



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: Monday, November 22, 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.

COVID – 19 UPDATE

ANNOUNCEMENTS

OPEN TO THE PUBLIC

Please state your name and address for the record.

*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 - REGULAR AGENDA

- 2021-227** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2021-228** Resolution of the Township Committee of the Township of Mendham Authorizing a Refund of Erroneous Payment of Sewer Charges
- 2021-229** Resolution of the Township Committee of the Township of Mendham Authorizing the Execution of a Developer's Agreement Between the Township of Mendham and Pinnacle Ventures, LLC
- 2021-230** 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
- 2021-231** Resolution of the Township Committee of the Township of Mendham Authorizing a Contract for Professional Legal Services (Non-Fair and Open)

ORDINANCE – SECOND READING / PUBLIC HEARING

- 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
Ordinance was introduced on October 13, 2021

OPEN TO THE PUBLIC

Please state your name and address for the record.

*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

- Noise Ordinance
- Volunteer Appreciation Reception
- December Meetings
- Interviews for Request for Proposals
- Sewer East and West Updates
- (Local) Agricultural Advisory Committee/Board
- Updated Welcoming Sign
- Pitney Park Carry in/out policy
- American Rescue Plan (ARP)
- Cider Mill Contract

LIAISON REPORTS

COMMITTEE MEMBER BAIIO

- *Construction*
- *Fire Department*
- *Historic Preservation*
- *Planning Board*
- *Zoning Board*
- *Police Station Design*
- *Pitney Park*

COMMITTEE MEMBER DUARTE

- *Environmental Commission*
- *First Aid Squad*
- *Mendham Sewer East & West*
- *Mendham TV*
- *Shared Court*
- *Stigma-Free Initiative*
- *Ad Hoc Marketing Committee*

COMMITTEE MEMBER MONAGHAN

- *Public Works, Department*
- *Health, Board*
- *Library*
- *Police*
- *Surrounding Town Outreach*
- *Wildlife Management*
- *Pitney Park*

COMMITTEE MEMBER ORLINS

- *Finance Committee*
- *Mendham Township School District*
- *Recreation Committee*
- *Surrounding Town Outreach*
- *Tax Assessor*

MAYOR NEIBART

- *Finance Committee*
- *Mendham Sewer East & West*
- *Police*
- *Recreation Committee*
- *Regional School District*
- *Tree Committee*
- *Police Station Design*
- *Emergency Management*

RESOLUTION 2021-227

**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: November 22, 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 November 22, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-228
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING A
REFUND OF ERRONEOUS PAYMENT OF SEWER CHARGES**

WHEREAS, the Tax Collector has determined that a refund is due for the erroneous payment of sewer charges for the fourth quarter 2021 through the automatic payment process; and

WHEREAS, the property owner sold the property and did not notify the Township to remove their automatic payment account for sewer charges and, therefore, the payment was made erroneously.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey being the Governing Body thereof that payment is refunded as follows:

<u>Block & Lot</u>	<u>Refund To:</u>	<u>Refund Amount:</u>
Block 145.06 Lot 6 6 Pender Hill Road	Stephanie & Rick Sabetta 5240 Sun Dial Place Boulder, CO 80301	\$1,117.21

Adopted: November 22, 2021

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IN THE COUNTY OF MORRIS

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Sarah Neibart, Mayor

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Maria F. Coppinger, Township Clerk

RESOLUTION 2021-229
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
EXECUTION OF DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MENDHAM AND PINNACLE
VENTURES, LLC

WHEREAS, the Township of Mendham by and through its Planning Board did previously grant certain approvals relating to property identified as Block 100 Lot 17.03; and

WHEREAS, a form of Developers Agreement dated November 19, 2021 has been approved by the various professionals on behalf of the Township of Mendham; and

WHEREAS, said agreement is necessary and proper to provide for certain assurances, indemnification, inspection and the order of undertaking.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the Mayor and Clerk are authorized to enter into the agreements as set forth above.

Adopted: November 22, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

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Maria F. Coppinger, Township Clerk

RESOLUTION 2021-230

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 Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, 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:

- (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.
- (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.

Special Counsel



(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, State of New Jersey, assembled in public session on **November 22, 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: November 22, 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 November 22, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-231
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING A CONTRACT FOR PROFESSIONAL LEGAL SERVICES (NON-FAIR AND OPEN)

WHEREAS, the Township of Mendham (the "Township") has need to engage an attorney to render legal services to the Township in the area of farming with an emphasis on land use; and

WHEREAS, the practice of law is a licensed profession, regulated by the State of New Jersey requiring extensive knowledge 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, Michael B. Lavery, Esq., of the firm of Lavery, Selvaggi, Abromitis and Cohen, P.C. of Hackettstown, New Jersey possess the necessary specialized knowledge required by the Township; and

WHEREAS, the Chief Financial officer has certified to the availability of funds.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey does hereby retain the services of Michael B. Lavery, Esq. and shall issue an engagement letter to him for legal services to be rendered at the rate of \$150.00 per hour with an initial not to exceed amount of \$3,000. This authorization shall become effective upon the filing of a certificate of availability of funds by the Chief Financial Officer.

Adopted: November 22, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

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Maria F. Coppinger, Township Clerk

**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: September 16,2021

PUBLIC HEARING: November 8, 2021

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

ACCESS INFORMATION
TOWNSHIP COMMITTEE MEETING

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

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OR TELEPHONE:

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