



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: Monday, May 23, 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.

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

- Executive Session Minutes of October 25, 2021
- Regular Meeting and Executive Session Minutes of May 9, 2022

CONSENT AGENDA – RESOLUTIONS

- 2022-077** Resolution of the Township Committee of the Township of Mendham Authorizing the Mendham Township Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C.72
- 2022-078** Resolution of the Township Committee of the Township of Mendham Approving the Submission of an Application to the New Jersey State Historic Preservation Office for the Renovation of the Municipal Building and Library at 2 West Main Street, Brookside
- 2022-079** Resolution of the Township Committee of the Township of Mendham to Approve Settlement of Real Property Tax Appeal
- 2022-080** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2022-081** Resolution of the Township Committee of the Township of Mendham Amending 2022 Budget Insertion of Special Item of Revenue for “State of New Jersey Recycling Tonnage Grant”
- 2022-082** Resolution of the Township Committee of the Township of Mendham Requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87
- 2022-083** Resolution of the Township Committee of the Township of Mendham for the Renewal of Plenary Retail Consumption Liquor License Sammy’s Ye Old Cider Mill
- 2022-084** Resolution of the Township Committee of the Township of Mendham to Permit the Consumption of Alcohol in Township Parks and Recreational Facilities for Township-Sponsored Events
- 2022-085** 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

REGULAR AGENDA - RESOLUTIONS

- 2022-086** Resolution of the Township Committee of the Township of Mendham Approval of the LOSAP Qualification List for the Brookside Engine Company No. 1 and Mendham Township First Aid Squad
- 2022-087** Resolution of the Township Committee of the Township of Mendham Appointing Gregory Budesheim, Foreman, Department of Public Works
- 2022-088** Resolution of the Township Committee of the Township of Mendham Appointing Michelle Stadta, Equipment Operator, Department of Public Works
- 2022-089** Resolution of the Township Committee of the Township of Mendham Governing Body Certification of the Annual Audit
- 2022-090** Resolution of the Township Committee of the Township of Mendham Governing Body Approving the Corrective Action Plan Required by the 2021 Annual Audit of the Township

- 2022-091** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Professional Services Contract for Professional Legal Services (Non-Fair and Open)
- 2022-092** Resolution of the Township Committee of the Township of Mendham for Renewal of Club Liquor License for Mendham Golf and Tennis Club
- 2022-093** Resolution of the Township Committee of the Township of Mendham Approving Staff Appointments for the Department of Recreation Summer Season

ORDINANCE(S) INTRODUCTION / FIRST READING

- 09-2022** Ordinance Appropriating \$123,000 from the Capital Improvement Fund in Order to Provide for Various Capital Improvements or Purposes in and by the Township of Mendham, in the County of Morris, New Jersey
Second Reading Public Hearing scheduled for June 13, 2022
- 10-2022** Bond Ordinance Providing for Various Capital Improvements in and by the Township of Mendham, in the County of Morris, New Jersey, Appropriating \$1,060,000 Therefor and Authorizing the Issuance of \$918,250 Bonds or Notes of the Township to Finance Part of the Cost Thereof.
Second Reading Public Hearing scheduled for June 13, 2022

ORDINANCE(S) FOR SECOND READING / PUBLIC HEARING

- 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
Introduced on May 9, 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 2022-077
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE
MENDHAM TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED
TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72

WHEREAS, Morris County Board of Taxation is unable to certify Township of Mendham's tax rate at this time and the Mendham Township Tax Collector will be unable to mail the Township's final 2022 tax bills on a timely basis; and

WHEREAS, the Mendham Township Tax Collector in consultation with the Mendham Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris and State of New Jersey on this 23rd day of May, 2022, as follows:

1. The Mendham Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2021 taxes.
2. The entire estimated tax levy for 2022 is hereby set at \$41,797,253.36.
3. In accordance with law the third installment of 2022 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Adopted: May 23, 2022

RESOLUTION 2022-078

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE FOR THE RENOVATION OF MUNICIPAL BUILDING AND LIBRARY AT 2 WEST MAIN STREET, BROOKSIDE

WHEREAS, the Township of Mendham Municipal Building and Library need renovations to bring the building infrastructure up-to-date to be ADA compliant; and

WHEREAS, Cornerstone Architectural Group, LLC has prepared design drawings and specifications for the necessary work to update the Municipal Building and Library at 2 West Main Street; and

WHEREAS, the Township Committee has reviewed and approved these design plans; and

WHEREAS, Main Street and intersecting streets in Brookside are a part of the Brookside Historic Preservation District; and

WHEREAS, the State Historic Preservation Office (SHPO) is requiring the Township to obtain permits for all significant construction activity within the Brookside Historic Preservation District which may change the character of the district to maintain the overall integrity of the Preservation District; and

WHEREAS, under the SHPO requirements, the Township needs to have their approval of the exterior plans and any related site improvements for the renovations of the Municipal Building and Library.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that the Township Administrator is authorized to file the necessary application form with the State of New Jersey Historic Preservation Office to obtain their approval for the improvements for 2 West Main Street, Brookside, New Jersey.

Adopted: May 23, 2022

RESOLUTION 2022-079
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO
APPROVE SETTLEMENT OF REAL PROPERTY TAX APPEAL

WHEREAS, the municipal tax assessor and tax appeal counsel have negotiated a settlement of a real property tax appeal pending in the Tax Court of New Jersey; and

WHEREAS, the settlement is 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 settlement is approved:

1. Block 146, Lot 22 – 2020 assessment to be reduced to \$1,750,000 and 2021 assessment to be reduced to \$1,650,000, resulting in an anticipated refund in the amount of \$11,222,31.

Adopted: May 23, 2022

RESOLUTION 2022-080
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 23, 2022

RESOLUTION 2022-081

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING 2022 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR "STATE OF NEW JERSEY RECYCLING TONNAGE GRANT"

WHEREAS, N.J.S.A 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2022 budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, that the Township Committee of the Township of Mendham in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$3,484.05 which is now available from the State of New Jersey for the Recycling Tonnage Grant.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$3,484.05 which is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations:

State of New Jersey – Recycling Tonnage Grant \$3,484.05

BE IT FURTHER RESOLVED that like sum of \$3,484.05 and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from "CAPS"

Public and Private Programs Off-set by Revenues:

State of New Jersey – Recycling Tonnage Grant \$3,484.05

Adopted: May 23, 2022

RESOLUTION 2022-082
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the *Township Committee* of the Township of Mendham in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$3,900 which is now available from the New Jersey Division of Mental Health and Addictions Services.

BE IT FURTHER RESOLVED, that the like sum of \$3,900 is hereby appropriated under the caption the New Jersey Division of Mental Health and Addictions Services; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Division of Mental Health and Addictions Services in the amount of \$3,900.

Adopted: May 23, 2022

RESOLUTION 2022-083

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM FOR THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE SAMMY'S YE OLD CIDER MILL

WHEREAS, application for the renewal of a Plenary Retail Consumption License (1419-33-001-002) has been made by Sammy's Ye Old Cider Mill, LLC, trading as Sammy's Ye Old Cider Mill, for premises located at 353 Mendham Road West, Township of Mendham, the period of such renewal to commence on July 1, 2022; and

WHEREAS, the applicants have complied with all of the requirements of the New Jersey Alcoholic Beverage Act, as amended and supplemented, and Section 7-3, Alcoholic Beverage Control, of Chapter VII, Licensing, of the Revised General Ordinances of the Township of Mendham, 1970, as amended and supplemented, including the submission of the appropriate license fee; and

WHEREAS, no objections to the renewal of said license have been received.

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

1. The Township Clerk is hereby authorized and directed to issue and deliver Retail Plenary Consumption License in the form approved by the New Jersey Division of Alcoholic Beverage Control for the year commencing July 1, 2022 and terminating June 30, 2023 to Sammy's Ye Old Cider Mill, LLC, trading as Sammy's Ye Old Cider Mill for premises situated on 353 Mendham Road West, Township of Mendham (License No. 1419-33-001-002).
2. A certified copy of this Resolution shall be forwarded by the Township Clerk to Sammy's Ye Old Cider Mill, LLC, trading as Sammy's Ye Old Cider Mill and State of New Jersey Alcoholic Beverage Control for their information and guidance.

Adopted: May 23, 2022

RESOLUTION 2022-084

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO PERMIT THE CONSUMPTION OF ALCOHOL IN TOWNSHIP PARKS AND RECREATIONAL FACILITIES FOR TOWNSHIP-SPONSORED EVENTS

WHEREAS, Pursuant to Section 245-2, Prohibited Activities, no person shall bring into, possess or consume any alcoholic beverage in any Township Park, except as may be specifically authorized by official action of the Township Committee; and

WHEREAS, the Recreation Department has organized a township-sponsored event, during which it is appropriate to allow for the consumption of alcohol.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham permits the consumption of alcohol during the Township-sponsored Fourth of July Fireworks Display to be held on July 1, 2022 (rain date July 2, 2022) at Mosle Field.

Adopted: May 23, 2022

RESOLUTION 2022-085
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.

IRONIA ROAD

- (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.

TOWNSHIP CLERK
HISTORIC PRESERVATION COMMITTEE

(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 23, 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 23, 2022

RESOLUTION 2022-086

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVAL OF THE LOSAP QUALIFICATION LIST FOR THE BROOKSIDE ENGINE COMPANY 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, and Mendham Township First Aid Squad have provided the attached list of all members who have qualified for the 2021 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.

BROOKSIDE ENGINE CO No. 1

Ackerman, William W
Ali, Shan
Anagnostis, Gregory T
Berman, Kevin P.
Betz, Jeffrey A
Carratie, Laurent P.
Cooper, Eric M
Daley, Patrick H
Gisser, Warren J
Gordon, Peter J.
Kalweit, Frederick C
Kemp, John D
Merritt, Michael J
Murali, Surya S.
Neibart, Sarah R
Rice, Sean M
Sauerma, Stephen M.
Sauerma, Stephen T.
Tolley, Samuel K
Trinkoff, Andrew T
Vanderbeek, Richard R
Wlazlowski, Robert B
Wolfson, Joshua R
Wood, Daniel A
Wood, Kayla R

FIRST AID SQUAD

George Budd
Bill Dunlevy
Leslie Dunlevy
Christine Hinson
Robin Johnston
Nanci Kane
Jason Leffler
Bob Marold
Patty Marold
Debra Nails
Barbara Nelson
Estelle Pasquier
John Ransegnola
Marlene Russell
Ghen Saito
Ty Saito
Nick Witczak
Harriet Zimmerman

Adopted: May 23, 2022

RESOLUTION 2022-087
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING
GREGORY BUDESHEIM, FOREMAN, DEPARTMENT OF PUBLIC WORKS

WHEREAS, due to the resignation of a Foreman in the Department of Public Works, a need has arisen to appoint a Foreman to fulfill the duties of the position, and

WHEREAS, the Township had advertised and received resumes for the position of Foreman, and

WHEREAS, it has been determined and recommended by the Superintendent of Public Works and Township Administrator that Gregory Budesheim, meets the requirement necessary to perform the function of Laborer and the duties and responsibilities of the position, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham that Gregory Budesheim is appointed to the position of Foreman at an annual salary of \$75,000 effective as of June 6, 2022.

Adopted: May 23, 2022

RESOLUTION 2022-088
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING
MICHELLE STADTA, EQUIPMENT OPERATOR, DEPARTMENT OF PUBLIC WORKS

WHEREAS, a need has arisen to appoint a Public Works Laborer/Equipment Operator to fulfill the duties of a vacant position, and

WHEREAS, the Township had advertised and received resumes for the position of Skilled Laborer/Operator, and

WHEREAS, it has been determined and recommended by the Superintendent of Public Works and Township Administrator that Michelle Stadta, meets the requirement necessary to perform the function of Equipment Operator and the duties and responsibilities of the position.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham that Michelle Stadta is appointed to the position of Equipment Operator at an annual salary of \$48,500 effective as of June 1, 2022.

Adopted: May 23, 2022

RESOLUTION 2022-089
RESOLUTION OF TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM GOVERNING BODY
CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: May 23, 2022

RESOLUTION 2022-090
RESOLUTION OF TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
GOVERNING BODY APPROVING THE CORRECTIVE ACTION PLAN REQUIRED BY THE 2021 ANNUAL
AUDIT OF THE TOWNSHIP

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, Local Finance Notice #92-15 requires that the Chief Financial Officer prepare a "Corrective Action Plan" to address any comments in the Annual Audit that require definable steps to resolve.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham, hereby states that the Corrective Action plan attached to and made a part of the Resolution is hereby approved.

TOWNSHIP OF MENDHAM
CORRECTIVE ACTION PLAN
2021 AUDIT

As required by Local Finance Notice #92-15

Finding 2021-1: Description: Adequate segregation of duties is maintained with respect to the recording and treasury functions.

Analysis: There is a reasonable balance between limited staffing in a small municipality and ideal internal controls. Administration has taken several measures in recent years to improve internal controls. Collection duties are shared among three employees in the Finance Department and prenumbered documents and monthly reports to the Chief Financial Officer are required by the other departments. Administration understands this balance and will continue to seek opportunities for enhancing all internal controls.

Corrective Action/Implementation Date: The Township will continue to evaluate possible measures to improve internal controls by investigating the cost/benefit relationship of various alternatives to resolve this finding.

Implementation Date: 5/23/2022

Adopted: May 23, 2022

RESOLUTION 2022-091

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR PROFESSIONAL LEGAL SERVICES (NON-FAIR AND OPEN)

WHEREAS, the Township of Mendham (the "Township") has a need to engage an attorney to render legal services to the Township in the area of farming with an emphasis on land use; and

WHEREAS, the practice of law is a licensed profession, regulated by the State of New Jersey requiring extensive knowledge and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, Michael B. Lavery, Esq. of the firm of Lavery, Selvaggi, Abromitis and Cohen, P.C. of Hackettstown, New Jersey possess the necessary specialized knowledge required by the Township; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey does hereby retain the services of Michael B. Lavery, Esq. and shall issue an engagement letter to him for legal services to rendered at the rate of \$150.00 per hour with a not to exceed amount of \$10,000. This authorization shall become effective upon the filing of a certificate of availability of funds by the Chief Financial Officer.

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 23, 2022

RESOLUTION 2022-092
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM FOR RENEWAL
OF CLUB LIQUOR LICENSE MENDHAM GOLF AND TENNIS CLUB

WHEREAS, application for the renewal of a Club License (1419-31-002-003) has been made by Mendham Golf and Tennis Club, for premises located at Golf Lane, Township of Mendham, the period of such renewal to commence on July 1, 2022; and

WHEREAS, the applicants have complied with all of the requirements of the New Jersey Alcoholic Beverage Act, as amended and supplemented, and Section 7-3, Alcoholic Beverage Control, of Chapter VII, Licensing, of the Revised General Ordinances of the Township of Mendham, 1970, as amended and supplemented, including the submission of the appropriate license fee to the Township Clerk; and

WHEREAS, no objections to the renewal of said license have been received.

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

1. The Township Clerk is hereby authorized and directed to issue and deliver the Club License in the form approved by the New Jersey Division of Alcoholic Beverage Control for the year commencing July 1, 2022 and terminating June 30, 2023 to Mendham Golf and Tennis Club for premises situated on Golf Lane, Township of Mendham (License No. 1419-31-002-003).
2. A certified copy of this Resolution shall be forwarded by the Township Clerk to Mendham Golf and Tennis Club and State of New Jersey Division of Alcoholic Beverage Control, for their information and guidance.

Adopted: May 23, 2022

RESOLUTION 2022-093

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF RECREATION SUMMER SEASON

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following named persons be paid from the Recreation Trust in accordance with the following:

SUMMER 2022

BROOKSIDE BEACH

Valencia Grob	Head Lifeguard	\$14.50/hour
Drew Brauner	Lifeguard	\$13.50/hour
Carly Orlins	Head Lifeguard	\$14.50/hour
Kare Barban	Head Lifeguard	\$14.50/hour
Cassandra Grob	Lifeguard	\$13.25/hour
Mike McGrath	Lifeguard	\$13.50/hour
Abigail McGrath	Lifeguard	\$13.50/hour
Cai Osner-Hackett	Lifeguard	\$13.00/hour
Marcus Maruiello	Lifeguard	\$13.00/hour
TJ Shaw	Lifeguard	\$13.00/hour
Chase Gannon	Lifeguard	\$13.00/hour
Libby Frumento	Check In/Snack Shack	\$12.00/hour
Molly Rockwell	Check In/Snack Shack	\$12.00/hour
Peter Inglis	Check In/Snack Shack	\$12.00/hour
Liam Atkins	Check In/Snack Shack	\$12.00/hour
Dustin Crumrine	Check In/Snack Shack	\$12.00/hour

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, approves the hiring of seasonal employees and a copy of this resolution be provided to the Recreation Director and the Chief Financial Officer.

Adopted: May 23, 2022

**ORDINANCE 09-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**ORDINANCE APPROPRIATING \$123,000 FROM THE CAPITAL IMPROVEMENT FUND IN ORDER TO
PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES 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. \$123,000 from the Capital Improvement Fund is hereby appropriated to provide for various capital improvements or purposes in the Township of Mendham, in the County of Morris, New Jersey (the "Township") as follows:

<u>Improvement or Purpose</u>	<u>Amount</u>
a) Acquisition of SUVs and equipment for the Police Department, including the buyout of an existing lease	\$70,000
b) Recreation improvements consisting of the major repair or replacement of fencing and other improvements at Brookside Beach, acquisition and installation of park furnishings, improvement of pickleball/tennis courts at Mt. Pleasant Park and a lighting study for Mosle Field to accommodate the proposed turf field	\$35,000
c) Acquisition of Emergency Management equipment consisting of a desk top radio for the Office of Emergency Management and a generator for the Brookside Community Club	\$18,000

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 10-2022
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$1,060,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$918,250 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,060,000, and further including the aggregate sum of \$141,750 as the several down payments for the improvements or purposes required by the Local Bond Law. \$41,750 of the down payments has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets for the purposes set forth in Sections 3(a), (b), (d) and (e) herein. \$75,000 of the down payments is on hand and contributed by the Board of Education for the purpose set forth in Section 3(c) herein. \$25,000 of the down payments is available from Police Off-Duty Administrative Fees for the purpose set forth in Section 3(f) herein.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$918,250 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of a tanker/water tender fire truck with equipment	\$525,000	\$498,750	10 years
b) Acquisition of an all-wheel drive dump truck with equipment	\$225,000	\$213,750	5 years
c) Acquisition and installation of gas tanks at the Department of Public Works	\$150,000 (including \$75,000 available from the Board of Education)	\$75,000	15 years
d) Supplemental appropriation for rehabilitation or replacement of the Salt Storage Shed (supplements ordinance #08-2021 finally adopted 5/10/2021)	\$50,000 (in addition to \$80,000 appropriated by ordinance #08-2021 finally adopted 5/10/2021)	\$47,500	15 years
e) Acquisition of body cameras for the Police Department	\$35,000	\$33,250	5 years
f) Acquisition of a generator for the Police Department	<u>\$75,000</u> (including \$25,000 from Police Off Duty Administrative Fees)	<u>\$50,000</u>	15 years
Totals:	<u>\$1,060,000</u>	<u>\$918,250</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.59 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 \$918,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$212,000 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 purposes or improvements.

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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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. 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.

**TOWNSHIP COMMITTEE
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