

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, May 13, 2024
TIME: 7:30 PM- REGULAR MEETING
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
Mr. Monaghan
Ms. Moreen
Ms. Spirig
Mayor Neibart

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 5, 2024. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

PROCLAMATION

AAPI Heritage month
May Mental Health Awareness month

PRESENTATION

ANNOUNCEMENTS

OPEN TO THE PUBLIC

Mayor Neibart 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 Neibart.

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, 2024- Regular Meeting Minutes
- April 24, 2024- Executive Meeting Minutes

ORDINANCE(s) FOR INTRODUCTION

- 06-2024** **ORDINANCE APPROPRIATING \$216,500 FROM THE CAPITAL IMPROVEMENT FUND IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY**
PUBLIC HEARING MAY 29, 2024
- 07-2024** **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$465,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$441,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**
PUBLIC HEARING MAY 29, 2024
- 08-2024** **AN ORDINANCE AMENDING Chapter 160 "FEES" SECTION C. (2) "Fees For Hiring Police Officers"**
PUBLIC HEARING MAY 29, 2024

ORDINANCE(s) FOR SECOND READING/PUBLIC HEARING

- 04-2024** **AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 297 "STORMWATER QUALITY" BY ADOPTING A NEW ARTICLE III "STORMWATER CONTROL" AND AMENDING CHAPTER 160 "FEES" TO ADD A NEW SECTION 160-15 ANNUAL STORMWATER MAINTENANCE FEE.**
INTRODUCED APRIL 24, 2024
- 05-2024** **BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF ROADS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$2,206,000 THEREFOR, INCLUDING A \$208,504 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT EXPECTED TO BE RECEIVED, AND AUTHORIZING THE ISSUANCE OF \$2,206,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.**
INTRODUCED APRIL 24, 2024

REGULAR AGENDA RESOLUTION

- 2024-075** **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS**
- 2024-076** **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM CONFIRMING THE PURCHASE OF OFFICE FURNITURE FOR THE MENDHAM TOWNSHIP POLICE DEPARTMENT TO COE DISTRIBUTING THROUGH THE ECSNJ COOPERATIVE PURCHASING COUNCIL NOT TO EXCEED \$12,504.80**
- 2024-077** **RESOLUTION AUTHORIZING THE MENDHAM TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**
- 2024-078** **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM SELF EXAMINATION OF THE 2024 BUDGET**
- 2024-079** **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"**

- 2024-080 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR THE MENDHAM TOWNSHIP PBA LOCAL 402**
- 2024-081 RESOLUITON OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF PUBLIC WORKS FOR SEASONAL HELP**
- 2024-082 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PURCHASE OF A FERRARA COMDER CUSTOM PUMP FOR THE BROOKSIDE ENGINE COMPANY TO FIREFIGHTER ONE OF SPARTA, NJ THROUGH THE HGAC-BUY NATIONAL PURCHASE CO-OP, CONTRACT # FS12-23**

DISCUSSION

- Town Hall Renovation Update
- Ash Tree Removal Update
- Update Survey Process & Questions for Soliciting Resident Feedback on East & West Main Street Proposal
- OPRA Resolution
- Naming of the Route 24 Trail
- Open Space Acquisition Process

OPEN TO THE PUBLIC

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All comments should be directed to Mayor Neibart.

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LIAISON REPORTS

ADJOURN

**ORDINANCE 06-2024
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**ORDINANCE APPROPRIATING \$216,500 FROM THE CAPITAL
IMPROVEMENT FUND IN ORDER TO PROVIDE FOR VARIOUS CAPITAL
IMPROVEMENTS 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. \$216,500 from the Capital Improvement Fund of the Township of Mendham, in the County of Morris, New Jersey (the "Township"), is hereby appropriated to provide for the following:

<u>Purpose</u>	<u>Amount</u>
First installment towards purchase of ambulance for First Aid Squad (total estimated cost of \$250,000)	\$60,000
Purchase of a patrol vehicle for the Police Department	\$46,500
Purchase of personal protection equipment and various other fire equipment for the Fire Department	\$55,000
Purchase of SCBA equipment for the Fire Department	\$35,000
Down payment for a tender truck for the Fire Department	\$20,000

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.

Introduced: May 13, 2024

**ORDINANCE 07-2024
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 \$465,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$441,000 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 \$465,000, including the aggregate sum of \$24,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

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 \$441,000 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. 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) Major repairs and improvements to the DPW facility consisting of structural and other work	\$100,000	\$95,000	15 years
b) Major repairs and improvements at the old Ralston Firehouse, the old police station and the India Brook property, including window replacement, chimney work, ADA improvements and other work as necessary	\$25,000	\$22,500	10 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
c) Improvement of HVAC and air filtration system for Brookside Emergency Services building	\$175,000	\$166,500	15 years
d) Acquisition of a loader/backhoe	<u>\$165,000</u>	<u>\$157,000</u>	10 years
Totals:	<u>\$465,000</u>	<u>\$441,000</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 12.96 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 \$441,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$93,000 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.

Introduced: May 13, 2024

**ORDINANCE 08-2024
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING Chapter 160 "FEES" SECTION C. (2)
"Fees For Hiring Police Officers"**

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

SECTION 1. The below listed Subchapters scheduling various FEES are hereby amended as follows:

Subchapter (2) (a) the fee for road detail is amended to \$117.50 per hour.

Subchapter (2) (a) (1) is amended to read as follows: Police Office (hourly) \$96.50).

Subchapter (2) (a) (2) Is amended to read as follows: Administrative fee retained by the Township of Mendham (hourly) (\$20.50).

Subchapter (2) (b) is amended to state the rate of (\$117.50)

1. **SECTION 2.**

2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

3. **SECTION 3.**

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

4. **SECTION 4.**

This Ordinance shall take effect after final passage and publication pursuant to law.

Introduced: May 13, 2024

**ORDINANCE 04-2024
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 297 “STORMWATER QUALITY” BY ADOPTING A NEW ARTICLE III “STORMWATER CONTROL” AND AMENDING CHAPTER 160 “FEES” TO ADD A NEW SECTION 160-15 ANNUAL STORMWATER MAINTENANCE FEE.

WHEREAS, on March 2, 2020, the New Jersey Department of Environmental Protection (“NJDEP” or the “Department”) adopted amended stormwater management rules at N.J.A.C. 7:8-1, et seq. (the “Amended Rules”), which require municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules.

WHEREAS, in July 2023, the Department of Environmental Protection amended the Inland Flood Protection Rule which requires municipalities to revise their stormwater control Ordinance in accordance with the Amended Inland Flood Protection Rule by July 18, 2024; and

WHEREAS, the Township Engineers have recommended that the Township incorporate these new Stormwater Management Rules (N.J.A.C. 7:8-1, et seq.) into Chapter 297 of the Township Code; and **WHEREAS**, the Mayor and Committee of the Township of Mendham wish to fully comply with the new Stormwater Management Rules and include a new maintenance requirement which requires an annual registration fee.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Mendham, County of Morris, and State of New Jersey as follows:

SECTION 1. Chapter 297 (Stormwater Quality) of the Township Code is hereby amended (by adding a new Article III as follows:

§ Chapter 204 Stormwater Control

§ 297-13. Scope and Purpose.

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.
- B. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 204-2.
- C. Applicability.
 - 1. This ordinance shall be applicable to all projects that meet the definition of “minor development”, or “major development” as defined below.
 - 2. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments and redevelopment projects; and

- ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
 - 3. This ordinance shall also be applicable to all major developments undertaken by the Township of Mendham.
 - 4. The applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference and minor developments as defined herein.
- D. **Compatibility with Other Permit and Ordinance Requirements.** Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 297-14. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference. The following additional terms are defined for this chapter only.

- a. **EXEMPT DEVELOPMENT** – Shall mean any development that creates an increase of less than 1,000 square feet of impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of "minor development."
- b. **MINOR DEVELOPMENT** – Shall mean any development that results in the creation of an increase of 1,000 square feet or more of impervious area or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of "major development" in N.J.A.C. 7:8.
- c. **MAJOR DEVELOPMENT** – (repeated from N.J.A.C. 7:8) Shall mean an individual "development," as well as multiple developments that individually or collectively result in:
 - 1. The disturbance of one or more acres of land since February 2, 2004;
 - 2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
 - 3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
 - 4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development", but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

§ 297-15. Design and Performance Standards for Stormwater Management Measures.

This section establishes design and performance standards for stormwater management measures for minor and major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies.

- A. Exempt Developments. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this section.
- B. Minor Developments. Minor developments shall be designed to include the following stormwater management measures:
 - 1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
 - 2. Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.
- C. Major Developments. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

§ 297-16. Waivers and Exceptions.

- A. Standards for relief (Minor Development). Waivers from strict compliance with the design standards for minor development shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.
- B. Standards for relief (Major Development). Waivers from strict compliance with the design and performance standards for major development shall meet the requirements N.J.A.C. 7:8-4.6.
- C. Reviewing agency. All applications subject to the review of the Land Use Board shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Land Use Board review shall be reviewed by the Township Engineer.
- D. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

§ 297-17. Solids and Floatable Materials Control Standards (Major Development)

- A. Site design features identified under Section 204-3 above, or alternative designs in accordance with Section 204-3, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and

floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see 204-5. A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in 204-5.A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

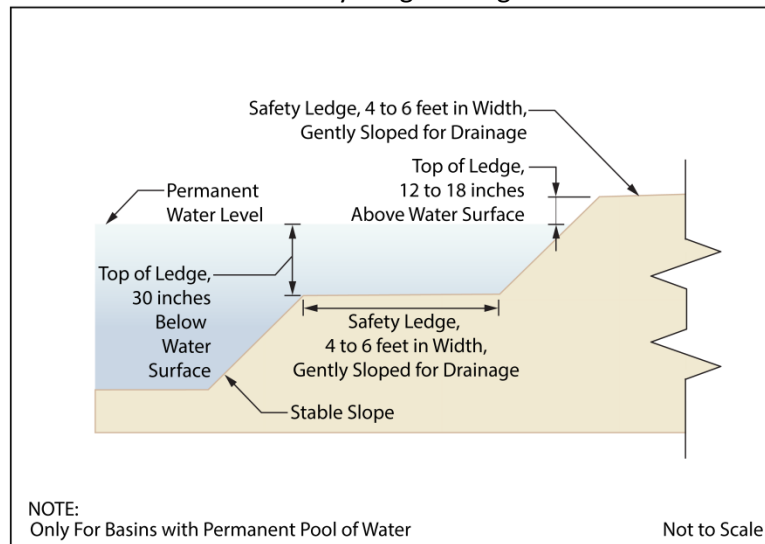
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 297-18. Safety Standards for Stormwater Management Basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 297-19. Requirements for a Site Development Stormwater Plan (Major Development).

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 204-7(C) below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit six copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 204-7(C) of this ordinance below.

B. Site Development Stormwater Plan Approval.

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine

if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan.

The following information shall be required:

1. Topographic Base Map.

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis.

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways, and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans.

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan.

This plan shall provide a demonstration of how the goals and standards of Section 204-3 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map.

The following information, illustrated on a map of a scale of 1"=50' or larger shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type

of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations.

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 204-3 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan.

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 204-9.

8. Waiver from Submission Requirements.

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 204-7.C.1 through 204-7.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

9. Application and Review Fees.

There shall be no additional fees for stormwater review for applications to the Land Use Board. Major Development Applications to the Township Engineer shall be accompanied by an initial review escrow deposit of \$1,000. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer.

§ 297-20. Requirements for a Site Development Stormwater Plan (Minor Development).

The following information shall be required:

- A. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 50 feet beyond the limits of the proposed development, at a scale of 1"=30' or larger, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

B. Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping.

C. Stormwater Management Facilities Map.

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved, or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs.

D. Calculations demonstrating compliance with the minor development standards of Section 204-3(B) must be submitted.

E. Waiver from Submission Requirements.

The Township Engineer may waive submission of any of the requirements in Section 204-8(A)1 through 204-8(A)4 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

F. Application and Review Fees.

There shall be no additional fees for stormwater review for applications to the Land Use Board. Applications to the Township Engineer shall be accompanied by a review fee in the amount of \$500 for minor developments. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer.

§ 297-21. Maintenance and Repair.

A. Applicability.

Projects subject to review as in Section 204-1(C) of this ordinance above, shall comply with the requirements of Paragraphs B and C of this Section.

B. General Maintenance.

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency, or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and

- ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall notify the responsible person in writing. Upon receipt of notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or its designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such a bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.
- D. Maintenance and Repair of Stormwater Management Systems. All projects meeting the definition of a major development, as defined above in this Chapter shall be required to include a maintenance and reporting plan as described herein, except those stormwater management facilities that are dedicated to and accepted by the Township or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department of Environmental Protection.
1. The property owner, or design engineer, shall prepare a maintenance plan meeting containing specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventive and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
 2. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency, or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or resolution.
 3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 4. If the party responsible for maintenance identified above is not a public agency, the maintenance plan and any future revisions shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. Preventive and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
6. The party responsible for maintenance identified above shall perform all of the following requirements:
 - i. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed;
 - iii. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by this Section, above; and
 - iv. Obtain an annual stormwater maintenance permit from the Township in accordance with this Chapter.
- E. In the event that the stormwater management facility becomes a danger to public safety or public health, or if in need of maintenance or repair, the Township shall notify the responsible party in writing. Upon receipt of that notice, the responsible party shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or its designee. The Township in its discretion may extend the time allowed for effecting maintenance and repair for good cause. If the responsible party fails or refuses to perform such maintenance and repair, the Township may immediately proceed to do so and shall bill the cost thereof to the responsible party. Nonpayment of such a bill may result in a lien on the property.
- F. Nothing in this subsection shall preclude the township in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 297-22. Inspection and Permitting of Stormwater Management Facilities.

All stormwater management facilities for major developments are required to obtain a Stormwater Maintenance Permit from the Township Clerk.

- A. The Annual fee for the Stormwater Maintenance Permit shall be \$50.
- B. The Stormwater Maintenance Permit shall be renewed each year no later than January 31st.
- C. A detailed inspection and maintenance report shall be submitted annually no later than January 31st to the Township Engineer or its designee.
- D. The inspection and maintenance report shall include and not be limited to:
 - i. Stormwater inlets and manholes.
 - ii. Detention basin outflow structures.
 - iii. Trash racks and overflow grates.
 - iv. Vegetation.
 - v. Embankment erosion control.
 - vi. Sediment removal and pond maintenance.
 - vii. Mechanical Treatment Devices utilizing filters shall have a record of filter replacement as per the manufacturer's specifications.
 - viii. Green infrastructure measures.

- ix. All other stormwater measures identified within the Operations and Maintenance Manual as system components at the time the Manual is accepted by the Township.

§ 299-23. Penalties:

Any person or entity who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this Chapter 204 shall be subject to one or more of the following penalties: imprisonment for a term not exceeding 180 days; a fine not exceeding \$2,000; and a period of community service not to exceed 90 days. Each and every day in which a person shall be in violation of this ordinance shall constitute a separate offense.

SECTION 2. Chapter 160 is hereby amended to add a new section 160-15 the Annual Stormwater Maintenance Permit Fee pursuant to §297-22 of \$50.00.

SECTION 3. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 4. This Ordinance shall be referred to the Planning Board pursuant to N.J.S.A. 40:55D-26 for review and comment, if any, prior to second reading.

SECTION 5. This Ordinance shall also be sent to the Morris County Office of Planning and Preservation for review and issuance of an approval, conditional approval, or disapproval within 60 days of receipt of the ordinance, prior to second reading.

SECTION 6. All ordinances or rules or regulations of the Township of Mendham, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. This Ordinance shall be in full force and effect from and after final adoption and publication as required by law.

Introduced: April 24, 2024

**ORDINANCE 05-2024
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF ROADS
IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF
MORRIS, NEW JERSEY, APPROPRIATING \$2,206,000 THEREFOR,
INCLUDING A \$208,504 NEW JERSEY DEPARTMENT OF
TRANSPORTATION GRANT EXPECTED TO BE RECEIVED, AND
AUTHORIZING THE ISSUANCE OF \$2,206,000 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 \$2,206,000, including a \$208,504 New Jersey Department of Transportation grant expected to be received (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) since the purpose is being funded by the New Jersey Infrastructure Bank (the "NJIB") and 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 \$2,206,000 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 reconstruction of roads, including Roxicticus Road, Hardscrabble, Old Orchard, Wilrich Glen, Saddle Hill, Raintree Ridge, Beach Lane, Wycoff Lane, McVickers and Cedar roadways, acquisition, and installation of equipment as needed and incidental or related costs and 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 20 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 \$2,206,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 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. The Township anticipates financing this improvement through the NJIB. 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.

Introduced: April 24, 2024

RESOLUTION 2024-075
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 13, 2024

RESOLUTION 2024-076
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
CONFIRMING THE PURCHASE OF OFFICE FURNITURE FOR THE MENDHAM TOWNSHIP
POLICE DEPARTMENT TO COE DISTRIBUTING THROUGH THE ECSNJ COOPERATIVE PURCHASING
COUNCIL NOT TO EXCEED \$12,504.80

WHEREAS, the Township of Mendham Police Department desires to purchase office furniture for the conference room at the Police Headquarters, through ESCNJ #22-23-08:

VENDOR: Coe Distributing
COST: Not to Exceed \$12,504.80

WHEREAS, the Chief Financial Officer has certified that funds are available in the Police Donation account in an amount of \$12,504.80 (T-29-56-850-801)

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham, County of Morris, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above-named vendor.

Adopted: May 13, 2024

RESOLUTION 2024-077
RESOLUTION AUTHORIZING THE MENDHAM TOWNSHIP
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED
TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS, the Township of Mendham introduced the budget on April 24, 2024 and the 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 2024 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 13th day of May 2024, 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 2024 taxes.
2. The entire estimated tax levy for 2024 is hereby set at **\$43,445,052.12**
3. In accordance with law the third installment of 2024 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 13, 2024

RESOLUTION 2024-078
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
SELF EXAMINATION OF THE 2024 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.

Vote recorded as follows:

Adopted: May 13, 2024

RESOLUTION 2024-079
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 13, 2024

RESOLUTION 2024-080
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR THE MENDHAM TOWNSHIP
PBA LOCAL 402

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

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

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

WHEREAS, the Mendham Township PBA Local 402 has submitted an application for a Social Affair Permit for their Fundraiser for the Mendham Township PBA Local 402, June 1, 2024, from 1:00pm-6:00pm at Brookside Community Club, 1 East Main Street, Brookside, New Jersey; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham approves the issuance of a Social Affairs Permit to the Mendham Township PBA Local 402 for its fundraiser event on June 1, 2024, and authorizes execution of the permit application.

Adopted: May 13, 2024

RESOLUTION 2024-081
RESOLUITON OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF PUBLIC WORKS FOR SEASONAL HELP

BE IT RESOLVED by the Township Committee of Township of Mendham that the following named persons to be paid from the Township Budget, DPW Salaries and Wages in accordance with the following:

DEPARTMENT OF PUBLIC WORKS

Lucas Roldan	Laborer	\$15/hour
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, approving the hiring of Lucas Roldan effective May 13, 2024.

Adopted: May 13, 2024

RESOLUTION 2024-082
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE PURCHASE OF A FERRARA COMDER CUSTOM PUMP
FOR THE BROOKSIDE ENGINE COMPANY TO FIREFIGHTER ONE OF SPARTA, NJ
THROUGH THE HGAC-BUY NATIONAL PURCHASE CO-OP, CONTRACT # FS12-23

WHEREAS, the Township of Mendham, pursuant to N.J.S.A 40A:11-11, N.J.A.C. 5:34-7.1, may by resolution purchase any goods or services from approved Cooperative Purchasing programs; and

WHEREAS, the Brookside Engine Company is need of a new fire engine to replace engine # 2 ; and

WHEREAS, Firefighter One of Sparta, NJ is an authorized Ferrara dealership and has a Ferrara Cinder Custom Pumper available through the HGAC Buy, contract # FS12-23. in a total amount of \$723,603.36; 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 as follows:

General Capital fund	C-04-55-028-001	\$723,603.96
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NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey authorizes the Mayor and the Township Clerk to enter into a contract with Firefighter One of Sparta, New Jersey, in an estimated amount of \$723,603.96 for the purchase a Ferrara Custom Cinder Pumper.

Adopted: May 13, 2024

ZOOM ACCESS

Please click the link below to join the webinar:

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