

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, February 27, 2023
TIME: 6:30 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

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

Historic Preservation Commission
Mendham TV

PRESENTATION

Wysong Baseball Field Presentation

PROCLAMATION

Eagle Scout Candidate Chase Gannon
Eagle Scout Candidate- Brian Janacek

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

- February 13,2023 Regular Meeting
- February 13, 2023 Executive Session

REGULAR AGENDA RESOLUTIONS

- 2023-052 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**
- 2023-053 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM RESOLUTION TO APPROVE SETTLEMENTS OF REAL PROPERTY TAX APPEALS**
- 2023-054 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING CERTAIN REVISIONS TO A RIGHT OF WAY AGREEMENT DATED JUNE 27, 2017 PREVIOUSLY EXECUTED BY AND BETWEEN THE TOWNSHIP AND JJ DEVELOPMENT, LLC AND AUTHORIZING EXECUTION THEREOF.**
- 2023-055 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A NON FAIR AND OPEN CONTRACT FOR TOWNSHIP COMPUTER SYSTEM SUPPORT TO QUIKTEKS.**
- 2023-056 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A NON FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PHOENIX ADVISORS, LLC FOR FINANCIAL ADVISOR SERVICES**
- 2023-057 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A NON FAIR AND OPEN CONTRACT FOR PERSONNELL BACKGROUND INVESTIGATIVE SERVICES**

BOND ORDINACE FOR INTRODUCTION

- 02-2023 BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,800,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF**

Second Reading Public hearing scheduled for March 13, 2023

ORDINANCE FOR SECOND READING / PUBLIC HEARING

- 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**

Introduced February 13, 2023

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

LIAISON REPORTS

ADJOURN

ZOOM ACCESS

www.zoom.us

Click on “Join a meeting”

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or +1 301 715 8592 or +1 305 224 1968 or +1 507 473 4847 or +1 564 217 2000

Webinar ID: 844 2001 2298

Passcode: 587543

International numbers available: <https://us02web.zoom.us/j/k868rpDRJ>

RESOLUTION 2023-052
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 27, 2023

RESOLUTION 2023-053
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 a settlement of a real property tax appeal pending in the Tax Court of New Jersey; and

WHEREAS, the settlement includes application of the Freeze Act; and

WHEREAS, the settlement is 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 settlement is approved:

1. Block 100, Lot 60 – 2020 assessment to be reduced to \$1,200,000, resulting in an anticipated refund in the amount of \$3,905.42.

ADOPTED: February 27, 2023

RESOLUTION 2023-054
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING CERTAIN REVISIONS TO A RIGHT OF WAY AGREEMENT
DATED JUNE 27, 2017 PREVIOUSLY EXECUTED BY AND BETWEEN THE TOWNSHIP
AND JJ DEVELOPMENT, LLC AND AUTHORIZING EXECUTION THEREOF.

WHEREAS, the Wilmerding Trust is the owner of property located in the Township of Mendham (the "Township"), County of Morris, State of New Jersey designated as Block 107, Lot 46 on the tax map of the Township and more particularly described on Exhibit A in an agreement between the parties (the "Agreement") being that agreement between JPMORGAN CHASE BANK, N.A., AND HARRY O'MEALIA, AS CO-TRUSTEES OF THE TRUST CREATED UNDER THE LAST WILL AND TESTAMENT OF FLORENCE DILLON WHITNEY, FOR THE BENEFIT OF JOANNAH C. WILMERDING, ("Wilmerding Trust"), and JJ INVESTMENTS VII LLC (formerly known, prior to name change, as JJ Development VII Limited Liability Company), a New Jersey limited liability company; and

WHEREAS, JJD is the owner of property located in Mendham Township, County of Morris, State of New Jersey, designated as Block 107, Lots 44 and 45 on the tax map of the Township and more particularly described on Exhibit B to the Agreement; and.

WHEREAS, On November 1, 1999, the Township Planning Board granted to Willow Spring Farm Realty, LLC final subdivision approval for certain property, which approval was memorized by Resolution PB-99-21 adopted on November 1, 1999; and

WHEREAS. Pursuant to the Subdivision Approval, Willow Spring dedicated certain land to Mendham Township as a public right-of-way, which Right-of-Way is depicted as "R.O.W. Dedication" as more particularly shown on the Subdivision Plat, the Right-of-Way is located between Pine Hollow Road and the JJD Property (and an adjacent property owned by the Township) and for a length of approximately 84.85 feet is contiguous to the Wilmerding Property; and

WHEREAS, JJD and Mendham Township are parties to that certain Access Drive and Indemnification Agreement dated June 27, 2017 pursuant to which JJD was permitted to install and utilize a gravel access driveway over the Right-of-Way and to install a locked gate at the entrance to the Driveway off of Pine Hollow Road. As of the date hereof, the Gate has not been installed, and the entrance to the Driveway is blocked by a locked chain barrier; and.

WHEREAS, Wilmerding Trust and JJD desire to enter into this Agreement to memorialize their understanding regarding the Right-of-Way; and

WHEREAS, The Township executes the Agreement to consent to this Agreement and to acknowledge the facts described in the recitals above;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Mendham that the Mayor and Acting Township Clerk are hereby authorized to execute the Agreement for the purpose of acknowledging the revisions to the same as agreed to by the parties.

Adopted: February 27, 2023

RESOLUTION 2023-055
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR TOWNSHIP COMPUTER SYSTEM SUPPORT TO QUIKTEKS

WHEREAS, the Township of Mendham has a need to acquire the services of a computer system support provider as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5 as appropriate; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the services may exceed \$17,500; and

WHEREAS, Quikteks has been the Township's IT provider for the past 5 years; and

WHEREAS, the anticipated term of this contract is three (3) years for the years 2023, 2024, and 2025; and

WHEREAS, Quikteks has submitted a proposal in February 2023 indicating they will provide IT Support Services per the following fee schedule:

- Police Department/Town Hall/DPW - \$2,150 per month

WHEREAS, Quikteks has completed and submitted a Business Entity Disclosure Certification which certifies that Quikteks has not made any reportable contributions to a political or candidate committee in the Township of Mendham in the previous one year, and that the contract will prohibit Quikteks from making any reportable contributions through the term of the contract; and

WHEREAS, Quikteks must obtain and provide the Township with a Certificate of Liability for Professional / Errors & Omissions Liability in the amount of \$5,000,000 (*no less than \$1m-\$2m*), must cover all of the services being provided to the Township, must include cyber liability, including coverage for the following based upon or arising out of a cyber-related event; personal injury; infringement of intellectual property rights (except patent or trade secrets); and failure of your product or services to serve their intended purpose or meet any applicable legal/industry standard; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham authorizes the Township Administrator to enter into a contract with Quikteks as described herein.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Adopted: February 27, 2023

RESOLUTION 2023-056
RESOLUTION OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT
COMPETITIVE BIDDING TO PHOENIX ADVISORS, LLC FOR FINANCIAL ADVISOR SERVICES

WHEREAS, the Township of Mendham has a need to appoint a qualified Municipal Financial Advisor as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and

WHEREAS, Phoenix Advisors, LLC will provide a Municipal Financial Advisor as sought by the Township of Mendham and outlined in a contract on file in the Office of the Township Clerk in an amount not to exceed \$10,000 financial advisor services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Phoenix Advisors, LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Mendham with the elected officials in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the 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*,

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 Phoenix Advisors, LLC of Bordentown, NJ not to exceed \$10,000 for financial advisor services.

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

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: February 27, 2023

RESOLUTION 2023-057
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR PERSONNEL BACKGROUND INVESTIGATIVE SERVICES

WHEREAS, best personnel practices include the conduction of background investigations of candidates for hiring and appointment, as well as for volunteers who may provide services to the public through the Township of Mendham; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the services may exceed \$17,500; and

WHEREAS, such investigations need to be conducted prior to hiring or appointment in a prompt manner to avoid the loss of potential candidates; and

WHEREAS, TRUVIEW BSI LLC provides personnel background investigation services to local municipalities in New Jersey on a per diem bases; and

WHEREAS, TRUVIEW BSI LLC is recommended through the Morris County Municipal Joint Insurance Fund for background investigation services; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham authorizes the Township Administrator to enter into a contract with TRUVIEW BSI, LLC as described herein.

Adopted: February 27, 2023

**ORDINANCE NO. 02-2023
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,800,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$2,800,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded in part from grants to be received from the New Jersey Department of Transportation in the aggregate amount of \$548,320 and in part by the New Jersey Infrastructure Bank ("NJIB").

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,800,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various road improvements, consisting of the paving and milling of municipally owned streets, including but not limited to, Hunter Glen, Carriage Hill, Green Hills Road, Indian Hollow Road, Yardley Road, Yardley Place, Knollwood Trail, East Main Street, West Main Street, and Woodland Road, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or

rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years or such longer period as may be permitted by the NJIB terms of financing.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond

ordinance by \$2,800,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$560,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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.

INTRODUCED FEBRUARY 13, 2023