

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE  
REGULAR MEETING**

**DATE:** Monday, December 12, 2022

**TIME:** 6:00 PM

**LOCATION:** **MENDHAM TOWNSHIP MIDDLE SCHOOL**  
All Purpose Room  
16 Washington Valley Road, Brookside; and



**REMOTE VIA ZOOM**

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**ROLL CALL**

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

**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 10, 2022. Change of Meeting Location Notice was provided to the Daily Record and Observer Tribune on November 2, 2022. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**PROCLAMATION**

None

**PRESENTATION**

None

**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.*

*If reading from a prepared statement, please provide a copy or email a copy to the Township Clerk at [mtclerk@mendhamtownship.org](mailto:mtclerk@mendhamtownship.org).*

## **APPROVAL OF MEETING MINUTES**

- Regular and Executive Session of September 29, 2022
- Special, Regular & Executive Session of October 11, 2022

## **REGULAR AGENDA – RESOLUTIONS**

- 2022-171** Resolution of the Township Committee of the Township of Mendham Cancelling the Purchase of Watchguard Video Cameras and Awarding the Purchase of Body Worn Cameras and Equipment to Safefleet through the State Contract# #17-Fleet- 00793
- 2022-172** Resolution of the Township Committee of the Township of Mendham Authorizing the Purchase of S.C.B.A Equipment for the Mendham Township Fire Department to Firefighter One of Sparta, New Jersey through the New Jersey State Contract, # 17-Fleet-00807
- 2022-173** Resolution of the Township Committee of the Township of Mendham Appointing Tax Collector
- 2022-174** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2022-175** Resolution of the Township Committee of the Township of Mendham Authorizing a Refund for Overpayment of 2022 Taxes
- 2022-176** Resolution of the Township Committee of the Township of Mendham Establishing Capital Reserves for Road and Infrastructure Improvements and Vehicles and Equipment Purchases for Various Departments
- 2022-177** Resolution of the Township Committee of the Township of Mendham Authorizing the Township of Mendham to Accept a Subgrant Award of the Federal Fiscal Year 2022 of Emergency Management Performance Grant and Emergency Management Agency Assistance
- 2022-178** Resolution of the Township Committee of the Township of Mendham Authorizing Township Administrator to Execute NJPDES/Treatment Works Approval Application for K. Hovnanian at Hillandale - Block 100 Lot 17.03
- 2022-179** Resolution of the Township Committee of the Township of Mendham Supporting Federal Legislation to Establish a Grant Program to Fund State and Local Law Enforcement Efforts to Combat Auto Thefts

## **ORDINANCE FOR SECOND READING / PUBLIC HEARING**

- 16-2022** An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Amending the Sewer Service Charges for the Mendham East Water Pollution Control System  
**Introduced on November 28, 2022**
- 17-2022** An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Amending the Sewer Service Charges for the Mendham West Water Pollution Control System  
**Introduced on November 28, 2022**

**OPEN TO THE PUBLIC - PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.**

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**DISCUSSION**

**LIAISON REPORTS**

**ADJOURN**

**RESOLUTION 2022-171**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM CANCELLING THE PURCHASE OF WATCHGUARD VIDEO CAMERAS AND AWARDDING THE PURCHASE OF BODY WORN CAMERAS AND EQUIPMENT TO SAFEFLEET THROUGH THE STATE CONTRACT# 17-FLEET - 00793**

**WHEREAS**, Resolution 2021-125 awarded the purchase of video cameras to Watch Guard; and

**WHEREAS**, Watchguard has not been able to provide the equipment and has been unresponsive in being able to provide a timeframe of when the equipment will be available.; and

**WHEREAS**, the Township has notified Watchguard that due to their unresponsiveness that the order has been cancelled and other arrangements have been made; and

**WHEREAS**, SafeFleet has comparable equipment and has agreed to provide the equipment under the same terms and conditions as Watchguard; and

**WHEREAS**, it is necessary to equipment all police officers with Wearable Body Cameras under recent state regulations, with a portion of this cost being reimbursed by the State of New Jersey; and

**WHEREAS**, the total cost of these purchases under State Contract #17-Fleet – 00793 is \$95,673 payable in three annual installments of \$31,891; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purchase through Ordinance 2021-04 for the 2021 required payment, with a like amount to be budgeted in the 2022 and 2023 budgets of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey that that the Township Administrator, Chief Finance Officer and Police Chief are authorized to purchase said video cameras and related equipment for both Township police vehicles and officers from SafeFleet under State Contract #17-Fleet–00793 in an amount not to exceed \$95,673 payable in three annual installments of \$31,891.

Adopted: December 12, 2022

**RESOLUTION 2022-172**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE**  
**PURCHASE OF S.C.B.A. EQUIPMENT FOR THE MENDHAM TOWNSHIP FIRE DEPARTMENT TO**  
**FIREFIGHTER ONE OF SPARTA, NEW JERSEY THROUGH THE NEW JERSEY STATE**  
**CONTRACT # 17-FLEET-00807**

**WHEREAS**, the Township of Mendham, pursuant to N.J.S.A 40A:11-11, N.J.A.C. 5:34-7.1, may by resolution purchase any goods or services from approved Cooperative Purchasing programs; and

**WHEREAS**, the Township of Mendham Fire Department is in need of a new S.C.B.A. equipment; and

**WHEREAS**, Firefighter One of Sparta, New Jersey offers S.C.B.A. equipment through the New Jersey State Contract # 17-Fleet-00807 in a total amount of \$328,005; and

**WHEREAS**, this purchase would be financed over a 5-year period through a lease agreement with 5 annual installments of \$75,727.38; and

**WHEREAS**, the first annual installment is due in 2023 and is available as part of the funds made available by Ordinance # 15-2022; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered as follows:

General Capital Fund	C-04-55-034-001	\$75,727.38
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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey authorizes the Mayor and the Township Clerk to enter into a contract with Firefighter One of Sparta, New Jersey, in an estimated amount of \$328,005 for the purchase of a S.C.B.A equipment.

Adopted: December 12, 2022

**RESOLUTION 2022-173**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING TAX**  
**COLLECTOR**

PENDING

**RESOLUTION 2022-174**  
**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, State of New Jersey, that the Chief Financial Officer be and hereby is authorized to pay current bills as attached hereto and made a part hereof, contingent upon the approval of the Finance Committee.

Adopted: December 12, 2022

**RESOLUTION 2022-175**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING A**  
**REFUND FOR OVERPAYMENT OF 2022 TAXES**

**WHEREAS**, the property known as Block 107 Lots 74 and 75 also known as 8 and 11 Winston Farm Lane and owned by Betsy P and Stephen J Buell; and

**WHEREAS**, effective with the tax year 2022 the Tax Assessor has merged Block 107 Lots 74 and 75 with Block 107 Lot 74 QFARM also known as 11 Winston Farm Lane; and

**WHEREAS**, the owners of said properties have made payments to the first half 2022 billing, creating overpayments as follows:

Block 107 Lot 74 **\$927.25**

Block 107 Lot 75 **\$2,235.13**

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mendham that this Committee acknowledges that the Tax Collector refund the total amount of **\$3,162.38** for 2022 overpayment of taxes.

Adopted: December 12, 2022



**RESOLUTION 2022-176**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM ESTABLISHING**  
**CAPITAL RESERVES FOR ROAD AND INFRASTRUCTURE IMPROVEMENTS AND VEHICLES AND**  
**EQUIPMENT PURCHASES FOR VARIOUS DEPARTMENTS**

**WHEREAS**, the Township Committee of the Township of Mendham recognizes the importance of long-term financial planning to maintain the fiscal health of the Township; and

**WHEREAS**, the Township Committee recognizes that part of long-term planning includes the ability to build long-term financial plans for the improvements to infrastructure and for the upgrades and replacement of vehicles and equipment; and

**WHEREAS**, the Township Committee has adopted a fund-balance policy, that sets a minimum standard for fund balance; and

**WHEREAS**, funds in excess of the established fund-balance policy limits, may be used and transferred to the Capital Reserves established by this resolution upon recommendation and review of the Finance Committee and Chief Financial Officer; and

**WHEREAS**, the Township Committee wishes to establish Capital Reserve funds as follows:

- Reserve for Road and Infrastructure Improvements
- Reserve for DPW Vehicles and Equipment
- Reserve for First Responder Vehicles Equipment (includes Police, Fire, and First Aid), and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, New Jersey, establishes the Capital Reserves for Road and Infrastructure Improvements, Department of Public Works Vehicles and Equipment, and First Responder Vehicles and Equipment and to transfer funds to these reserves from Fund Balance when available and as recommended by the Chief Financial Officer and Finance Committee.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Township Auditor and Chief Financial Officer for their records.

Adopted: December 12, 2022

**RESOLUTION 2022-177**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE TOWNSHIP OF MENDHAM TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE**

**WHEREAS**, the Township of Mendham Office of Emergency Management has been awarded State Homeland Security Grant Program Subgrant AFN # 97.042, Award # FY22-EMPG-EMAA-2022 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The Sub-grant, consisting of a total amount of \$10,000.00 Federal Award and, is for the purpose of enhancing the Township of Mendham's, Office of Emergency Management's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the Township of Mendham will use these funds to enhance your Emergency Management Program and that funds will be used for Emergency Management Purposes; and

**WHEREAS**, the award period is from July 1, 2022, to June 30, 2023; and

**WHEREAS**, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the Township of Mendham Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham, in the County of Morris, State of New Jersey:

- 1) The Township Committee accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant \*EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
- 2) That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
- 3) That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Township Administrator, the Chief Financial Officer, and the County Division of Emergency Management and Office of Treasury.

Adopted: December 12, 2022

**RESOLUTION 2022-178**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING TOWNSHIP ADMINISTRATOR TO EXECUTE NJPDES/TREATMENT WORKS APPROVAL APPLICATION FOR K. HOVNANIAN AT HILLANDALE - BLOCK 100 LOT 17.03**

**WHEREAS**, the Township of Mendham has been requested to endorse (without assuming responsibility therefore) a Treatment Works Approval (TWA) application submitted by K. HOVNANIAN AT HILLANDALE at 22 Saint Johns Drive, Block 100 Lot 17.03; and

**WHEREAS**, NJ Department of Protection regulations require that the governing body of the municipality in which the applicant's property is located must consent to the submission certifying that the proposed project is in conformity with the municipality's ordinances; and

**WHEREAS**, the applicant proposed an on-site treatment plant which received a permit through the NJDEP through a New Jersey Pollutant Discharge Elimination System-Discharge to Groundwater (NJDES-DGW) permit and the TWA approval process; and

**WHEREAS**, the applicant is now requesting a temporary modification to their permit to provide a temporary holding tank for wastewater which will be pumped by a licensed hauler and transported to an approved disposal facility offsite; and

**WHEREAS**, the temporary holding tank is required if a residential unit is occupied prior to the full construction of the site treatment facility or if the flow generated by those units is not sufficient to effectively maintain the biological process need for the treatment process; and

**WHEREAS**, no new, additional or structural tanks are being proposed. It is expected that the first residents are to arrive May 2023 and the construction of the treatment facility to be completed, 6 months later, in October 2023; and

**WHEREAS**, based upon the Board of Adjustment approval of the application and the Township Engineer's review of the submitted, the Township Engineer feels that the application is compliant with the Township Ordinances.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by Township Committee of the Township of Mendham as follows: the Township Administrator is hereby authorized to sign the Governing Body consent line in section A-1 on page 1 of the WQM-003 form attached to the TWA application.

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

Adopted: December 12, 2022

**RESOLUTION 2022-179**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM SUPPORTING**  
**FEDERAL LEGISLATION TO ESTABLISH A GRANT PROGRAM TO FUND STATE AND LOCAL LAW**  
**ENFORCEMENT EFFORTS TO COMBAT AUTO THEFTS**

**WHEREAS**, nearly 500,000 vehicles worth an estimated \$4.5 billion were stolen nationwide in the first half of 2022, representing a 25% increase in thefts compared to the first half of 2019; and

**WHEREAS**, the numbers here in New Jersey have increased faster than the national average, with auto thefts in the state on pace to rise by over 30% from 2020 to 2022; and

**WHEREAS**, car thieves and their organizations have become more emboldened and dangerous, including burglarizing homes, carrying firearms and using stolen vehicles in the commission of violent crimes; and

**WHEREAS**, proposed legislation, the bipartisan Auto Theft Prevention Act, introduced by Representatives Mikie Sherrill and Don Bacon, would provide a dedicated source of funding for state and local law enforcement agencies for resources to combat auto thefts under the U.S. Department of Justice's Community Oriented Policing Services; and

**WHEREAS**, the Department of Justice will be permitted to award funds for equipment such as automated license plate readers, hiring additional law enforcement officers and support staff, additional compensation, resources for joint task forces, data collection, and research activities; and

**WHEREAS**, these are resources that have been identified by local police departments, sheriffs, prosecutors and the Office of the Attorney General of New Jersey as necessary to addressing the rise in auto thefts.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Mendham in the County of Morris, State of New Jersey, that it strongly supports legislation in regards to funding to address the auto theft epidemic in New Jersey and protect the welfare of our community.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Representative Mikie Sherrill and to the New Jersey League of Municipalities.

Adopted: December 12, 2022

**TOWNSHIP OF MENDHAM  
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**ORDINANCE 16-2022**

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,  
AMENDING THE SEWER SERVICE CHARGES FOR THE MENDHAM EAST WATER POLLUTION CONTROL  
SYSTEM**

**WHEREAS**, Ordinance 10-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Establishing Sewer Services charges for the Mendham East Water Pollution Control System” established sanitary sewer service fees to be charged to the owners of properties served by such system; and

**WHEREAS**, Ordinance 10-96 was amended by Ordinance 17-97, Ordinance 21-2003, Ordinance 28-2006, and Ordinance 14-2007, ordinance 15-2015, ordinance 14-2017, and ordinance 7-2020; and

**WHEREAS**, The Township has determined that the sanitary sewer service fees to be charged to the owners of properties served by the Mendham East Water Pollution Control System shall be amended to adequately meet the managerial, professional, overhead and all other operating expenses.

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

**SECTION ONE:**

1. The owner of every property connected to and served by the Mendham East Water Pollution Control System (a self-liquidating municipal utility established by Ordinance 8-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Providing for the Acceptance of the Mendham East Water Pollution Control System and its Operating and Maintenance by the Township as a Self-Liquidating Municipal Utility”) shall pay to the Township and annual service charge in accordance with the following schedule:

<u>Property Use</u>	<u>Annual Service Charge</u>
Single-family dwelling unit and Condominium dwelling unit:	
1 Bedroom Dwelling	\$1,085
2 Bedroom Dwelling	\$2,170
3 Bedroom Dwelling	\$3,255
4 Bedroom Dwelling	\$4,341
5 Bedroom Dwelling	\$5,524

2. The annual service charges provided in Paragraph 1 of this ordinance shall be billed by the Collector of Taxes of the Township and be due and payable quarter-annually on February 1, May 1, August 1 and November 1 in each and every year.
3. If any bill for service charges remains unpaid after the due date, the amount due shall bear interest at the rate of eight percent (8%) per annum up to \$1,500 and eighteen percent (18%) over \$1,500.

No interest shall be charged if payment of any quarterly service charge is made within the tenth calendar day following the date upon which the quarterly service charge became due. Service charges, and any interest thereon, provided by this Ordinance shall be liens on the respective properties against which such charges are made, and the payment may be enforced in the same manner provided for the collection of taxes.

4. All service fees received by the Township pursuant to this ordinance shall be dedicated revenues to adequately meet the managerial, professional, overhead and all other operating expenses of the Mendham East Water Pollution Control System in accordance with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.
5. The rate structure established herein shall be effective January 1, 2018 and continue thereafter until amended or modified.

**SECTION TWO:**

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

**SECTION THREE:**

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

**SECTION FOUR:**

This ordinance shall take effect upon final passage and publication thereof as provided by law.

**TOWNSHIP OF MENDHAM  
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**ORDINANCE 17-2022**

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,  
AMENDING THE SEWER SERVICE CHARGES FOR THE MENDHAM WEST WATER POLLUTION CONTROL  
SYSTEM**

**WHEREAS**, Ordinance 10-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Establishing Sewer Services charges for the Mendham West Water Pollution Control System” established sanitary sewer service fees to be charged to the owners of properties served by such system; and

**WHEREAS**, Ordinance 10-96 was amended by Ordinance 15-2016; and

**WHEREAS**, The Township has determined that the sanitary sewer service fees to be charged to the owners of properties served by the Mendham West Water Pollution Control System shall be amended to adequately meet the managerial, professional, overhead and all other operating expenses.

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

**SECTION ONE:**

1. The owner of every property connected to and served by the Mendham West Water Pollution Control System (a self-liquidating municipal utility established by Ordinance 8-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Providing for the Acceptance of the Mendham West Water Pollution Control System and its Operating and Maintenance by the Township as a Self-Liquidating Municipal Utility”) shall pay to the Township and annual service charge in accordance with the following schedule:

<u>Property Use</u>	<u>Annual Service Charge</u>
Single-family dwelling unit and Condominium dwelling unit	
Single - Family	\$1,621
Condo Unit	\$ 669

2. The annual service charges provided in Paragraph 1 of this ordinance shall be billed by the Collector of Taxes of the Township and be due and payable quarter-annually on February 1, May 1, August 1 and November 1 in each and every year.
3. If any bill for service charges remains unpaid after the due date, the amount due shall bear interest at the rate of eight percent (8%) per annum up to \$1,500 and eighteen percent (18%) over \$1,500. No interest shall be charged if payment of any quarterly service charge is made within the tenth calendar day following the date upon which the quarterly service charge became due. Service charges, and any interest thereon, provided by this Ordinance shall be liens on the respective

properties against which such charges are made, and the payment may be enforced in the same manner provided for the collection of taxes.

4. All service fees received by the Township pursuant to this ordinance shall be dedicated revenues to adequately meet the managerial, professional, overhead and all other operating expenses of the Mendham West Water Pollution Control System in accordance with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.
5. The rate structure established herein shall be effective January 1, 2023 and continue thereafter until amended or modified.

**SECTION TWO:**

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

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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.

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**TOWNSHIP COMMITTEE  
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