

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, May 8, 2023
TIME: 6:30 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.

PRESENTATION

2023 Municipal Budget

PROCLAMATION

AAPJ Heritage Month (Asian American & Pacific Islander)
May Mental Health Awareness Month

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 24, 2023 Regular Meeting
- April 24, 2023 Executive Meeting

REGULAR AGENDA RESOLUTIONS

- 2023-082 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO NJ STATE TAX COURT JUDGMENT**
- 2023-083 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**
- 2023-084 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964”**
- 2023-085 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM INTRODUCING 2023 MUNICIPAL BUDGET AND ESTABLISH PUBLIC HEARING DATE**
- 2023-086 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(S) FOR INTRODUCTION

- 04-2023 ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN BY THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND APPROPRIATING \$252,000 THEREFOR FROM THE CAPITAL IMPROVEMENT OF THE TOWNSHIP.**
- PUBLIC HEARING SCHEDULED FOR MAY 22, 2023
- 05-2023 ORDINANCE AMENDING THE PROJECT DESCRIPTION SET FORTH IN SECTION 1 OF ORDINANCE #12-2022 OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY FINALLY ADOPTED JULY 25, 2022.**
- PUBLIC HEARING SCHEDULED FOR MAY 22, 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

Tub Grinding

Mosle Field Schedule/Plan

Discuss amendments to Parks Ordinance

Discuss amendments to Open Space Ordinance

LIAISON REPORTS

EXEUCUTIVE SESSION

ADJOURN

RESOLUTION 2023-082
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO NJ STATE TAX COURT JUDGMENT

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes as a result of NJ State Tax Court Judgments for tax years 2016 - 2020; and

WHEREAS, the Governing Body has reviewed said certification and approved the same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, being the Governing Body thereof that payment is refunded as follows:

Block & Lot & Qualifier	Refund to:	Amount:
Block 100 Lot 60 72 Roxiticus Road	McKirdy, Riskin, Olson & DellaPelle, PC Attorneys for Edward & Laura McKirdy 201 Littleton Road Suite 135 Morris Plains, NJ 07950	\$16,771.53

Adopted: May 8, 2023

RESOLUTION 2023-083
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 May 8, 2023

RESOLUTION 2023-084
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION
RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII
OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Township Committee have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

BE IT RESOLVED, by the Township Committee of the Township of Mendham and the Township Administrator and the person who interviews and recommends candidates for employment with the Township, must review, and be familiar with, the herein referenced federal guidelines and ensure that the Township's hiring practices are in compliance therewith; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Mendham hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Township Clerk to cause to be maintained and available for inspection a certified copy of this Resolution and the required affidavit to show evidence of said compliance.

[Township Committee Group Affidavit attached]

Adopted: May 8, 2023

RESOLUTION 2023-085
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
INTRODUCING THE 2023 MUNICIPAL BUDGET AND ESTABLISH PUBLIC HEARING DATE

MUNICIPAL BUDGET OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS FOR THE FISCAL YEAR 2023

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023; and

BE IT FURTHER RESOLVED that said Budget will be published in the Observer Tribune in the May 11, 2023 issue;

The Township Committee of the Township of Mendham does hereby approve the attached Municipal Budget for the year 2023.

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Mendham, County of Morris, on May 8, 2023 with the following recorded vote:

RECORDED VOTE: Ayes:
 Nays:
 Absent:
 Abstain:

A Hearing on the Budget and Tax Resolution will be held via Zoom on June 12, 2023 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested parties.

Adopted: May 8 ,2023

RESOLUTION 2023-086

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

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

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

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

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.



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



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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, State of New Jersey, assembled in public session on **May 8, 2023 at 6:30 P.M.** in the Mendham Township Middle School, 16 Washington Valley Road, Brookside, New Jersey, that the Township Committee shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

BE IT FURTHER RESOLVED that it is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Adopted: May 8, 2023

ORDINANCE NO. 04-2023
ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN
BY THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, AND APPROPRIATING \$252,000 THEREFOR FROM THE
CAPITAL IMPROVEMENT OF THE TOWNSHIP

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AS FOLLOWS:

1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Township of Mendham, State of New Jersey, and is hereby appropriated therefor the sum of \$252,000, from monies available in the Capital Improvement Fund of the Township.

2. The improvements hereby authorized and the several purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance is including but not limited to the following: (i) the acquisition of a police SUV and equipment ; (ii) the payment of \$65,000 towards the acquisition of SCBA equipment for the Mendham Township Fire Department, (iii) the improvement of municipal facilities, including but not limited to the apartments at India Brook Park, Emergency Services Building in Brookside, the Ralston Firehouse; (iv) funding towards the purchase of an ambulance; and (v) funding towards the purchase of a fire engine.

3. The capital budget 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 and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

4. This ordinance shall take effect after publication after final passage as provided by law.

Introduced May 8, 2023

ORDINANCE 05-2023
ORDINANCE AMENDING THE PROJECT DESCRIPTION SET FORTH IN
SECTION 1 OF ORDINANCE #12-2022 OF THE TOWNSHIP OF
MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY FINALLY
ADOPTED JULY 25, 2022.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY as follows:

Section One. The title of ordinance #12-2022 ("Ordinance #12-2022") of the Township of Mendham, in the County of Morris, New Jersey (the "Township"), finally adopted July 25, 2022, is hereby amended to read as follows: "Ordinance Appropriating \$592,633.36 of ARRA Funds Available to the Township of Mendham, in the County of Morris, New Jersey in order to Provide for Various Building Improvements, Road Improvements, Storm Water Improvements and Equipment in and by the Township."

Section Two. Section 1 of Ordinance #12-2022 is hereby amended to read as follows:

Section 1. \$592,633.36 of ARRA funds available to the Township of Mendham, in the County of Morris, New Jersey (the "Township") are hereby appropriated to provide various building improvements and upgrades, road improvements and storm water improvements and acquisition of fire equipment, a pick-up truck for the Department of Public Works, a backhoe and an asphalt roller, including related and incidental work and costs.

Section Three. 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 purpose authorized herein is 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 Four. This amending ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Introduced May 8, 2023

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