

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, January 23, 2023
TIME: 6:30 PM -7:30PM - Township Committee will enter into executive session
7:30PM – Township Committee to open regular meeting
LOCATION: **MENDHAM TOWNSHIP MIDDLE SCHOOL**
All Purpose Room
16 Washington Valley Road, Brookside; and



REMOTE VIA ZOOM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83693334318?pwd=MTZhRlZMbTZWMVRxQm44c1VKdHFnZz09>

Passcode: 773693

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International numbers available: <https://us02web.zoom.us/j/83693334318?pwd=MTZhRlZMbTZWMVRxQm44c1VKdHFnZz09>

ROLL CALL

Ms. Duarte
Ms. Moreen
Ms. Neibart
Ms. Spirig
Mayor Monaghan

RESOLUTION TO ENTER INTO EXECUTIVE SESSION

2023-044 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

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 6,2023. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

FINANCE COMMITTEE

Police budget presentation

PROCLAMATION

Welcoming Proclamation

ANNOUNCEMENTS

OPEN TO THE PUBLIC

Mayor Monaghan will recognize individuals wishing to make a comment. Once recognized, please clearly state your name and address for the record. All comments should be directed to Mayor Monaghan.

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.

APPROVAL OF MEETING MINUTES

- December 12, 2022 regular meeting
- December 20, 2022 special meeting
- December 20, 2022 executive meeting
- December 27, 2022 regular meeting
- December 27, 2022 executive meeting

REGULAR AGENDA RESOLUTIONS

- 2023-035 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING ROBERT KALWEIT SERGEANT IN THE MENDHAM TOWNSHIP POLICE DEPARTMENT**
- 2023-036 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING THE CONTRACT FOR UNICORN CONTRACTING CORPORATION FOR THE ASBESTOS ABATEMENT AND REMEDIATION AT TOWN HALL**
- 2023-037 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A CONTRACT TO BLUE LINE QUALITY SERVICES, LLC CLEANING/JANITORIAL SERVICES**
- 2023-038 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO FATHER DAUGHTER, LLC OF LONG VALLEY, NEW JERSEY FOR INFIELD MAINTENANCE**
- 2023-039 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO LTI, INC., OF MONTVILLE FOR LANDSCAPE SERVICES**
- 2023-040 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM RESOLUTION TO APPROVE SETTLEMENTS OF REAL PROPERTY TAX APPEALS**
- 2023-041 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**
- 2023-042 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM URGING THE LEGISLATURE TO ADOPT SENATE CONCURRENT RESOLUTION NO. 120, ESTABLISHING THE "NEW JERSEY PUBLIC EMPLOYEE HEALTH CARE PROGRAM COSTS INVESTIGATION COMMITTEE**

2023-043 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING MEMBERSHIP IN THE WHIPPANY RIVER WATERSHED ACTION COMMITTEE FOR CALENDAR YEAR 2023

2023-045 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING MEMBER(S) TO THE BOARD OF HEALTH

OPEN TO THE PUBLIC

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DISCUSSION

Setting standards for subcommittee meetings
Ordinance Enforcement
Mosle Field lighting

LIAISON REPORTS

ADJOURN

RESOLUTION 2023-035
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPOINTING ROBERT KALWEIT SERGEANT IN THE MENDHAM TOWNSHIP POLICE DEPARTMENT

WHEREAS, a vacancy exists in the rank of Sergeant within the Mendham Township Police Department;
and

WHEREAS, the Township Committee of the Township of Mendham has determined that it is necessary
and appropriate to fill the vacancy of the Sergeant position; and

WHEREAS, the Township Committee established a procedure for the selection of a new Sergeant; and

WHEREAS, Robert Kalweit achieved the highest point total during the selection process and it is the desire
of the Township Committee to appoint him to the position of Sergeant in the Mendham Township Police
Department; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham that
Robert Kalweit is hereby appointed as Sergeant in the Mendham Township Police Department, effective
January 23, 2023, and shall be compensated at the per annum rate of \$118,823.

Adopted: January 23, 2023

RESOLUTION 2023-036
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING THE CONTRACT FOR UNICORN CONTRACTING CORPORATION
FOR THE ASBESTOS ABATEMENT AND REMEDIATION AT TOWN HALL

WHEREAS, the Township of Mendham has authorized a contract with Cornerstone Architectural Group for the renovation of Mendham Township Municipal Building at 2 West Main Street; and

WHEREAS, it was found that asbestos abatement was necessary; and

WHEREAS, Unicorn Contracting Corp., was awarded the authorized asbestos abatement contract; and

WHEREAS additional areas of asbestos were found during the abatement process, which included areas in and around the original front staircase;

WHEREAS, the change is adjustment from to the work needed to complete the asbestos abatement and causes a change in the pricing of the Unicorn contract; 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 from account C-04-55-030-001 in an amount if \$6,000

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the contract with Unicorn Contracting Group be an additional \$6,000

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk.

Adopted: January 23, 2023

RESOLUTION 2023-037
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A CONTRACT TO BLUE LINE QUALITY SERVICES, LLC
CLEANING/JANITORIAL SERVICES

WHEREAS, The Township has a need for cleaning services the township facilities;

WHEREAS, The Township had engaged Blue Line Quality Services in 2022 and is satisfied with the services; and

WHEREAS, The Township Administrator recommends awarding a contract for 2023 for Janitorial Services to Blue Line Quality Services, LLC in an amount of \$2,400 per month; and

WHEREAS, N.J.S.A. 40A:11-3 allows for the award of a contract in excess of \$17,500 but below the bid threshold, currently \$44,000; and

WHEREAS, the quote received from Blue Line Quality Services, LLC has been found to be in proper form and in compliance with the applicable provisions of all New Jersey State laws; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from accounts numbered 01-26-310-160 – Cleaning Services;

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. The Township Committee hereby awards a contract to Blue Line Quality Services of Hardwick, New Jersey for the cleaning of municipal buildings including Town Hall, Library, Police Headquarters, Brookside ESB and Ralston ESB in an amount of \$2400 per month
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Blue Line Quality Services LLC, for said Cleaning Services
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: January 23, 2023

RESOLUTION 2023-038
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO FATHER DAUGHTER, LLC
OF LONG VALLEY, NEW JERSEY FOR INFIELD MAINTENANCE

WHEREAS, The Towns of Mendham has a need to provide baseball and softball infield maintenance services to various Township owned parks and facilities; and

WHEREAS, The Township awarded a contract in 2022 for the years 2022 and 2023 for infield maintenance to Father Daughter, LLC; and

WHEREAS, the contract amount for 2023 is \$20,500; and

WHEREAS, Father Daughter LLC of Long Valley, New Jersey has been duly reviewed and analyzed by the Township Administrator and has been found to be in proper form and in compliance with the provisions of N.J.S.A 40A:11-3;

WHEREAS, the services provided will be provided for in the 2023 budget from account numbered 3-01-28-375-065 – Infield Services;

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. The Township Committee hereby awards a contract to Father Daughter, LLC, of Long Valley, New Jersey for the maintenance of infields in an amount not to exceed \$20,500
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Father Daughter LLC, for said services
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: January 23, 2023

RESOLUTION 2023-039
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO LTI, INC.,
OF MONTVILLE FOR LANDSCAPE SERVICES

WHEREAS, The Township awarded bids in 2022 for Landscape Services to be provided to various Township owned parks and facilities for the period of 2022, 2023, and an option of 2024 to LTI, Inc of Montville, NJ; and

WHEREAS, the LTI, Inc., of Montville NJ shall provide landscape services for 2023 based on the contract awarded in 2022

WHEREAS, LTI, Inc has been duly reviewed and analyzed by the Mendham Interim Administrator and been found to be 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 services provided in this bid will be provided for in the 2023 budget from accounts numbered 3- 01-28-375-024 – Parks Other Expense;

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. The Township Committee hereby awards a contract to LTI, Inc., of Montville, New Jersey for Landscape Maintenance of various park and other facilities in a total amount not to exceed **\$135,000**
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with LTI, Inc., in accordance with its bid for said Landscape maintenance services.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: January 23, 2023

RESOLUTION 2023-040
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
RESOLUTION TO APPROVE SETTLEMENTS OF REAL PROPERTY TAX APPEALS

WHEREAS, the municipal tax assessor and tax appeal counsel have negotiated settlements of real property tax appeals pending in the Tax Court of New Jersey; and

WHEREAS, the settlements are conditioned upon approval by the governing body of the Township of Mendham;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the following proposed settlements are approved:

1. Block 118, Lot 79 – 2015, 2016, 2019 and 2020 assessments to be reduced to \$2,000,000 and the 2021 assessment to be reduced to \$1,994,400, resulting in an anticipated refund in the amount of \$13,534.31.
2. Block 100, Lot 60 – 2016 and 2017 assessments to be reduced to \$1,250,000 and the 2018 and 2019 assessments to be reduced to \$1,200,000, resulting in an anticipated refund in the amount of \$12,866.11.

ADOPTED: January 23, 2023

RESOLUTION 2023-041
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 January 23, 2023

RESOLUTION 2023-042

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
URGING THE LEGISLATURE TO ADOPT SENATE CONCURRENT RESOLUTION NO. 120, ESTABLISHING THE
"NEW JERSEY PUBLIC EMPLOYEE HEALTH CARE PROGRAM COSTS INVESTIGATION COMMITTEE.**

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund financed by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHBP, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

WHEREAS, the rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active Members, a 13% increase in Early Retirees, and a 0.7% increase for Medicare Retirees; and

WHEREAS, the Administration of Governor Philip D. Murphy failed to notify mayors, legislators, and public employees prior to July of 2022 that health care premiums would rise by such a large amount despite published reports that the governor was aware of the increases as early as February; and

WHEREAS, more than \$10 billion in surplus revenues and unspent federal pandemic relief funds were available during the State Budget process that could have contributed to a comprehensive solution to lower benefit costs and prevent the spike in premiums; and

WHEREAS, the lack of transparency prevented local government officials, legislators, and the Administration from working to achieve an equitable and affordable solution as part of the FY 2023 State Budget adopted in June; and

WHEREAS, the Murphy Administration has refused to consider cost-saving proposals offered by local public employee unions and has not held Horizon Blue Cross Blue Shield of New Jersey, the administrator of the SHBP, accountable for its failure to achieve savings as required by State contract for which it is paid; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, rising costs to deliver services, a 17% increase in Public Employee Retirement System contribution, 36.51% Police and Fire Retirement System contribution and dramatic increases in the cost of cybersecurity insurance, and

WHEREAS, the premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township Mendham in the County of Morris call upon the Legislature to adopt Senate Concurrent Resolution No. 120, which would form the "New Jersey Public Employee Health Care Program Costs Investigation Committee," a special legislative committee with subpoena power to review SHBP premium increases and recommend solutions to lower costs, achieve savings, and protect property taxpayers; and

BE IT FURTHER RESOLVED, that Governor Murphy is hereby urged to hold Horizon Blue Cross Blue Shield of New Jersey accountable for its failure to achieve SHBP cost savings as required by contract; and

BE IT FURTHER RESOLVED, that the Legislature be urged to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management as recommended by the New Jersey State League of Municipalities; and

BE IT FURTHER RESOLVED, that the Plan Design Committee and State Health Benefits Commission be directed to enact cost effective reforms that provide for the long-term stability of the State Health Benefits Plan; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, Assembly Speaker Coughlin, and all Legislators from Morris County Legislative Districts.

Adopted: January 23, 2023

RESOLUTION 2023-043
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING MEMBERSHIP IN THE WHIPPANY RIVER WATERSHED ACTION COMMITTEE
FOR CALENDAR YEAR 2023

WHEREAS, for over 20 years, the Whippany River Watershed Action Committee “WRWAC” has worked to protect, preserve, and maintain the Whippany River Watershed; and

WHEREAS, the WRWAC does this work on behalf of the municipalities and its residents and businesses located in the Whippany River Watershed; and

WHEREAS, the WRWAC looks forward to the continued support of its member municipalities, including Mendham Township by renewing its annual membership; and

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

Clean Communities Grant	\$1,200.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that Mendham Township seeks to continue its municipal membership in the WRWAC for calendar year 2023; and

BE IT FURTHER RESOLVED that the Administrator and Chief Financial Officer is hereby authorized to renew the Township of Mendham’s membership for calendar year 2023.

Adopted: January 23, 2023

RESOLUTION 2023-044

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.

ATTORNEY CLIENT PRIVILEGE MATTER

(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.

2023 TOWNSHIP BOARD AND COMMITTEE LIAISON APPOINTMENTS



(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 **January 23, 2023 at 6:30 P.M.** in the Mendham Township Middle School, 16 Washington Valley Road, 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: January 23, 2023

RESOLUTION 2023-045
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPOINTING MEMBER(S) TO THE BOARD OF HEALTH

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following appointments are made to the Board of Health for the terms as indicated:

<i>Nickolas Mitilenes</i>	<i>Newly Appointed</i>	<i>3 years</i>	<i>12/31/2025</i>
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This resolution shall take effect immediately

Adopted: January 23, 2023