

**TOWNSHIP OF MENDHAM  
TOWNSHIP COMMITTEE  
REGULAR MEETING**

**DATE:** Monday, April 24, 2023  
**TIME:** 7:30 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.

**PROCLAMATION**

Honoring Dispatchers and Public Safety Telecommunicators

**RECOGNIZING NEW MEMBER**

Spencer J Raitt-Forest will be joining Brookside Engine Company as a senior member.

**PRESENTATION**

North Jersey RC&D Area, Inc  
Raritan Headwaters

**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**

- April 3, 2023 Special Meeting
- April 10, 2023 Regular Meeting

**REGULAR AGENDA RESOLUTIONS**

- 2023-075 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVAL OF THE LOSAP QUALIFICATION LIST FOR THE BROOKSIDE ENGINE COMPANY NO. 1, RALSTON ENGINE CO NO.1 AND MENDHAM TOWNSHIP FIRST AID SQUAD**
- 2023-076 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**
- 2023-077 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR THE ROTARY CLUB OF THE MENDHAMS**
- 2023-078 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR MENDHAM TOWNSHIP LIBRARY**
- 2023-079 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING PURCHASES OFF COOPERATIVE PURCHASING CONTRACTS AND NEW JERSEY STATE CONTRACTS PURSUANT TO N.J.S.A 40:A: 11-11, N.J.A.C. 5:34-7.1 AND N.J.S.A. 40A:11-12 (CALENDAR YEAR 2023)**
- 2023-080 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING MELVIN BERKOH AS A PART-TIME INTERN**
- 2023-081 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**

**ORDINANCE FOR SECOND READING / PUBLIC HEARING**

- 03-2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4 45.14)**  
Introduced April 10, 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**

Pitney Park Art Sculptures

**LIAISON REPORTS**

**EXECUTIVE SESSION**

**ADJOURN**

**RESOLUTION 2023-075**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVAL OF THE**  
**LOSAP QUALIFICATION LIST FOR THE BROOKSIDE ENGINE COMPANY NO. 1,**  
**RALSTON ENGINE CO NO.1 AND MENDHAM TOWNSHIP FIRST AID SQUAD**

**WHEREAS**, Ordinance 12-1999, adopted by the Township Committee of the Township of Mendham on August 18, 1999, created a Length of Service Award Program (LOSAP) in order to reward members of the volunteer Mendham Township Fire Department and Mendham Township First Aid Squad; and

**WHEREAS**, Brookside Engine Company No. 1, Ralston Engine Co No. 1 and Mendham Township First Aid Squad have provided the attached list of all members who have qualified for the 2022 LOSAP award.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that the eligibility list attached to this resolution are approved and will be posted in accordance with Chapter 388, P.L. 1997.

Adopted April 24, 2023

**RESOLUTION 2023-076**  
**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 April 24, 2023

**RESOLUTION 2023-077**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR THE ROTARY CLUB OF THE MENDHAMS**

**WHEREAS**, the State of New Jersey Division of Alcoholic Beverage Control requires that a Social Affair Permit be obtained by a bona fide, non-profit organization that wishes to hold a fund-raising event that encompasses the sale of alcoholic beverages; and

**WHEREAS**, the monies that accrue should be used for civic, religious, educational, or other purposes that are not for personal or profit-making corporate gain; and

**WHEREAS**, the application must be endorsed by the local issuing authority; and

**WHEREAS**, the Rotary Club of the Mendhams has submitted an application for a Social Affair Permit for their Fundraiser for the Rotary Club, May 5, 2023 from 6:30pm-10:00pm at Brookside Community Club, 1 East Main Street, Brookside, New Jersey; and

**WHEREAS**, the Township Committee of the Township of Mendham, as the local issuing authority, has no objection to the granting of this special permit and authorizes the Township Clerk to execute the application on its behalf.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham approves the issuance of a Social Affairs Permit to the Rotary Club of the Mendhams for its fundraiser event on May 5, 2023 and authorizes execution of the permit application.

Adopted: April 24, 2023

**RESOLUTION 2023-078**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR MENDHAM TOWNSHIP LIBRARY**

**WHEREAS**, the State of New Jersey Division of Alcoholic Beverage Control requires that a Social Affair Permit be obtained by a bona fide, non-profit organization that wishes to hold a fund-raising event that encompasses the sale of alcoholic beverages; and

**WHEREAS**, the monies that accrue should be used for civic, religious, educational, or other purposes that are not for personal or profit-making corporate gain; and

**WHEREAS**, the application must be endorsed by the local issuing authority; and

**WHEREAS**, Mendham Township Library has submitted an application for a Social Affair Permit for their Wine Tasting and Fundraiser Event on April 27, 2023 from 7pm-9pm at Brookside Community Club, 1 East Main Street, Brookside, New Jersey; and

**WHEREAS**, the Township Committee of the Township of Mendham, as the local issuing authority, has no objection to the granting of this special permit and authorizes the Township Clerk to execute the application on its behalf.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mendham approves the issuance of a Social Affairs Permit to Mendham Township Library for its Wine Tasting and Fundraiser Event on April 27, 2023 and authorizes execution of the permit application.

Adopted: April 24, 2023

**RESOLUTION 2023-079**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING**  
**PURCHASES OFF COOPERATIVE PURCHASING CONTRACTS AND NEW JERSEY STATE CONTRACTS**  
**PURSUANT TO N.J.S.A 40:A: 11-11, N.J.A.C. 5:34-7.1**

**AND N.J.S.A. 40A:11-12 (CALENDAR YEAR 2023)**

**WHEREAS**, The Township of Mendham, pursuant to NJSA 40A:11-11 and NJAC 5:34-17.1 et seq., may be resolution and without advertising for bids, purchase any goods and/or services off Cooperative Purchasing Contract of which the Township is an authorized member;

**WHEREAS**, the Township of Mendham, pursuant to NJSA 40A:11-12, may by resolution and without advertng for bids, purchase any goods and/or services off the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, does hereby authorize the use of the attached list of contracts.

Adopted April 24, 2023

**RESOLUTION 2023-080**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**APPROVING MELVIN BERKOH AS A PART-TIME INTERN**

**WHEREAS,** The New Jersey Municipal Managers Association of New Jersey (NJMMA) has a partnership with various Community Colleges throughout the State of New Jersey for purpose of providing students the opportunity to work as interns for municipalities; and

**WHEREAS,** The County College of Morris is a partner in the NJMMA management internship program; and

**WHEREAS,** The Township Administrator has identified various projects that would be suitable for an intern to complete as part of their curriculum at the County College of Morris; and

**WHEREAS,** The Township Administrator received several resumes from applicants interested in the internship program and is recommending Melvin Berkoh for the position of Intern at a rate of \$15.00 for a maximum of 135 hours; and

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mendham that Melvin Berkoh be appointed as an intern for a period of 135 hours starting in May of 2023.

Adopted April 24, 2023



**RESOLUTION 2023-081**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Mendham is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Mendham to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

(1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.  
ATTORNEY CLIENT PRIVILEGE MATTER

(2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

(3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

(4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

(7) Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

(8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

(9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, in the County of Morris, State of New Jersey, assembled in public session on **April 24, 2023 at 7:30 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: April 24, 2023

**ORDINANCE 03-2023  
TOWNSHIP OF MENDHAM  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
CALENDAR YEAR 2023**

**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 2023 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 \$262,530.91 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 2023 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 \$262,530.91 and that the CY 2023 municipal budget for the Township of Mendham be approved and adopted in accordance with this 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**, that a certified copy of this ordinance be sent to the Division of Local Government Services within 5 days of introduction; and,

**BE IF FURTHER ORDAINED** that a certified copy of adoption, with the recorded vote included thereon be sent within 5 days after such adoption and filed with said Director

Introduced April 10, 2023

## ZOOM ACCESS

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