regulations" of Ordinances of the Township of Mendham, Section 21-2, Establishment of Districts, is hereby supplemented by a new Subsection: M-1 - MUNICIPAL USES Zone"

Permitted Uses in the M-1 zone shall be as follows:

- 1. Structures accommodating the administration n of municipal government.
- 2. Structures accommodating Police, Fire, and Emergency Medical Services.
- 3. Library uses.
- 4. Such accessory structures deemed necessary and advisable to support the principal permitted uses.
- 5. Places of public assembly.
- 6. Such other uses of a public nature as may be deemed appropriate by the Township Committee.

Permitted Accessory uses in the zone include all such supporting uses and infrastructure necessary to maintain and support the principal permitted uses.

Multiple principal uses age specifically permitted on any one site.

Section 16-10, Design Standards of the Land Use Ordinance shall not be deemed applicable to the M-1 Municipal Uses Zone.

**SECTION TWO**: The Mendham Township Zoning Map shall be amended to designate Block 137, Lot 17.01 as the M-1 Municipal Uses Zone.

**SECTION THREE**: Any ordinances inconsistent with this ordinance are hereby amended or repealed to the extent of such inconsistency.

**SECTION FOUR**: This ordinance shall take effect upon final adoption and publication as provided by law.

INTRODUCED: July 26, 2021 ADVERTISED: July 30, 2021
PUBLIC HEARING: September 13, 2021
ADOPTED: ADVERTISED:
ATTEST: TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

# ORDINANCE NO. 13-2021 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING CHAPTER 229 "NOISE"

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

SECTION 1. Exiting Chapter 229 entitled "NOISE" is hereby deleted in its entirety and replaced with the following new Chapter 229 entitled "Noise

# Chapter 229. Noise

# § 229-1. Specific noise prohibitions.

- A. Unless exempted under the provisions of this article, no person shall cause to be made, directly or indirectly, any loud noise which disturbs, injures or endangers the health, comfort, safety or welfare of others within the Township of Mendham.
- B. The following specific acts are declared to be loud, disturbing and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive:
  - i) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street, road or public place, except as a warning pursuant to the provisions of N.J.S.A. 33:3-69, a whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.
  - ii) Radio and television sets, phonographs, etc. The use of any radio or television receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
  - iii) Loudspeakers and amplifiers for advertising. The use of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising.
  - iv) Exhausts. The discharge into the open air of the exhaust of any internal-combustion engine except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - v) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a

period not to exceed three days or less while the emergency continues, and which permit may be renewed for a period of three days or less while the emergency continues.

- vi) Schools, courts, churches. The creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same are in use, provided that conspicuous signs are displayed on the adjacent streets indicating that the same is a school, church or court street. £1 1
   [1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- vii) Hawkers and peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- viii) Drums, bells and the like. The use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise by any creation of noise or sound.
- ix) Mobile loudspeakers. The use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.
- x) Yelling, shouting and the like. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or any persons in the vicinity.
- C. If any person who is not exempted under the provisions of this article shall cause to be made any of the noises prohibited under this article, and if said noises shall be proved to be in violation of the sound levels prescribed herein, said proof shall be sufficient to prove a violation of this article.

# § 229-2. Exceptions.

The prohibitions contained in this article shall not apply to persons:

- A. Who are engaged in the performance of any public or governmental function, such as the sounding of a church or school bell or a police, fire, ambulance, air raid or like disaster warning, alert or alarm, whether such alarm is for an actual emergency purpose or for practice or drilling purposes.
- B. Who are engaged in religious, charitable, recreational, civic or political activity by means of a sound truck or other amplifying device, for nonprofit purposes, provided that such persons shall have first filed with the Mayor and Borough Council of the Township of Mendham an application for a permit setting forth the sponsorship, date, hours and routes of such activity and the Mayor and Borough Council shall have issued a permit after having ascertained that such activity is not in conflict, in terms of hours, route, traffic volume and like factors, with any other previously scheduled activity.
- C. Who are engaged in any activity specifically permitted or required by any ordinance, resolution, statute or governmental regulation.

# § 229-3. Additional remedy.

As an additional remedy, the maintenance or operation of any device, instrument, vehicle or machinery in violation of any provision hereof which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

# § 229-4. Violations and penalties.

Violation of any of the provisions of this article shall be punishable as provided in Chapter 1, General Provisions, Article I, General Penalty. Section 1-17

#### § 229-5. Definitions.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article have the same meaning as those defined in N.J.A.C. 7:29.

#### CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

#### DEMOLITION

Any dismantling, destruction or removal of buildings, structures or roadways.

#### DEPARTMENT

The New Jersey Department of Environmental Protection.

#### **EMERGENCY WORK**

Any work or action necessary to deliver essential public services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life¬ threatening conditions.

#### **IMPULSIVE SOUND**

Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

#### MOTOR VEHICLE

Any vehicle that is propelled other than by human or animal power on land.

#### MUFFLER

A properly functioning sound-dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

#### MULTI-DWELLING-UNIT BUILDING

Any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple-family houses, townhouses and attached residences.

#### **MULTI-USE PROPERTY**

Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- B. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

# NOISE CONTROL OFFICER

An employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities; or a municipality with a department-approved noise control ordinance and the employee has received noise enforcement training and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.

#### PLAINLY AUDIBLE

Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The Noise Control Officer need not determine the title, specific words or the artist performing the song.

#### **PRIVATE RIGHT-OF-WAY**

Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a nongovernmental entity.

#### **PUBLIC RIGHT-OF-WAY**

Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a governmental entity.

#### PUBLIC SPACE

Any real property or structures thereon that are owned, leased or controlled by a governmental entity.

# **REAL PROPERTY LINE**

Either:

- A. The imaginary line, including its vertical extension, that separates one parcel of real property from another;
- B. The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling- unit building; or
- C. On a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building

which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

#### WEEKDAY

Any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

#### WEEKENDS

Beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

# § 229-6. Applicability.

- A. This article applies to sound from the following property categories:
  - i) Industrial facilities;
  - ii) Commercial facilities;
  - iii) Public service facilities;
  - iv) Community service facilities;
  - v) Residential properties;
  - vi) Multi-use properties;
  - vii) Public and private rights-of-way;
  - viii) Public spaces; and
  - ix) Multi-dwelling-unit buildings.
- B. This article applies to sound received at the following property categories:
  - i) Commercial facilities;
  - ii) Public service facilities;
  - iii) Community service facilities;
  - iv) Residential properties;
  - v) Multi-use properties; and
  - vi) Multi-dwelling-unit buildings.
- Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C.
   7:29-1.3, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

# § 229-7. Declaration of findings and policy.

- A. Whereas, excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and whereas, a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas, the people have a right to, and should be ensured of, an environment free from excessive sound.
- B. Now, therefore, it is the policy of the Township of Mendham to prevent excessive sound that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.
- C. This article shall apply to the control of sound originating from sources within the Township of Mendham.

# § 229-8. Noise Control Officers.

- A. The provisions of this article shall be enforced by Noise Control Officers. A person shall be qualified to be a Noise Control Officer if the person meets the criteria set forth in the definition above and completes, at a frequency specified by the Department in N.J.A.C. 7:29-2.11, a noise certification and recertification course which are offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University of New Jersey, or any other noise certification or recertification course which is offered by an accredited university and approved by the Department.
- B. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in § 229-9B and C of this article and with the definition of "real property line" as contained herein.
- C. Noise Control Officers shall have the power to:
  - i) Coordinate the noise control activities of all departments in the Township of Mendham and cooperate with all other public bodies and agencies to the extent practicable.
  - ii) Review the actions of the Township of Mendham and advise of the effect, if any, of such actions on noise control.
  - iii) Review public and private projects subject to mandatory review or approval by other departments or boards for compliance with this article.
  - iv) Investigate and pursue possible violations of this article for sound levels which equal or exceed the sound levels set forth in Tables I and II when measured at a receiving property located within the designated jurisdiction of the Noise Control Officer, in accordance with **229-11** below.
  - v) Cooperate with noise control officers of adjacent municipalities in enforcing one another's municipal noise ordinances.

#### § 229-9. Maximum permissible sound levels.

- A. No person shall cause, allow or permit the operation of any source of sound on any source property listed in § 229-6A above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I and II when measured at or within the real property line of any of the receiving properties listed in Tables I and II, except as specified in Subsection B below.C1 1
  - [1] Editor's Note: Tables I and II are included at the end of this chapter.
- B. When measuring total sound or residual sound within a multi-use property or within a residential unit when the property line between it and the source property is a common wall, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room most affected by the noise. Residual sound shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound or residual sound, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use, such as hallways, closets and bathrooms.
- C. Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building) or multi-dwelling-unit building. In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, such as in multi-dwelling-unit building. The allowable sound level standards for indoors are as shown in Tables I and II.
- D. Impulsive sound. Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as impulsive sound and shall meet the requirements as shown in Table I.
  - i) Table I, Maximum Permissible A-Weighted Sound LevelsPl[2] Editor's Note: Table I is located at the end of this chapter.
  - ii) Table 11, Maximum Permissible Octave Band Sound Pressure Levels in Decibels.l31[3] Editor's Note: Table II is located at the end of this chapter.

# § 229-10. Restricted uses and activities.

- A. Exemptions.
  - i) Except as provided in Subsection B below, the provisions of this article shall not apply to the exceptions listed at N.J.A.C. 7:29-1.4.
  - ii) Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II, except as provided for in Subsection B below.
  - iii) Snow and ice removal activities conducted within 24 hours following the end of the weather event.

- B. Notwithstanding the provisions of Tables I and II, the following standards shall apply to the activities or sources of sound set forth below:
  - (i) Noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 7:00 p.m. and 8:00 a.m. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II shall apply to noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment.
  - (ii) Commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on a residential property, or within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 7:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays. In addition, at all other times, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Tables I and II. All motorized equipment used in these activities shall be operated with a muffler.
  - C.
  - i) Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities.
  - ii) Motorized snow blowers, snow throwers, and lawn equipment with attached snowplows shall be operated at all times with a muffler.
  - iii) An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated.
  - iv) Personal or commercial vehicular-music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a residential property line between the hours of 10:00 p.m. and 8:00 a.m.
  - v) Personal vehicular-music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.
  - vi) Self-contained portable handheld music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly

audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.

vii) Sound levels exceeding the limits set forth in Table I and Table II shall be prohibited between residential units within the same multi-dwelling-unit building. Measurements shall be taken indoors as per§ 229-9B and C.

# § 229-11. Enforcement.

- A. Violation of any provision of this article shall be cause for an enforcement document to be issued to the violator by the Noise Control Officer according to procedures set forth in N.J.A.C. 7:29-1.6. The recipient of an enforcement document shall be entitled to a hearing in the Municipal Court having jurisdiction to contest such action.
- B. Any person who violated any provision of this article shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.
- C. No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this article or from other law.

# Noise

### 229 Attachment 1

# Township of Mendham Table I Maximum Permissible A-Weighted Sound Levels

No person shall cause, allow, or permit the operation of any source of sound on any source property listed in§ 229-6A in such a manner as too creates a sound level that equals or exceeds the sound levels listed below.

	Receiving Property Category					
	Residen	• •	Residential Po e Property	Commercial Facility, PublicService Facility, Nonresidential Portion of a Multi-Use Property or Community Service Facility	Commercial Facility* or Nonresidential Portion of a Multi- Use Property	
	Outd	oors	Indoors		Outdoors	Indoors
Octave Band	Octave Band Sound		Octave Band Sound		Octave Band	Octave Band
CenterFrequency (Hz)	Press	ureLevel (dB)	PressureLevel (dB)		SoundPressure Level (dB)	SoundPressure Level (dB)
(112)	7:00 a.m. to	10:00 p.m.	7:00 a.m.	10:00 p.m.		
Time	10:00 p.m.	to 7:00 a.m.	to 10:00p.m.	to 7:00 a.m.	24 hours	24 hours
Maximum A- weightedsound level standard, dB	65	50	55	40	65	55

\* Note: In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

# Table II, Maximum Permissible Octave Band Sound Pressure Levels in Decibels

- 1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in 229-6A in such a manner as to create a sound pressure level that equals or exceeds the sound levels listed below in one or more octave bands.
- 2. When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus two decibels in the bands containing the principal source frequencies, discontinue the measurement.

	Receiving Property Category						
	Residentia	l Property or R Multi-Use		tion of a	Commercial Facility, Public Service Facility, Nonresidential Portion of a Multi-Use Property or Community Service Facility	Commercial Facility*or Nonresidential Portion of a Multi- Use Property	
	Oute	doors	Indoors Octave Band Sound PressureLevel (dB)		Outdoors	Indoors	
Octave Band Center Frequency (Hz)	Octave Ba Pressurel				Octave Band Sound Pressure Level (dB)	Octave Band SoundPressure Level (dB)	
	7:00 a.m.	10:00 p.m.	7:00 a.m.	10:00			
Time:	to 10:00 p.m.	to 7:00 a.m.	to 10:00p.m.	p.m. to 7:00 a.m.	24 hours	24 hours	
31.5	96	86	86	76	96	86	
63	82	71	72	61	82	72	
125	74	61	64	51	74	64	
250	67	53	57	43	67	57	
500	63	48	53	38	63	53	
1,000	60	45	50	35	63	50	
2,000	57	42	47	32	57	47	
4,000	55	40	45	30	55	45	
8,000	53	38	43	28	53	43	

#### **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:	8/13/2021	ADVERTISED: 8/26/2021
PUBLIC HEARING:	9/13/2021	
ADOPTED:		ADVERTISED:
ATTEST:		TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS

Maria F. Coppinger Township Clerk

Sarah Neibart, Mayor

# TOWNSHIP OF MENDHAM MORRIS COUNTY – NEW JERSEY

#### ORDINANCE 14-2021

# AN ORDINANCE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND APPROPRIATING \$100,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND

**BE IT ORDAINED** by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, as follows:

Section 1. The funding for the following Capital Improvements is hereby authorized and such cost is not to exceed \$100,000: All expenses relating to the construction and occupancy of a new police facility located at 4 West Main Street, Brookside.

Section 2. The funding for the above stated Capital Improvement Various Improvements is hereby appropriated from the Capital Improvement Fund.

Section 3. This ordinance shall take effect and adoption following passage and publication as provided by law.

INTRODUCED: 8/16/2021

PUBLIC HEARING: 9/13/2021

ADOPTED:

ATTEST:

ADVERTISED:

TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS

ADVERTISED: 8/20/2021

Maria Coppinger, Township Clerk

Sarah Neibart, Mayor

#### ACCESS INFORMATION TOWNSHIP COMMITTEE MEETING

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