

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE  
REGULAR MEETING**

**DATE:** Tuesday, December 27, 2022

**TIME:** 7:30 PM

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



**REMOTE VIA ZOOM**

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

[www.zoom.us](http://www.zoom.us)

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Follow prompts

**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**

*Coach Roy Hamblen, West Morris Mendham High School*

**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**

- Special, Regular and Executive Session of October 24, 2022 (Mayor Monaghan absent)
- Special, Regular & Executive Session of November 14, 2022
- Regular Session of November 28, 2022 (Mr. Baio absent)
- Regular and Executive Session of December 8, 2022

## **REGULAR AGENDA – RESOLUTIONS**

- 2022-181** Resolution of the Township Committee of the Township of Mendham Appointing Acting Township Clerk and Certified Municipal Registrar
- 2022-182** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2022-183** Resolution of the Township Committee of the Township of Mendham Establishing 2023 Office Hours and Holiday Schedule
- 2022-184** Resolution of the Township Committee of the Township of Mendham Authorizing the Purchase of Turn Out Gear and other Equipment for the Mendham Township Fire Department to Firefighter One of Sparta, New Jersey through the New Jersey State Contract, # 17-Fleet-00811
- 2022-185** Resolution of the Township Committee of the Township of Mendham Authorizing the Purchase of Spatial Data Logic Software for the Mendham Township Building and Construction Department
- 2022-186** Resolution of the Township Committee of the Township of Mendham Authorizing 2022 Budget Appropriation Transfer
- 2022-187** 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
- 2022-188** Resolution of the Township Committee of the Township of Mendham Authorize Cancellation of Capital Account Fund Balances
- 2022-189** Resolution of the Township Committee of the Township of Mendham Authorizing the Mayor and Township Clerk to Execute Developers' Agreement Between Mendham Shores, LLC and the Township of Mendham

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

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## **DISCUSSION**

Township Committee meeting dates for 2023  
Old Police Station reuse ideas

## **LIAISON REPORTS**

## **ADJOURN**

**RESOLUTION 2022-181**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING ACTING MUNICIPAL CLERK AND REGISTRAR OF VITAL STATISTICS**

**WHEREAS**, a vacancy exists in the position of Municipal Clerk and Registrar of Vital Statistics for the Township of Mendham due to the resignation of Maria Coppinger effective December 30, 2022; and

**WHEREAS**, N.J.S.A. 40A:9-133 requires that every municipality shall have a municipal clerk appointed for a three-year term by the governing body; and

**WHEREAS**, a vacancy exists in the position of Mendham Township Municipal Clerk and Registrar of Vital Statistics effective December 28, 2022; and

**WHEREAS**, N.J.S.A. 40A:9-133c. permits the governing body, within 90 days of the occurrence of a vacancy by reason of departure of a registered municipal clerk, to appoint a person who does not hold a registered municipal clerk certificate to act as acting municipal clerk for a period not to exceed one (1) year and commencing on the date of the vacancy; and

**WHEREAS**, the Mendham Township Committee desires to appoint Karen Orgera as Acting Municipal Clerk and Registrar of Vital Statistics for a term of one (1) year commencing on December 28, 2022.

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

1. Karen Orgera is hereby appointed to the position of Acting Municipal Clerk and Registrar of Vital Statistics of Mendham Township for a term of one (1) year commencing on December 28, 2022 and terminating on December 28, 2023, unless, at the option of the Township Committee, such person is either reappointed as set forth herein, or obtains a registered municipal clerk certificate and is appointed as the Municipal Clerk.
2. Karen Orgera, as Acting Municipal Clerk, shall perform all of the duties of the Township Clerk as set forth in N.J.S.A. 40A:9-133 and be compensated for the position in the amount of \$65,000. At the option of the Mendham Township Committee and with the approval of the Director of the Division of Local Government Services, be reappointed as Acting Municipal Clerk for a maximum of two subsequent one-year terms following the termination of the temporary appointment.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Township Attorney, Township Auditor, the Director of the Division of Local Government Services and the

Adopted: December 27, 2022

**RESOLUTION 2022-182**  
**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 27, 2022

**RESOLUTION 2023-183**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM ESTABLISHING 2023**  
**OFFICE HOURS AND HOLIDAY SCHEDULE**

**BE IT RESOLVED** by the Township Committee of the Township of Mendham that the following hours be established for 2023:

Municipal Offices shall be open Monday through Friday from 8:30am to 4:00pm

SUMMER HOURS– JULY 3<sup>rd</sup> THROUGH SEPTEMBER 1<sup>st</sup>

Monday thru Thursday: 8:00am to 4:00pm

Friday: 8:00am to 1:00pm

**BE IT FURTHER RESOLVED** that pursuant to Section 45-4c. of the Code of the Township of Mendham the following holidays will be observed during the calendar year 2023.

New Year's Day\*

Martin Luther King, Jr. Day      January 16<sup>th</sup>

President's Day                      February 20<sup>th</sup>

Good Friday                          April 7<sup>th</sup>

Memorial Day                        May 29<sup>th</sup>

Independence Day\*                 July 3<sup>rd</sup> & 4<sup>th</sup>

Labor Day                              September 4<sup>th</sup>

Columbus Day                        October 9<sup>th</sup>

Veteran's Day                         November 10<sup>th</sup>

Thanksgiving Day                  November 23<sup>rd</sup>

Day after Thanksgiving            November 24<sup>th</sup>

Christmas Day                        December 25<sup>th</sup>

Full time employees of the Township will also be entitled to one floating holiday per calendar year, to be taken at the option of the employee, upon two weeks' notice in writing and with the approval of the department head.

Adopted: December 27, 2022

RESOLUTION 2022-184

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PURCHASE OF TURN OUT GEAR AND OTHER EQUIPMENT FOR THE MENDHAM TOWNSHIP FIRE DEPARTMENT TO FIREFIGHTER ONE OF SPARTA, NEW JERSEY THROUGH THE NEW JERSEY STATE CONTRACT, # 17-FLEET-00811**

**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 new turnout gear and other equipment; and

**WHEREAS**, Firefighter One of Sparta, New Jersey, offers the turnout gear and equipment through the New Jersey State Contract # 17-Fleet-00811 in a total amount of \$15,665.15; 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-04-55-032-001	\$15,665.15
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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 amount of \$15,665.15 for the purchase of turnout gear and other equipment

Adopted: December 27, 2022

**RESOLUTION 2022-185**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE**  
**PURCHASE OF SPATIAL DATA LOGIC SOFTWARE FOR THE MENDHAM TOWNSHIP BUILDING AND**  
**CONSTRUCTION DEPARTMENT**

**WHEREAS**, The Township of Mendham’s Construction office has identified a need to upgrade its current software for the management of permits and inspections; and

**WHEREAS**, Spatial Data Logic of Somerset, New Jersey offers a suite of programs which includes construction permit management; and

**WHEREAS**, The Construction Official has recommended Spatial Data Logic; and

**WHEREAS**, the cost of implementation is \$18,450; 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:

Current Fund	2-01-21-22-195-100	\$18,450
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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 Spatial Data Logic of Somerset, New Jersey, in an estimated amount of \$18,450. for the purchase of SDL software.

Adopted: December 27, 2022

**RESOLUTION 2022-186**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**AUTHORIZING 2022 BUDGET APPROPRIATION TRANSFER**

**BE IT RESOLVED**, by the Township Committee of the Township of Mendham, County of Morris and State of New Jersey, that 2022 Budget Appropriations Transfer totaling **\$16,000** are to be made in the following manner:

<b>FROM:</b>	<b>AMOUNT</b>
Uniform Construction Code – Salary and Wages	16,000
<b>TOTAL</b>	<b>\$16,000</b>
<b>TO:</b>	<b>AMOUNT</b>
Uniform Construction Code – Maintenance of Software	16,000
<b>TOTAL</b>	<b>\$16,000</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Mendham, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with provision N.J.S.A. 40A:4-59, part of the surplus in the accounts heretofore mentioned be and the same is hereby transferred to the accounts mentioned as being insufficient and directs the Chief Financial Officer to execute this transfer transaction.

Adopted: December 27, 2022



**RESOLUTION 2022-187**

**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.
- Teamsters 469 (DPW)**
- (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.



(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 **December 27, 2022 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: December 27, 2022

**RESOLUTION 2022-188**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZE**  
**CANCELLATION OF CAPITAL ACCOUNT FUND BALANCES**

**BE IT RESOLVED** that the following unrequired balances of the Sewer East Capital Improvement Authorizations be and same are hereby cancelled, and Chief Financial Officer is directed to make such entries in the Township's books of account to properly reflect these cancellations.

ORD. #	DESCRIPTION	AMOUNT
2016-09	Upgrade To the Mendham Sewer East	\$181,430.5
2017-10	Replacement of Effluent Disposal System – Sewer	1,195,482.58
		\$1,376,913.08

Adopted: December 27, 2022

**RESOLUTION 2022-189**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE**  
**MAYOR AND TOWNSHIP CLERK TO EXECUTE DEVELOPERS' AGREEMENT BETWEEN MENDHAM**  
**SHORES, LLC AND THE TOWNSHIP OF MENDHAM**

**WHEREAS**, the Planning Board of Township of Mendham had approved a major subdivision on Shores Road in the Township; and

**WHEREAS**, a Developers Agreement had been prepared in connection with said approval, and on June 10, 2019 the Township Committee adopted Resolution 2019-098 approving the agreement and authorizing the Execution of the Developer's Agreement by and between the Township and Mendham Shores LLC; and

**WHEREAS**, the agreement was executed by the developer but not by the Township.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the Developers Agreement be executed nunc pro tunc June 10, 2019.

Adopted: December 27, 2022

**TOWNSHIP COMMITTEE  
ZOOM ACCESS INFORMATION**

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