

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE  
REGULAR MEETING**

**DATE:** Monday, February 13, 2023  
**TIME:** 6:30 PM  
**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/85855639676?pwd=K3FOY054d1lSZkpMU0RzN0pDSFVEUT09>

Passcode: 881809

One tap mobile:

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**ROLL CALL**

Ms. Duarte  
Ms. Moreen  
Ms. Neibart  
Ms. Spirig  
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 6,2023 and again on January 31, 2023. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

**FINANCE COMMITTEE**

Environmental Committee  
Department of Public Works

**PROCLAMATION**

Recognizing February as Black History Month  
Recognizing February as American Heart Month

## **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 (the speaker does not need to provide their address if they have been verified by the office of information privacy as a covered person in the township under Daniel's Law)

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**

- January 5, 2023 Reorganization
- January 23, 2023 Executive Session
- January 23, 2023 Regular Meeting

### **ORDINANCE FOR INTRODUCTION**

**01-2023        AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, ACCEPTING DEED OF DEDICATION FOR A PUBLIC ROAD KNOWN AS SAMUEL FARM LANE**

PUBLIC HEARING SCHEDULED FOR FEBRUARY 27, 2023

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

None

### **REGULAR AGENDA RESOLUTIONS**

**2023-047        RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**

**2023-048        RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING A SHARED SERVICE AGREEMENT WITH CHESTER BOROUGH, CHESTER TOWNSHIP, MENDHAM BOROUGH, AND MENDHAM TOWNSHIP FOR ANIMAL CONTROL SERVICES**

**2023-049        RESOLUTION OF THE TOWNSHIP OF MENDHAM TO AWARD A CONTRACT FOR ANIMAL CONTROL SERVICES TO ANIMAL CONTROL SOLUTIONS, LLC.  
(NON FAIR AND OPEN)**

**2023-050        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**

**2023-051        RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING REFUND OF OVERPAYMENT OF 2023 TAXES**

**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. (the speaker does not need to provide their address if they have been verified by the office of information privacy as a covered person in the township under Daniel's Law) 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.

**DISCUSSION**

Changing virtual meeting platforms from Zoom to Microsoft Teams  
Logo Contest

**LIAISON REPORTS**

**EXECUTIVE SESSION**

**ADJOURN**

**ORDINANCE NO. 01-2023**  
**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,**  
**MORRIS COUNTY, NEW JERSEY ACCEPTING A DEED OF DEDICATION**  
**FOR A PUBLIC ROAD KNOWN AS SAMUEL FARM LANE**

**SECTION ONE:**

**WHEREAS**, Pitney Farm Development, LLC has completed certain public improvements relating to a five-lot development in a neighborhood generally identified as Pitney Farm and more specifically identified as Lots 1.04, 1.05, 1.06, 1.07 and 1.08 in Block 131.01 which improvements also include a new road known as Samuel Farm Lane; and

**WHEREAS**, the aforesaid development was created pursuant to Planning Board approval as set forth in Resolution No. PB-20-03 which approval calls for the roadway to become a public road; and

**WHEREAS**, the developer has prepared a Deed of Dedication to the Township of Mendham for said roadway,

**NOW, THEREFORE, BE IT HEREBY ORDAINED**, by the Township Committee of the Township of Mendham that the Township does hereby accept such Deed of Dedication and directs that the same be recorded in the Office of the Morris County Clerk subject to the posting by the developer of a Maintenance Bond for the required two-year period.

**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.

**CERTIFICATION** I, Karen Orgera, Acting Township Clerk of the Township of Mendham, do hereby certify the foregoing Ordinance was introduced to the Township Committee at a Regular Meeting held on February 13, 2023.

\_\_\_\_\_  
Karen Orgera, Acting Township Clerk

**RESOLUTION 2023-047**  
**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 February 13, 2023

**RESOLUTION 2023-048**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**APPROVING A SHARED SERVICE AGREEMENT WITH CHESTER BOROUGH, CHESTER TOWNSHIP,**  
**MENDHAM BOROUGH, AND MENDHAM TOWNSHIP FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, the Township of Mendham requires animal control services to meet its statutory public health responsibilities; and

**WHEREAS**, studies have determined that the most cost effective and efficient method of providing these services is through a Shared Services Agreement wherein the costs of certain officials and employees are shared by the participating jurisdictions; and

**WHEREAS**, Chester Borough, Chester Township, Mendham Borough and Mendham Township, have agreed to provide animal control services through a Shared Service Agreement; and

**WHEREAS**, it is necessary to set forth the terms and conditions and procedures for the sharing of Animal Control Services among the municipalities which are a party to this Agreement; and

**WHEREAS** the Interlocal Services Act (N.J.S.A. 40:65-1 et seq.) provides the mechanism for local governments to enter into contracts for the joint provision of required services.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:**

1. The Interlocal Service Agreement for Animal Control Services, attached hereto and made a part of this Resolution, is hereby approved.
2. The Mayor is authorized to execute the same on behalf of Mendham Township, and the Township Administrator is authorized to take the necessary actions to implement the agreement.
3. The Acting Township Clerk shall provide a certified copy of this Resolution and the Interlocal Service Agreement for Animal Control Services to Chester Borough, Chester Township, and Mendham Borough.

Adopted: February 13, 2023

2023-049

**RESOLUTION OF THE TOWNSHIP OF MENDHAM TO AWARD A CONTRACT FOR ANIMAL CONTROL SERVICES TO ANIMAL CONTROL SOLUTIONS, LLC.  
(NON FAIR AND OPEN)**

**WHEREAS**, the Township of Mendham requires animal control services to meet its statutory public health responsibilities; and

**WHEREAS** Chester Borough, Chester Township, Mendham Borough and Mendham Township have agreed to an Interlocal service agreement for animal control services; and

**WHEREAS** the Contractor, Animal Control Solutions, LLC. has been providing animal control services since May 2020 through a shared service agreement with Mendham Township being the lead agency for the other jurisdictions; and

**WHEREAS**, The contract period, as outlined in the agreement is for a period of 3 years commencing on May 1, 2023 and ending on April 30, 2026 and includes 2 years for 2027 and 2028; and

**WHEREAS**, since the total value this contract is less than the statutory bid threshold and the Contractor was previously selected by the members of the Interlocal service agreement, the Township of Mendham is awarding this contract without the required competitive quotation process; and

**WHEREAS**, The Chief Financial Officer has certified the availability of funds for the Township of Mendham's portion of the Interlocal service agreement, plus the availability of funds from the required revenues of the participating municipalities in the Interlocal service agreement for this contract year and future contract years here in referenced.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM that**

1. The contract with Animal Control Solutions, LLC, of Flemington NJ is hereby approved and the Mayor is authorized to execute the contract on behalf of the Township in the annual amount of \$36,072 of which \$10,451 is Mendham Township's share.
2. The Township Administrator / Chief Finance Officer is hereby authorized to implement this award according to established procedures.

Adopted: February 13, 2023

**RESOLUTION 2023-050**  
**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.



(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 **February 13, 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: February 13, 2023

**RESOLUTION 2023-051**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING**  
**REFUND OF OVERPAYMENT OF 2023 TAXES**

**WHEREAS**, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes by the mortgage company/homeowner; and

**WHEREAS**, the Governing Body has reviewed said certification and approved the same.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mendham, being the Governing Body thereof that payment is refunded as follows:

<b>BLOCK &amp; LOT &amp; QUALIFIER</b>	<b>REFUND TO:</b>	<b>AMOUNT:</b>
Block 100 Lot 51 18 Carriage Hill Drive	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$5,805.05
Block 104.01 Lot 2 Qual C351K 351K Pleasant Valley Road	Fiona Matear 351K Pleasant Valley Road Mendham, NJ 07945	\$829.75
Block 145.04 Lot 23 9 Knapton Hill Road	Dmitriy & Natalia Borinshteyn 9 Knapton Hill Road Mendham, NJ 07945	\$4,675.11
Block 147 Lot 31 16 Cobblefield Drive	David Pulver 2020 Trust 2711 Rhone Drive Palm Beach Gardens, FL 33410	\$11,626.48

Adopted: February 13, 2023