



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: Monday, May 9, 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

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.

PROCLAMATION

- Mental Health Awareness Month

PRESENTATION

- Budget Presentation

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.*

If reading from a prepared statement, please provide a copy or email a copy to the Township Clerk at mtclerk@mendhamtownship.org.

APPROVAL OF MEETING MINUTES

- Regular Meeting Minutes of March 14, 2022
- Regular Meeting Minutes of March 28, 2022

- Regular Meeting Minutes of April 11, 2022 (Mr. Baio abstain)
- Special, Regular and Executive Session Minutes of April 25, 2022 (Mr. Orlins abstain)

REGULAR AGENDA – RESOLUTIONS

2022-068 Resolution of the Township Committee of the Township of Mendham Appointing Police Officer Victoria Di Maggio

Mr. Mills to administer the Oath of Office

2022-069 Resolution of the Township Committee of the Township of Mendham Self Examination of the 2022 Budget

2022-070 Resolution of the Township Committee of the Township of Mendham Authorizing the Budget to be Read by Title Only

BUDGET HEARING – 2022 MUNICIPAL BUDGET – PUBLIC COMMENT

2022-071 Resolution of the Township Committee of the Township of Mendham Adoption of the 2022 Municipal Budget

2022-072 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 Meeting Act, N.J.S.A. 10:4-12

2022-073 Resolution of the Township Committee of the Township of Mendham Appointing Wendy Parrinello, Administrative Clerk and Secretary for the Zoning Board of Adjustment for the Township of Mendham

2022-074 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

2022-075 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 40A: 11-11, N.J.A.C. 5:34-7.1 and N.J.S.A. 40a:11-12 (Calendar Year 2022) and Amending Resolution 2022-047 to Include a New Contract

2022-076 Resolution of the Township of Mendham, County of Morris, State of New Jersey Amending the Contract For LTI, Inc. for Landscaping Services and Addition of Maintenance of Pitney Park

ORDINANCE(S) INTRODUCTION / FIRST READING

08-2022 An Ordinance of the Township Committee of the Township of Mendham Amending Subsection 10-48: The Mendham East and West Water Pollution Control System Advisory Committee

SECOND READING/PUBLIC HEARING SCHEDULED FOR MAY 23, 2022

ORDINANCE(S) FOR SECOND READING / PUBLIC HEARING

06-2022 Bond Ordinance Providing for the Improvement of Roads in and by the Township of Mendham, in the County of Morris, New Jersey, Appropriating \$1,255,000 Therefor, Including \$411,700 Expected to be Received as a FY 2021 New Jersey Department of Transportation Grant, and Authorizing the Issuance of \$1,255,000 Bonds or Notes of the Township to Finance the Cost Thereof

Introduced on April 25, 2022

07-2022 Ordinance Appropriating \$50,000 from the Capital Improvement Fund in Order to Provide for Guard Rail Replacement in and by the Township of Mendham, in the County of Morris, New Jersey

Introduced on April 25, 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.*

If reading from a prepared statement, please provide a copy or email a copy to the Township Clerk at mtclerk@mendhamtownship.org.

DISCUSSION

LIAISON REPORTS

ADJOURN

RESOLUTION 2022-068
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING POLICE OFFICER VICTORIA DI MAGGIO

WHEREAS, a vacancy exists in the rank of patrolman within the Mendham Township Police Department; and

WHEREAS, an interview process was conducted to find the most qualified person to hire in this capacity and Victoria Di Maggio possesses the necessary qualifications for employment as a Police Officer; and

WHEREAS, Chief Ross Johnson recommends Victoria Di Maggio be appointed as a Probationary Police Officer at a salary in accordance with the contract between the Township of Mendham and Mendham Township PBA Local 402.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Committee of the Township of Mendham that Victoria Di Maggio is hereby appointed as full-time Police Officer for the Township of Mendham.

Adopted: May 9, 2022

RESOLUTION 2022-069
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
SELF EXAMINATION OF THE 2022 BUDGET
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Mendham* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Mendham that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Adopted: May 9, 2022

RESOLUTION 2022-070
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE
BUDGET TO BE READ BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8, provides that the budget may be read by title only at the time of the public hearing, if a resolution is passed by not less than a majority of the full governing body, provided that at least one (1) week prior to the date of the hearing a complete copy of the budget has been made available for public inspection, and has been made available to each person upon request; and

WHEREAS, these two conditions, as set forth above, have been met.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham authorizes the 2022 Budget be read by title only.

Adopted: May 9, 2022

2022-071
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
ADOPTION OF THE 2022 MUNICIPAL BUDGET

SECTION 2 - UPON ADOPTION FOR YEAR 2022										
RESOLUTION										
Be it Resolved by the		COMMITTEEPERSONS			of the		TOWNSHIP			
of		MENDHAM			County of		MORRIS			
that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:										
(a) \$	8,181,289.46	(Item 2 below) for municipal purposes, and								Resolution #
(b) \$	-	(Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,								
(c) \$	-	(Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.								
(d) \$	197,665.00	(Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy								
(e) \$	-	(Sheet 44) Arts and Culture Trust Fund Levy								
(f) \$	-	(Item 5 Below) Minimum Library Tax								
RECORDED VOTE		Ayes		Nays		Abstained		Absent		
(Insert last name)										
SUMMARY OF REVENUES										
1. General Revenues										
Surplus Anticipated						08-100	\$	1,492,025.22		
Miscellaneous Revenues Anticipated						13-099	\$	1,267,088.70		
Receipts from Delinquent Taxes						15-499	\$	250,000.00		
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)						07-190	\$	8,181,289.46		
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:										
Item 6, Sheet 42						07-195	\$	-		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)						07-191	\$	-		
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY						\$ -				
4. To Be Added to the Certificate for the Amount to be Raised by Taxation for Schools in Type II School Districts Only:										
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)						07-191				
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX						07-192	\$	-		
Total Revenues						13-299	\$	11,190,403.38		

RESOLUTION 2022-072
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.

**SOLID WASTE COLLECTION CONTRACT
RESPONSE TO CADB**

- (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 **May 9, 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: May 9, 2022

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Nick Monaghan, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on May 9, 2022.

Maria F. Coppinger, Township Clerk

RESOLUTION 2022-073
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING WENDY PARRINELLO, ADMINISTRATIVE CLERK AND SECRETARY FOR THE ZONING BOARD OF ADJUSTMENT FOR THE TOWNSHIP OF MENDHAM

WHEREAS, the Township of Mendham is in need of a qualified individual to serve an Administrative Clerk and Zoning Board of Adjustment Secretary of the Township; and

WHEREAS, Wendy Parrinello has been employed with the Township of Mendham in a part-time capacity since 2019 as Health Department Specialist and Communications and has demonstrated the skills necessary; and

WHEREAS, Wendy Parinello will become a full-time employee of the Township and continue with her duties as Health Specialist and Communications along with the additional duties of Board of Adjustment Secretary and Administrative Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY that Wendy Parrinello is appointed to the position of Administrative Clerk and Board of Adjustment Secretary at an annual salary of \$50,000.

Adopted: May 9, 2022

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Nick Monaghan, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on May 9, 2022.

Maria F. Coppinger, Township Clerk

RESOLUTION 2022-074
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: May 9, 2022

RESOLUTION 2022-075

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 40A: 11-11, N.J.A.C. 5:34-7.1 AND N.J.S.A. 40A:11-12 (CALENDAR YEAR 2022) AND AMENDING RESOLUTION 2022-047 TO INCLUDE A NEW CONTRACT

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

WHEREAS, the Township of Mendham, pursuant to N.J.S.A. 40A:11-12, may by resolution and without advertising 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.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, that it does hereby authorize the use of the attached list of contracts.

Adopted: May 9, 2022

VENDOR	CO-OP					DESCRIPTION
	BERGEN	ESCNJ	MCCPC	NJ STATE	SOMERSET	
ATLANTIC SALT, INC			CONTRACT # 41			ROAD SALT
AMERICAN ASPHALT & MILLING						
BEYER FORD, LLC		20/21-09		89263		VEHICLE MAINTENANCE, VEHICLES, HEAVY DUTY TURCKS
BEYER FORD, LLC				88727		VEHICLE MAINTENANCE, VEHICLES, HEAVY DUTY TURCKS
BEYER FORD, LLC				40813		VEHICLE MAINTENANCE, VEHICLES, HEAVY DUTY TURCKS
BEYER FORD, LLC				20-FLEET-01388		VEHICLE MAINTENANCE, VEHICLES, HEAVY DUTY TURCKS
BEYER FORD, LLC				19-FLEET-00913		VEHICLE MAINTENANCE, VEHICLES, HEAVY DUTY TURCKS
BUY WISE AUTO PARTS						VEHICLE MAINTENANCE AND SUPPLIES
CAMPBELL FOUNDRY			CONTRACT # 14	19-FLEET-00979		CATCH BASIN CASTINGS, INLETS AND MANHOES
COUNTY CONCRETE CORPORATION						
DENVILLE LINE PAINTING			CONTRACT # 36			
FIREFIGHTER ONE, LLC				17-FLEET-00807		
FOLEY						SUPPLIES AND EQUIPMENT
GARDEN STATE HIGHWAY PRODUCTS			CONTRACT # 28	21-FOOD-01583	CC-099-21	SIGNS, POSTS, AND SUPPLIES
GARDEN STATE HIGHWAY PRODUCTS				20-FLEET-01159		SIGNS, POSTS, AND SUPPLIES
GARDEN STATE HIGHWAY PRODUCTS				19-FLEET-01137		SIGNS, POSTS, AND SUPPLIES
GARDEN STATE HIGHWAY PRODUCTS				16-FOOD-00154		SIGNS, POSTS, AND SUPPLIES
GRAINGER				19-FLEET-00677		FACILITIES MAINTENANCE, SUPPLIES
GRAINGER				19-FLEET-00566		FACILITIES MAINTENANCE, SUPPLIES
GRIFFITH-ALLIED TRUCKING, LLC				19-FOOD-01105		DIELEL, FUEL, HETING OIL, GASOLINE
GRIFFITH-ALLIED TRUCKING, LLC				19-FOOD-00612		DIELEL, FUEL, HETING OIL, GASOLINE
GRIFFITH-ALLIED TRUCKING, LLC			CONTRACT #12	19-FLEET-00978		DIELEL, FUEL, HETING OIL, GASOLINE
HOME DEPOT				18-FLEET-00234		BUILDING/MAINT SUPPLIES
MAJOR POLICE SUPPLY				17-FLEET-00724		POLICE EQUIPMENT, FIREARMS
MAPLECREST FORD						
NAPA OF CHESTER (GENUINE PARTS CO)				42093		AUTO PARTS
PETERSON & SONS TREE SERVICE						
SPECTRUM COMMUNICATIONS				17-FLEET-00724		POLICE EQUIPMENT, FIREARMS, POLICE SUPPLIES
STAPLES BUSINESS						
TILCON, NEW YORK, INC			CONTRACT # 6			ROAD RESURFACING

RESOLUTION 2022-076
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING THE
CONTRACT FOR LTI, INC. FOR LANDSCAPING SERVICES AND ADDITION OF MAINTENANCE OF PITNEY
PARK

WHEREAS, the Township of Mendham has authorized a contract with LTI, Inc. for the Landscaping services throughout the Township; and

WHEREAS, it has been found necessary to include Pitney Park maintenance as part of the Landscaping services; and

WHEREAS, LTI Inc., has reviewed the park plans and is able to provide the additional services; at a cost of \$21,980; 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 Pitney Park Trust Fund and Capital Funds.

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 LTI, Inc be amended for an additional \$21,980 for the Pitney Park Maintenance.

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: May 9, 2022

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Nick Monaghan, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on May 9, 2022.

Maria F. Coppinger, Township Clerk

**ORDINANCE NO. 08-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS COUNTY, STATE OF NEW JERSEY**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING
SUBSECTION 10-48: THE MENDHAM EAST AND WEST WATER POLLUTION CONTROL SYSTEM
ADVISORY COMMITTEE**

WHEREAS; Ordinance 04-2021, adopted on March 22, 2021, established in the Township of Mendham a Mendham East and West Water Pollution Control System Advisory Committee; and

WHEREAS; the members of the Advisory Committee shall be appointed by the Township Committee and shall include *nine* members, consisting of Class 1 and Class 2 members; and

WHEREAS, Class 2 members consist of the mayor (or designee); the Township Committee Sewer East and West *Liaison*; the Township Administrator, and the Township Chief Financial Officer; and

WHEREAS, the Township Committee has determined that its necessary to amend the Class 2 membership to consist of the mayor (or designee); the Township Committee Sewer East and West *Liaisons*; the Township Administrator, and the Township Chief Financial Officer.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham, the County of Morris, State of New Jersey that the Class 2-membership, shall include the mayor (or designee); the Township Committee Sewer East and West *Liaisons*, the Township Administrator, and the Township Chief Financial Officer.

BE IT FURTHER RESOLVED that the nine-member advisory committee shall be amended to include *ten* members, consisting of Class 1 and Class 2 members.

**ORDINANCE 06-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF ROADS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$1,255,000 THEREFOR, INCLUDING \$411,700 EXPECTED TO BE RECEIVED AS A FY 2021 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, AND AUTHORIZING THE ISSUANCE OF \$1,255,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (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") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,255,000, including \$411,700 expected to be received as a FY 2021 New Jersey Department of Transportation grant (the "NJDOT Grant"). No down payment is required for the purpose described in Section 3(a) hereof pursuant to N.J.S.A. 40A:2-11(c) due to the funding available from the NJDOT Grant.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,255,000 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 roads involving milling and paving of Mt. Pleasant Road, Harding Terrace, Standish Drive, Walsingham Drive, Devonshire Road, Tingley Road Section 1, Olmstead Lane, Governors Drive and related areas, including acquisition of road supplies and materials, related and incidental work, and engineering for Woodland Road Phase 2 road work.

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

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

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

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 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 \$1,255,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$251,000 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 07-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**ORDINANCE APPROPRIATING \$50,000 FROM THE CAPITAL IMPROVEMENT FUND IN ORDER TO
PROVIDE FOR GUARD RAIL REPLACEMENT 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. \$50,000 from the Capital Improvement Fund is hereby appropriated to provide for guard rail replacement in 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.

**TOWNSHIP COMMITTEE
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