



**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
REGULAR MEETING**

**DATE:** Monday, March 28, 2022

**TIME:** 7:30 PM

**LOCATION:** **MUNICIPAL BUILDING**  
2 West Main Street, 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)

Click on “Join a Meeting”

**Webinar ID: 836 9333 4318**

**Passcode: 773693**

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

**PROCLAMATIONS**

- Brookside Engine Company Members

**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.*

**APPROVAL OF MEETING MINUTES**

- Regular Meeting of August 16, 2021
- Regular Meeting of September 13, 2021
- Regular Meeting of February 15, 2022

## **RESOLUTIONS - REGULAR AGENDA**

- 2022-052** Resolution of the Township Committee of the Township of Mendham Amending the Contract for J.R. Contracting for the Installation of the Electrical Service of the Town Hall Renovations / New Police Building Facilities
- 2022-053** 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
- 2022-054** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2022-055** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of Professional Services Contract for Grant Writing to GCH Nonprofit Management Services Not to Exceed 5,000
- 2022-056** 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
- 2022-057** Resolution of the Township Committee of the Township of Mendham to Approve Settlements of Real Property Tax Appeals

## **ORDINANCE(S) – INTRODUCTION / FIRST READING**

- 05-2022** Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40a: 4-45.14)  
**Public Hearing scheduled on April 11, 2022**

## **ORDINANCE(S)– PUBLIC HEARING / SECOND READING**

- 01-2022** Ordinance Appropriating \$20,000 from the Mendham Sewer East Capital Improvement Fund in Order to Provide for the Installation of a Telemetry System for the Mendham Sewer East Utility to Provide Communication Between the Plant and the Pump Station in and by the Township of Mendham, in the County of Morris, New Jersey  
***Introduced on Monday, March 14, 2022***
- 02-2022** Bond Ordinance Providing for the Improvement of the Mendham West Sewer Utility System in and by the Township of Mendham, in the County of Morris, New Jersey, Appropriating \$200,000 Therefor and Authorizing the Issuance of \$190,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof  
***Introduced on Monday, March 14, 2022***
- 03-2022** An Ordinance of the Township of Mendham Amending Chapter 229 “Noise”  
***Introduced on Monday, March 14, 2022***
- 04-2022** An Ordinance of the Township of Mendham Authorizing Execution of a Lease Agreement Between the Township of Mendham and the Ralston Cider Mill, a Nonprofit Corporation  
***Introduced on Monday, March 14, 2022***

## **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.*

**DISCUSSION**

- The Sharing Project
- Proposal from Optimum Development Group Corp. – Forest View Estates, 239 Mountainside Road
- Drew Forest Resolution

**LIAISON REPORTS**

**ADJOURN**

**RESOLUTION 2022-052**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING THE CONTRACT FOR J.R. CONTRACTING FOR THE INSTALLATION OF THE ELECTRICAL SERVICE OF THE TOWN HALL RENOVATIONS / NEW POLICE BUILDING FACILITIES**

**WHEREAS**, the Township of Mendham has authorized a contract with J.R. Contracting for the construction of the new Mendham Township Police Station at 4 West Main Street; and

**WHEREAS**, a review of the planned transformer and electrical service is in need of a relocation; and

**WHEREAS**, Cornerstone Architectural Group and Jersey Central Power & Light (JCP&L) engineers have determined that it will be better to utilize the existing ground mounted transformer to provide power for the police and townhall facilities; and

**WHEREAS**, the change is adjustment from the work being completed by JCP&L to being completed by J.R. Contracting and shifts the costs from JCP&L to J.R. Contracting; and

**WHEREAS**, the change in scope of service from JCP&L to J.R. Contracting causes a change in the pricing of J.R. Contracting's 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-04-55-024-001 in an amount of \$54,781.31 and account # C-04-55-021-002 in an amount of \$54,781.31.

**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 J.R. Contracting be amended for an additional \$109,562.62.

**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: March 14, 2022

**RESOLUTION 2022- 053**  
**RESOLUTION OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY**  
**AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO LTI, INC., OF MONTVILLE FOR**  
**LANDSCAPE SERVICES**

**WHEREAS**, the Township Purchasing Agent publicly opened bids on February 2, 2022 for Landscape Services to be provided to various Township owned parks and facilities; and

**WHEREAS**, 9 bidders were contacted about the bid process, six bids were received, three of which were determined to comply with the bid requirements; and

**WHEREAS**, the apparent low bid of LTI, Inc., of Montville NJ has been duly reviewed and analyzed by the Purchasing Agent 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 2022 budget from accounts numbered 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 as cited in the Specifications dated March 2, 2022 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: March 28, 2022

**RESOLUTION 2022-054**  
**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, 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: March 28, 2022

**RESOLUTION 2022-055**  
**RESOLUTION OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY**  
**AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR GRANT WRITING TO GCH**  
**NONPROFIT MANAGEMENT SERVICES NOT TO EXCEED 5,000**

**WHEREAS**, the Township of Mendham wishes to hire a grant consultant to assist in the preparation and research of grants from various County, State, and National organizations; and

**WHEREAS**, GCH Nonprofit Management Services, of Morristown, New Jersey submitted a proposal to provide the following services not to exceed \$5,000.00:

1. Research funding opportunities
2. Develop letters of inquiries on behalf of the Township
3. Write, edit, and draft grant applications including executive summaries and conclusions

**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 2-01-20-100-028.

**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 GCH Nonprofit Management Services, Morristown, New Jersey, not to exceed \$5,000 for grant consulting 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.

Adopted: March 28, 2022

**RESOLUTION 2022-056**  
**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.

Municipal Building / Police Facilities

- (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 **March 28, 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: March 28, 2022

**RESOLUTION 2022-057**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM 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 147, Lot 30 – 2017 assessment to be reduced to \$1,300,000, resulting in an anticipated refund in the amount of \$6,100.60.
2. Block 127, Lot 94.03 – 2018 assessment to be reduced to \$1,600,000 and the 2019 assessment to be reduced to \$1,325,000, resulting in an anticipated refund in the amount of \$8,633.68.
3. Block 142, Lot 71 – 2020 assessment to be reduced to \$1,600,000, resulting in an anticipated refund in the amount of \$5,925.32.

ADOPTED: March 28, 2022

**ORDINANCE 05-2022**  
**TOWNSHIP OF MENDHAM**  
**COUNTY OF MORRIS COUNTY, STATE OF NEW JERSEY**

CALENDAR YEAR 2022

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP  
BANK  
(N.J.S.A. 40A:4 45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Township of Mendham, in the County of Morris, finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, , the Township Committee hereby determines that a 3.5% increase in the budget for said year, is estimated to be \$263,223.80 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Mendham, in the County of Morris, a majority of the full authorized of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Mendham shall, in accordance with this ordinance and N.J.S.A. 40: 45.14, be increased by 3.5%, amounting to \$263,223.80 and that the CY 2021 municipal budget for the Township of Mendham be approved and adopt accordance with ordinance; and,

BE IF FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, with the that a Director certified copy of this ordinance as of the Division of Local Government Services within 5 days of introduction; and,

BE IF FURTHER ORDAINED that a certified copy adoption, with the recorded vote included thereon be within 5 days after such adoption of this ordinance upon field with said Director

**ORDINANCE 01-2022**  
**TOWNSHIP OF MENDHAM**  
**COUNTY OF MORRIS, STATE OF NEW JERSEY**

ORDINANCE APPROPRIATING \$20,000 FROM THE MENDHAM SEWER EAST CAPITAL IMPROVEMENT FUND IN ORDER TO PROVIDE FOR THE INSTALLATION OF A TELEMTRY SYSTEM FOR THE MENDHAM SEWER EAST UTILITY TO PROVIDE COMMUNICATION BETWEEN THE PLANT AND THE PUMP STATION IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. \$20,000 from the Mendham Sewer East Capital Improvement Fund is hereby appropriated to provide for the installation of a telemetry system for the Mendham Sewer East Utility to provide communication between the plant and the pump station in and by the Township of Mendham, in the County of Morris, New Jersey (the "Township").

Section 2. 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 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 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

**ORDINANCE 02-2022  
TOWNSHIP OF MENDHAM  
COUNTY OF MORRIS, STATE OF NEW JERSEY**

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE MENDHAM WEST SEWER UTILITY SYSTEM IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (with 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$200,000, including the sum of \$10,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$190,000 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 the improvement of the Mendham West Sewer Utility System by the

major repair, rehabilitation, retrofit or replacement of parts and equipment, including testing, engineering, design, construction management and related work and costs.

(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, 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.

(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 \$190,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 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 makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The

Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. 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 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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 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. 03-2022  
TOWNSHIP OF MENDHAM  
COUNTY OF MORRIS, STATE OF NEW JERSEY**

AN ORDINANCE OF THE TOWNSHIP OF MENDHAM AMENDING CHAPTER 229 "NOISE"

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BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MENDHAM, NEW JERSEY, AS FOLLOWS:

**SECTION 1.** Existing Chapter 229 entitled "NOISE" is hereby deleted in its entirety and replaced with the following new Chapter 229 entitled "NOISE"

**CHAPTER 229 NOISE**

**§ 229-1. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this chapter have the same meaning as those defined in N.J.A.C. 7:29.

**CONSTRUCTION** — means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures

**dB(C)** — The sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

**DEMOLITION** — means any dismantling, destruction or removal of buildings, structures, or roadways.

**DEPARTMENT** — means the New Jersey Department of Environmental Protection.

**EMERGENCY WORK** — means any work or action necessary at the site of an emergency to restore or deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

**IMPULSIVE SOUND** — means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

**MINOR VIOLATION** — A violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

**MOTOR VEHICLE** — means any vehicle that is propelled other than by human or animal power on land.

**MUFFLER** — means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

**MULTI-DWELLING-UNIT BUILDING** — Any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple-family houses, townhouses, and attached residences.

**MULTIUSE PROPERTY** — means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- B. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

**NOISE CONTROL OFFICER (NCO)** — means a trained employee designated by the Township of Mendham, or an employee of a municipal, county or regional health agency (Board) which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities, or an employee of the Township of Mendham. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

**PLAINLY AUDIBLE** — means any sound that can be detected by an NCO using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO need not determine the title, specific words, or the artist performing the song.

**PRIVATE RIGHT-OF-WAY** — means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a nongovernmental entity.

**PUBLIC RIGHT-OF-WAY** — means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

**PUBLIC SPACE** — means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

**REAL PROPERTY LINE** — means either:

- A. The vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property;
- B. The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling- unit building; or
- C. On a multiuse property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multiuse property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit).

**Note:** This definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

**SOUND PRODUCTION DEVICE** — means any device whose primary function is the production of sound, including, but not limited to, any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

**SOUND-REDUCTION DEVICE** — means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

**WEEKDAY** — means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

**WEEKENDS** — Beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

#### **§ 229-2. Applicability.**

- A. This chapter applies to sound from the following property categories:
- (1) Industrial facilities;
  - (2) Commercial facilities;
  - (3) Public service facilities;
  - (4) Community service facilities;
  - (5) Residential properties;
  - (6) Multiuse properties;
  - (7) Public and private rights-of-way;
  - (8) Public spaces; and
  - (9) Multi-dwelling-unit buildings.
- B. This chapter applies to sound received at the following property categories:
- (1) Commercial facilities;
  - (2) Public service facilities;
  - (3) Community service facilities (i.e., nonprofits and/or religious facilities);
  - (4) Residential properties;
  - (5) Multiuse properties;
  - (6) Multi-dwelling-unit buildings.
- C. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

#### **§ 229-4. Exemptions.**

Exemptions are as follows:

- A. Except as provided in §§ 229-8 and 229-9 below, the provisions of this chapter shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5. Note-The exemption for “agriculture” applies only to traditional agricultural activities; e.g. the operation of farm equipment in the nature of tractors, planters, harvesters, to cultivate the soil, produce crops and raise livestock. The “Guidelines for the Investigation of Noise Complaints” promulgated by the State of New Jersey shall be applicable in the adjudication of any issued violations.
- B. Sound generated in the performance of any public or governmental function by persons authorized to perform such functions. (Governmental assemblies, sanctioned public events, parades, etc.)
- C. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

- D. Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II except as provided for in § 229-8 below.
- E. Emergency stand by generators, during times of testing and when acting to supply power.

**§ 229-4. Enforcement officers.**

- A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this chapter and pursue enforcement activities.
- B. Noise Control Officers may cooperate with NCOs of an adjacent municipality in enforcing one another's municipal noise ordinances.

**§ 229-5. Measurement protocols.**

- A. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2 et. seq., except that interior sound level measurements shall also conform with the procedures set forth in § 229-5B of this chapter and with the definition of "real property line" as contained herein.
- B. When conducting indoor sound level measurements across a real property line, the measurements shall be taken at least three feet from any wall, floor or ceiling, and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

**§ 229-6. Maximum permissible sound levels.**

- A. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in § 229-3A above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Table I or II when measured at or within the real property line of any of the receiving properties listed in Table I or II or except as specified in § 229-6B.
- B. When measuring total sound or residual sound within a multiuse property, or within a residential unit when the property line between it and the source property is a common wall, all exterior doors and windows shall be closed, and the measurements shall be taken in the center of the room most affected by the noise. Residual sound shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound or residual sound, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.
- C. Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multiuse property (e.g., sound generated within a commercial unit of a multiuse property building and received within a residential unit of the same building) or multi-dwelling unit building. In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, such as in a multi-dwelling-unit building. The allowable sound level standards for indoors are as shown in Tables I and II.
- D. Impulsive sound. Impulsive sound shall not equal or exceed 80 decibels at all times.

**§ 229-7. Sound production devices.**

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Tables I and II when measured within the residence of a complainant according to the measurement protocol in § 229-5B of this chapter. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

## § 229-8. Restricted uses and activities.

A. The following standards shall apply to the activities or sources of sound set forth below:

- 1) Excluding emergency work, power tools, home maintenance tools, landscaping and/ or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 7:00 p.m. and 7:00 a.m., unless such activities can meet the applicable limits set forth in Table I and II. At all other times the limits set forth in Table I and II do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device.
- 2) Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g., commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g., golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, Saturdays. No commercial use of power tools, landscaping and/or yard maintenance equipment shall be permitted on Sundays and federal holidays. ~~or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays,~~ unless such activities can meet the limits set forth in Tables I and II. At all other times the limits set forth in Table I and II do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound-reduction device.
- 3) Commercial construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays. No commercial construction and demolition shall be conducted on Sundays and federal holidays, unless such activities can meet the limits set forth in Table I and II. At all other times the limits set forth in Table I and II do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound- reduction device.
- 4) Motorized snow-removal equipment shall be operated with a muffler and/or a sound- reduction device when being used for snow removal. When Motorized snow removal equipment is being used for snow removal, the limits set forth in Table I and II do not apply.
- 5) All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes for continuous airborne sound and 15 minutes for intermittent sound after it has been activated. When interior and exterior burglar alarms of a building or motor vehicle are activated in this manner, the limits set forth in Table I and II do not apply.
- 6) Self-contained, portable, non-vehicular music or sound-production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator.
- 7) It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
  - a) Vocalizing (howling, yelping, barking, squawking, etc.) for five minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or

- b) Vocalizing for 20 minutes intermittently, defined as an average of two vocalizations or more per minute in that period.  
(It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.)

#### **§ 229-9. Motor vehicles.**

Violations of each subsection of this section shall be considered purposeful and therefore non-minor violations.

- A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

#### **§ 229-10. Enforcement**

- A. Violation of any provision of this chapter shall be cause for a notice of violation (NOV) or a notice of penalty assessment (NOPA) (individually or collectively the enforcement document(s)) to be issued to the violator by the Noise Control Officer.
- B. Any person who violates any provision of this chapter shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of September, 2021. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- C. Upon identification of a violation of this chapter the Noise Control Officer shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this chapter that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- D. If the violation is deemed by the Noise Control Officer to be a minor violation (as defined in § 229-2 of this chapter) an NOV shall be issued to the violator.
  - 1) The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide him or her with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
  - 2) The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq., where the responsible party's/violator's voluntary action can prevent a formal enforcement

action with penalties issued by the Township of Mendham. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

- E. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of September, 2021, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- F. The violator may request, from the Noise Control Officer, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- G. The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- H. The Noise Control Officer may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- I. Any claim for a civil penalty may be compromised and settled based on the following factors:
  - 1) Mitigating or any other extenuating circumstances;
  - 2) The timely implementation by the violator of measures which lead to compliance;
  - 3) The conduct of the violator; and
  - 4) The compliance history of the violator.

#### **§ 229-11. Common Law Remedies Preserved**

##### **SECTION 1.**

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

##### **SECTION 2.**

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 3.**

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 4.**

This Ordinance shall take effect after final passage and publication pursuant to law.



# NOISE

229 Attachment 1

**Table I**  
**Maximum Permissible A-Weighted Sound Levels**

No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in § 121-2A in such a manner as to create a sound level that equals or exceeds the sound levels listed below.

A. Outdoors.

Receiving Property Category	Residential Property or Residential Portion of a Multiuse Property		Commercial Facility, Public Service Facility, Nonresidential Portion of a Multi-Use Property, or Community Service Facility
	7:00 a.m. - 10:00 p.m.	10:00 p.m. - 7:00 a.m.	24 hours
Maximum A-weighted sound level standard, (dB)	55	50	55

B. Indoors.

Receiving Property Category	Residential Property or Residential Portion of a Multiuse Property		Commercial Facility*, or Nonresidential Portion of a Multi-Use Property
	7:00 a.m. - 10:00 p.m.	10:00 p.m. - 7:00 a.m.	24 hours
Maximum A-weighted sound level standard, (dB)	55	40	55

\* In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

# NOISE

229 Attachment 2

**Table II  
Maximum Permissible Octave Band Sound-Pressure Levels in Decibels**

A. No person shall cause, suffer, allow or permit the operation of any source of sound on any source property listed in § 121-2A in such a manner as to create a sound pressure level that equals or exceeds the sound levels listed below in one or more octave bands.

B. When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

Receiving Property Category	Residential Property or Residential portion of a multi-use property		Residential property or residential portion of a multi-use property		Commercial facility, public service facility, nonresidential portion of a multi-use property, or community service facility	Commercial facility* or nonresidential portion of a multi-use property
	Outdoors		Indoors		Outdoors	Indoors
Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)	Octave Band Sound Pressure Level (dB)
Time	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

*\*In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.*

**ORDINANCE 04-2022**  
**ORDINANCE OF THE TOWNSHIP OF MENDHAM AUTHORIZING EXECUTION OF A LEASE AGREEMENT**  
**BETWEEN THE TOWNSHIP OF MENDHAM AND THE RALSTON CIDER MILL, A NONPROFIT**  
**CORPORATION**

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

Section 1.       The lease between the Township of Mendham, as landlord, and the Ralston Cider Mill, a New Jersey nonprofit corporation, as tenant, of a certain parcel of real estate owned by the Township and comprised of 4.541 acres of land, the building in which the Ralston Cider Mill is located, the cider presses, machinery and equipment which constitute the Ralston Cider Mill and the residence located on the property, is hereby approved, and the Mayor and Township Clerk are hereby authorized and directed to execute and deliver the lease on behalf of the Township.

Section 2.       This ordinance shall take effect upon final adoption.

# TOWNSHIP COMMITTEE

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