



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: Monday, April 11, 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

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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.

PROCLAMATION

- Autism Awareness Month

PRESENTATION

- 2022 Municipal Budget

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

- Special and Executive Session of August 16, 2021
- Executive Session of September 13, 2021
- Regular and Special Meeting of September 27, 2021

REGULAR AGENDA – RESOLUTIONS

- 2022-058** Resolution of the Township Committee of the Township of Mendham Authorizing Substitution of Performance Surety (Bond) of K. Hovnanian at Hillendale, LLC and Release of Performance Guaranty of Pinnacle Ventures, LLC
- 2022-059** Resolution of the Township Committee of the Township of Mendham Approving the Sharing Project to Utilize the Mt. Pleasant Road Baseball Field
- 2022-060** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2022-061** Resolution of the Township Committee of the Township of Mendham Introduction of the 2022 Municipal Budget and Establish Hearing Date

ORDINANCE(S)– PUBLIC HEARING / SECOND 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)
Introduced on March 28, 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

- Morris County Draft Farmland Preservation Plan

LIAISON REPORTS

ADJOURN

RESOLUTION 2022-058

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
SUBSTITUTION OF PERFORMANCE SURETY (BOND) OF K. HOVNANIAN AT HILLENDALE, LLC AND
RELEASE OF PERFORMANCE GUARANTY OF PINNACLE VENTURES, LLC**

WHEREAS, the Township of Mendham (the "Township") by and through its Planning Board did previously grant certain approvals relating to property identified as Block 100 Lot 17.03 also known as St. Johns the Baptist and or Hillendale; and

WHEREAS, a form of Developers Agreement dated November 19, 2021 has been approved and executed by Pinnacle Ventures, LLC and the Township of Mendham; and

WHEREAS, pursuant to said agreement a letter of credit (Lakeland Bank No. 630066853) was submitted to Mendham Township posted by Hospitality Resources-Hillendale, LLC to guarantee, among other matters, the reconstruction of St. John's Drive; and

WHEREAS, the Township has been advised that the project will now proceed under K. Hovnanian Homes (K. Hovnanian at Hillendale, LLC) which entity has posted a Performance Surety Bond in the amount of \$619,719.56 (Harco National Insurance Company) and a cash bond in the amount of \$68,856.84; and

WHEREAS, the Township has been asked to accept the replacement guaranty of K. Hovnanian and release the existing letter of Credit; and

WHEREAS, the replacement Surety Bond is in good order.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Mendham that the Township Clerk and Chief Financial Officer are hereby authorized to accept the replacement Performance Surety of K. Hovnanian at Hillendale, LLC and to release the Lakeland Bank Letter of Credit posted by Hospitality Resources-Hillendale, LLC.

Adopted: April 11, 2022

RESOLUTION 2022-059

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP MENDHAM APPROVING THE SHARING PROJECT TO UTILIZE THE MT. PLEASANT ROAD BASEBALL FIELD

WHEREAS, The Sharing Project was launched in 2020 by West Morris Mendham High School seniors Matthew Borinshteyn and Matthew Goldgirsh to grow vegetables for area food pantries; and

WHEREAS, The Sharing Project was established as a nonprofit 501(c)(3); has donated more than 1,200 pounds of vegetables to food banks; sponsored an educational Young Gardener Club; collected items to fill holiday stockings for the Chester Mendham Food Pantry; successfully fund-raised; and has been supported by residents, farmers, teachers, businesses, Girl Scouts, township and Morris County employees and other nonprofit organizations; and

WHEREAS, The Sharing Project has requested approval from the Township Committee to utilize the former Mount Pleasant baseball field to create a permanent home, including installing 20, 8'x4' raised garden beds, (half for use by The Sharing Project volunteers to grow produce for donations and half for residents to rent as members of a community garden); to construct an outdoor learning center to host Young Gardener Club sessions; and to install a metal fence to enclose and protect the garden area; and

WHEREAS, The Sharing Project has asked to work under the umbrella of the township Environmental Commission, under this agreement to utilize the property through 2032, with the opportunity for an extension; and

WHEREAS, the baseball field was long ago abandoned and has not been used by local sports leagues or the township for any purpose; and

WHEREAS, the Township Committee believes the Sharing Project has a strong track record of success and offers the town an opportunity to revitalize this property and provide benefits to residents and to families in need within the broader community of Morris County; and

WHEREAS, The Sharing Project has committed to ensuring the property is well-maintained; kept in an orderly condition; and properly managed; and

WHEREAS, the township reserves the right to terminate this agreement and to take possession of the property at any time should the Township identify an alternate use of the site, or if The Sharing Project loses its 501(3)(c) status, becomes inactive, violates or defaults on any of its obligations under this agreement or neglects to maintain the property, and if the violation, default or neglect is not cured within one hundred and twenty (120) days after the township gives written notice to The Sharing Project; and

WHEREAS, The Sharing Project shall annually submit a report by Dec. 1 of each year to the Township Administrator setting out the use to which the property was put during the year; and the activities undertaken by The Sharing Project in furtherance of the purpose for which the agreement was granted.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham does grant permission to The Sharing Project to create and manage a garden at the Mount Pleasant baseball field, as outlined in this Resolution.

BE IT FURTHER RESOLVED, the agreement shall begin on April 11, 2022, for a period of 10 years, with the option for an extension, and only if the provisions of this agreement are upheld.

Adopted: April 11, 2022

RESOLUTION 2022-060
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: April 11, 2022

RESOLUTION 2022-061
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
INTRODUCE 2022 MUNICIPAL BUDGET AND ESTABLISH PUBLIC HEARING DATE

MUNICIPAL BUDGET OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS FOR THE FISCAL YEAR 2022

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2022; and

BE IT FURTHER RESOLVED that said Budget be published in the Daily Record in the April 20, 2022 issue;

The Governing Body of the Township of Mendham does hereby approve the following as the Budget for the year 2022:

RECORDED VOTE: Ayes:
 Nays:
 Absent:
 Abstain:

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Mendham, County of Morris, on April 11, 2022.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 9, 2022 at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2022 may be presented by taxpayers or other interested parties.

Adopted: April 11, 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.

BE IT 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.

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.

BE IT 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.

TOWNSHIP COMMITTEE

ZOOM ACCESS INFORMATION

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