

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE  
REGULAR MEETING**

**DATE:** Monday, March 11, 2024  
**TIME:** 6:00 PM – 7:00 PM - FINANCE COMMITTEE  
7:00 PM - EXECUTIVE SESSION  
7:30 PM- REGULAR MEETING



**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  
Mr. Monaghan  
Ms. Moreen  
Ms. Spirig  
Mayor Neibart

**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 5, 2024. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

**RESOLUTION TO CONVENE INTO EXECUTIVE SESSION**

**2024-055 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**

**EXECUTIVE SESSION**

Will not be a public session. Executive session only

**PRESENTATION**

Environmental Commission Annual Report for 2023

**ANNOUNCEMENTS**

**ORDINANCE FOR INTRODUCTION**

**02-2024 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM COUNTY OF MORRIS, STATE OF NEW JERSEY CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4 45.14)**

PUBLIC HEARING APRIL 8, 2024

**OPEN TO THE PUBLIC**

Mayor Neibart 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 Neibart.

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 26, 2024 – Executive Session Meeting Minutes
- February 26, 2024- Regular Meeting Minutes

**CONSENT AGENDA RESOLUTIONS**

**2024-056 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**

**2024-057 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING RAFFLE LICENSE – WEST MORRIS JUNIOR WOMANS CLUB**

**2024-058 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF MILEAGE REIMBURSEMENT FOR STEPHEN SHEA BUILDING SUB-CODE INSPECTOR**

**REGULAR AGENDA RESOLUTIONS**

**2024-059 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 FRENCH AND PARRELLO ASSOCIATES FOR ENGINEERING SERVICES FOR THE VALUATION OF THE MENDHAM EAST AND WEST SEWER UTILITIES**

**2024-060 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING THE CONTRACT FOR S. HOURAN USA CONTRACTORS, LLC FOR CHANGES TO THE TOWN HALL IMPROVEMENTS INCLUDING MOLD REMEDIATION, HVAC RE-DESIGN AND ASBESTOS**

**2024-053 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

RESOLUTION 2024-053 TABLED FROM 2-26-2024.

**DISCUSSION**

Town Hall Renovation Update

Ordinance Template

Survey Process & Questions for Solicitating Resident Feedback on East & West Main Street Proposal

Ash Tree Removal Update

Environmental Commission Request for Pedestrian Easement on Brocken Drive

Brookrace Dam Repair Financing

## **OPEN TO THE PUBLIC**

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All comments should be directed to Mayor Neibart.

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.

## **LIAISON REPORTS**

## **ADJOURN**

**RESOLUTION 2024-055**

**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.



(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 11, 2024 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: March 11, 2024

**ORDINANCE 02-2024  
TOWNSHIP OF MENDHAM  
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**CALENDAR YEAR 2024  
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 2024 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 \$275,476.31 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 2024 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 \$272,476.31 and that the CY 2024 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.

Introduced: March 11, 2024

**RESOLUTION 2024-056**  
**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: March 11, 2024

**RESOLUTION 2024-057**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**APPROVING RAFFLE LICENSE – WEST MORRIS JUNIOR WOMANS CLUB**

**WHEREAS**, the below listed organization has applied for a raffle license; and

**WHEREAS**, the Acting Township Clerk has reviewed said application, finding the application to be satisfactory and recommends that the Township Committee approve same; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the following application for a raffle license be and hereby approved.

ORGANIZATION	DATE OF RAFFLE	TYPE OF RAFFLE
West Morris Junior Womans Club	March 13, 2024	Off-Premise Merchandise Draw

Adopted: March 11, 2024



**RESOLUTION 2024-058**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**AUTHORIZING THE PAYMENT OF MILEAGE REIMBURSEMENT FOR STEPHEN SHEA**  
**BUILDING SUB-CODE INSPECTOR**

**WHEREAS**, Stephen Shea was appointed by the Township as Building Subcode Inspector in 2018; and

**WHEREAS**, As part of the regular duties of a subcode inspector requires driving to and from various inspections; and

**WHEREAS**, the Plumbing, Electrical, and Fire Inspectors all receive a mileage stipend; and

**WHEREAS**, The Township Administrator and Construction Official recommend paying mileage reimbursement to Stephen Shea at a rate equivalent to the official IRS rate (currently 67 cents per mile); and

**WHEREAS**, Stephen Shea will be required to submit a weekly mileage log; and

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Township Committee of the Township of Mendham, County of Morris, authorize the mileage reimbursement to Stephen Shea for his Mendham Township building subcode inspections based on the annual IRS Rate (67 cents per mile for 2024)

Adopted: March 11, 2024

**RESOLUTION 2024-059**

**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 FRENCH AND PARRELLO ASSOCIATES FOR ENGINEERING SERVICES FOR THE  
VALUATION OF THE MENDHAM EAST AND WEST SEWER UTILITIES**

**WHEREAS**, the Township of Mendham is in need of an engineer to review and value the Mendham East and West Sewer Plants for the purpose of possibly selling the sewer systems; and

**WHEREAS** French and Parrello and Eric C. Betz, P.E., Vice President and Senior Project Consultant and Director of Water and Wastewater, , will provide engineering services for the valuation of the Mendham East and West Sewer Systems at an amount not to exceed \$29,500; as outlined in the proposal dated September 27, 2023; 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**, the provisions of N.J.S.A. 19:44A-20.4 or 20.5 concerning appointment through a non-fair and open contract require a resolution of the governing body when the total value of all such contracts in a year to a single firm exceed \$17,500; and

**WHEREAS**, French and Parrello will provide and submit 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 Township Chief Financial Officer will provide the funding for this contract in the 2024 Temporary and final budget for the Sewer East and Sewer West Utilities.

**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 French and Parrello Associates not to exceed \$29,500 for a sewer system valuation.

**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: March 11, 2024

**RESOLUTION 2024-060**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**AMENDING THE CONTRACT FOR S. HOURAN USA CONTRACTORS, LLC**  
**FOR CHANGES TO THE TOWN HALL IMPROVEMENTS INCLUDING MOLD REMEDIATION,**  
**HVAC RE-DESIGN AND ASBESTOS**

**WHEREAS**, the Township of Mendham has authorized a contract with S. Houran USA Contracting, LLC for the construction and improvements to Town Hall at 2 West Main Street; and

**WHEREAS**, it has been determined that mold has been found on the first floor in the Children's Library area and needs to be remediated at a cost of \$16,800; and

**WHEREAS**, it has been determined a modification to the Main Supply and Return Ductwork for the new roof top HVAC Unit and Curb Extender is necessary due to a change in design by the manufacturer at an estimated cost of \$10,358.61; and

**WHEREAS**, it has been determined a modification to asbestos was found in roofing materials during removal of the existing roof membrane, parapet reconstruction and was unforeseen at the time the roof repairs at a cost of \$10,954.65; and

**WHEREAS**, these changes were unforeseen by the contractor and reviewed and approved by the architect; 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 that the contract with S. Houran USA be amended for an additional \$38,113.26.

**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 11, 2024

**RESOLUTION 2024-053**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM  
SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Township of Mendham strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, the Township of Mendham hereby acknowledges that the residents of the Township of Mendham desire a stable, sustainable future for themselves and future generations; and

**WHEREAS**, the Township of Mendham wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically sound, local government practices; and

**WHEREAS**, by endorsing a sustainable path the Township of Mendham is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, as elected representatives of the Township of Mendham, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

**NOW THEREFORE, BE IT RESOLVED** that to focus attention and effort with the Township of Mendham on matters of sustainability, the Township Committee wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Mendham that we do hereby authorize Michael Rohal to serve as the Township of Mendham's agent for the Sustainable Jersey Municipal Certification process and authorize the agent to complete the Municipal Registration on behalf of the Township of Mendham.

Adopted: March 11, 2024

## ZOOM ACCESS

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83056885715?pwd=cC9CbWdwMmdEcHdlaDZrTisvSWM1UT09>

Passcode: 881718

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Telephone:

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+1 719 359 4580 US

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