

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, May 22, 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.

EXECUTIVE SESSION- 6:30 PM

RESOLUTION TO CONVENE INTO EXECUTIVE SESSION

2023-087 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

PUBLIC SESSION

ROLL CALL TO CONVENE INTO PUBLIC SESSION

Ms. Duarte
Ms. Moreen
Ms. Neibart
Ms. Spirig
Mayor Monaghan

LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

The State Low Income Household Water Assistance Program (LIHWAP) can help you pay arrears for your water and sewer bills. The program may also be able to help address tax liens due to water and sewer arrears. To get more information and apply, go to waterassistance.nj.gov

PRESENTATION

Raritan Headwaters

PROCLAMATION

National gun violence awareness day
EMS Week

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

- May 8, 2023 Meeting Minutes
- May 8, 2023 Executive Session Minutes

REGULAR AGENDA

2023-097 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO APPROVE THE INSTALLATION OF LIGHTS ON THE FOOTBALL FIELD AND PARKING LOT AT MOSLE PRESERVE IN THE ACTIVE RECREATION AREA

2023-098 RESOLUTION OF THE TOWNSHIP COMMITTEE OF TOWNSHIP OF MENDHAM AUTHORIZING THE MENDHAM CHESTER BASEBALL ASSOCIATION LLC TO MAKE IMPROVMENTS AT RALSTON FIELD

CONSENT AGENDA

2023-088 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS

2023-089 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING A REFUND AND CANCELLATION OF TAXES FOR A 100% DISABLED VETERAN

2023-090 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

2023-091 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

2023-092 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR BROOKSIDE ENGINE COMPANY NO. 1

- 2023-093 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING REFUND OF OVERPAYMENT OF 2023 TAXES
- 2023-094 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF PUBLIC WORKS FOR SEASONAL HELP
- 2023-095 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF RECREATION SUMMER SEASON
- 2023-096 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO PERMIT THE CONSUMPTION OF ALCOHOL, THE OPENING OF A PARK AFTER SUNSET AND THE OPERATION OF MOTORIZED VEHICLES IN A PARK BY EVENT VENDORS IN TOWNSHIP PARKS AND RECREATIONAL FACILITIES FOR TOWNSHIP SPONSORED EVENTS

ORDINANCE(S) FOR SECOND READING/PUBLIC HEARING

- 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.
INTRODUCED MAY 8, 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.
INTRODUCED MAY 8, 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
- RTS
- Discuss amendments to Open Space Ordinance

LIAISON REPORTS

ADJOURN

RESOLUTION 2023-087

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.

2023-093 Continued

(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 22, 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 22, 2023

RESOLUTION 2023-088
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 22, 2023

RESOLUTION 2023-089
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING A
REFUND AND CANCELLATION OF TAXES FOR A 100% DISABLED VETERAN**

WHEREAS, effective March 29, 2023, property known as Block 127 Lot 198 also known as 9 Stoney Hill Road and owned by Paul/Kim Smaw has been deemed exempt from property taxes by Mendham Township's Tax Assessor in accordance with N.J.S.A. 54:4-3.30 which allows for 100% exemption of property taxes for a veteran who is approved by the United States Veterans Administration; and

WHEREAS, the Tax Collector of the Township of Mendham must refund taxes billed and paid from March 29, 2023 through June 30, 2023 in the amount of \$4,724.86. Also, to be cancelled is the second half 2023 taxes with an amount yet to be determined as the certified tax rate has not been struck by the Morris County Board of Taxation.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mendham the Tax Collector refund the owner \$4,724.86 for 2023 taxes paid and cancel subsequent 2023 taxes when they become available.

Adopted: May 22, 2023

RESOLUTION 2023-090
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
THE 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 May 8, 2023 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 2023 tax bills on a timely basis;

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 22 day of May, 2023, 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 2023 taxes.
2. The entire estimated tax levy for 2023 is hereby set at **\$42,153,554.98**
3. In accordance with law the third installment of 2023 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 22, 2023

RESOLUTION 2023-091

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, 2023; 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, 2023 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 22, 2023

RESOLUTION 2023-092
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR BROOKSIDE ENGINE COMPANY NO. 1

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, Brookside Engine Company No. 1 has submitted an application for a Social Affair Permit for their Fourth of July Event on July 4, 2023 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 Brookside Engine Company No. 1 for its Fourth of July Event on July 4, 2023 and authorizes execution of the permit application.

Adopted: May 22, 2023

RESOLUTION 2023-093
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
REFUND OF OVERPAYMENT OF 2023 TAXES

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes by the mortgage company; 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 145.04 Lot 40 Qualifier C0031 2-31 Devonshire Lane	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$366.78

Adopted: May 22, 2023

RESOLUTION 2023-094

RESOLUTION 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 be paid from the Township Budget, DPW Salaries and Wages in accordance with the following:

DEPARTMENT OF PUBLIC WORKS

Michael Kovach	Laborer	\$15/hour
Joseph Kovach	Laborer	\$15/hour
Anthony Orgera	Laborer	\$15/hour

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, approved the hiring of seasonal employees effective June 1, 2023.

Adopted: May 22, 2023

RESOLUTION 2023-095

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:

BROOKSIDE BEACH

REHIRES

Marcus Mauriello	Lifeguard	\$14.50/hour
Liam Atkins	Front Desk/Snack Stand	\$13.25/hour
Cassandra Grob	Lifeguard	\$14.75/hour
Kate Barban	Lifeguard	\$14.75/hour
Carly Orlins	Lifeguard	\$14.75/hour
TJ Shaw	Lifeguard	\$14.50/hour
Cai Osner-Hackett	Lifeguard	\$14.50/hour
Libby Frumento	Front Desk/Snack Stand	\$13.75/hour

NEW HIRES

Max Orlins	Lifeguard	\$14.25/hour
Cam Parrinello	Lifeguard	\$14.25/hour
Nina Mody	Lifeguard	\$14.25/hour
David Harley	Lifeguard	\$14.25/hour
Patricio Grob	Lifeguard	\$14.25/hour
Daniel Sharkey	Front Desk/Snack Stand	\$13.00/hour
Andrew Kucsma	Front Desk/Snack Stand	\$13.00/hour
John Aymil	Front Desk/Snack Stand	\$13.00/hour
Cian McGuire	Front Desk/Snack Stand	\$13.00/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 22, 2023

RESOLUTION 2023-096

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO PERMIT THE CONSUMPTION OF ALCOHOL, THE OPENING OF A PARK AFTER SUNSET AND THE OPERATION OF MOTORIZED VEHICLES IN A PARK BY EVENT VENDORS IN TOWNSHIP PARKS AND RECREATIONAL FACILITIES FOR TOWNSHIPSPONSORED 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, Pursuant to Section 245-2, Prohibited Activities, no person shall enter, remain in or conduct any activity whatsoever in any Township Park during the period commencing 1/2 hour after sunset on any day and ending 1/2 hour before sunrise on the following morning, except as may be specifically permitted by ordinance or official action of the Township board or agency in charge of the Township Park; and

WHEREAS, Pursuant to Section 245-2, Prohibited Activities, no person shall operate any motorized vehicle at any time in any Township Park except as may be specifically permitted on specified occasions by official action of the Township Committee and except for police and emergency vehicles and vehicles used in the maintenance and improvement of the Township Park

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

WHEREAS, the Recreation Department has organized a township-sponsored event, during which it is appropriate to allow for the park to remain open until approximately 11pm when the fireworks show and clean up has been complete; and

WHEREAS, the Recreation Department has organized a township-sponsored event, during which it is appropriate to allow for event vendors, including food trucks, entertainers and fireworks providers to operate a motorized vehicle in a township park; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham permits the consumption of alcohol, the opening of a park after sunset and the operation of motorized vehicles in a park by event vendors during the Township-sponsored Fourth of July Fireworks Display to be held on June 30, 2023 (rain date July 1, 2023) at Mosle Field.

Adopted: May 22, 2023

RESOLUTION 2023-097

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO APPROVE THE INSTALLATION OF LIGHTS ON THE FOOTBALL FIELD AND PARKING LOT AT MOSLE PRESERVE IN THE ACTIVE RECREATION AREA.

WHEREAS, the Twin Boro Bears Football League and residents have been requesting various field improvements dating back to 2019 to replace the diesel-powered generator lights currently in use and install additional lighting; and

WHEREAS, [Ordinance 14-2022](#) passed appropriating \$20,000 from the Capital Improvement Fund in Order to Provide for a Study of Improvements to Mosle Fields; and

WHEREAS, the results of this study were reviewed by the Recreation Committee, presented to the Township Committee at various public Township Committee meetings and Special Community Meetings where the concerns of neighbors were gathered and site plans were adapted markedly to alleviate concerns of the neighbors; and

WHEREAS, the Police Department of the Township of Mendham will continue to evaluate traffic concerns on the roads of Carriage Hill Drive and Hunters Glen to mitigate any traffic concerns; and

WHEREAS, the Twin Boro Bears Football League have agreed to pay for fifty percent of the project costs as the league has been identified as the primary user group who will be utilizing the lights installed; and

WHEREAS, Mosle site co-owners Schiff Natural Lands Trust and NJ Water Supply Authority have issued statements stating that it is within the Township's purview to move forward with the installation of lights; and

WHEREAS, it has been concluded that no Department of Environmental Protection restrictions would prevent the installation of lights; and

WHEREAS, the estimates from Musco Lighting state that Dark Skys Certified six thirty foot lights in the parking lot and four sixty foot lights on the football field are recommended for this project; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey are in agreement to install new lights on the parking lot and replace the currently used diesel powered lights on the football field, subject to the following:

- The results of the Environmental Impact Study state that there is no marked environmental disturbance to the Mosle Preserve area (tentatively slated to be presented on June 12); and
- An agreement with the Twin Boro Bears is passed outlining the payment of their 50% for the project completion over the next ten years to pay the debt service (tentatively slated to be on the agenda for approval on June 26); and
- Contingent on the clean environmental study and passage of the Twin Boro Bears Agreement, the successful passage of a Bond Ordinance to make funds for the project available (tentatively scheduled for introduction on June 26 and adoption on July 10.
- The project will be submitted for grant funding
- Updates are made to the Parks Ordinance prior to the start of the Twin Boro Bears 2023 season.

Adopted: May 22, 2023

RESOLUTION 2023- 098
RESOLUTION OF THE TOWNSHIP COMMITTEE OF TOWNSHIP OF MENDHAM
AUTHORIZING THE MENDHAM CHESTER BASEBALL ASSOCIATION LLC
TO MAKE IMPROVMENTS AT RALSTON FIELD

WHEREAS, there exists in and about the Township of Mendham certain municipally owned lands which have uses restricted to open space, passive recreation and active recreation; and

WHEREAS, the municipally owned property known as the Ralston Baseball Field has been used for many years for active recreation, particularly for youth football, baseball and soccer; and

WHEREAS, the Township has been providing maintenance for these playing fields in the form of basic In field maintenance, repair, seeding, and grass cutting; and

WHEREAS, the Mendham Chester Baseball Association has coordinated with the Township Department of Recreation regarding the use of these fields; and

WHEREAS, the Township of Mendham has, as have all New Jersey municipalities struggled with the budgetary constraints associated with recreational fields and programs; and

WHEREAS, popularity of youth sports has resulted in the heavy use of these fields; and

WHEREAS, fencing and dugout projects have previously been approved by Resolution 2023-71; and

WHEREAS, the Association has requested permission to install certain improvements to the field such as 30' poles to hang netted fencing that may be removed during winter month behind the backstop and dugouts to prevent the loss of balls in the wooded area; as well as batting cages adjacent to the woods line between Ralston and Wysong Fields; and

WHEREAS, the Recreation Director has met with the homeowner with the home adjacent to the site where batting cages are to be installed and the homeowner is amenable to these improvements as long as netting is used in lieu of chain link fencing and the batting cages are situated in the furthest possible location from their home while remaining adjacent to the baseball field; and

WHEREAS, the cost of these improvements is such that the Township cannot reasonably absorb the same; and

WHEREAS, the Association has approached the Township with a plan to install the improvements at the expense of the Association; and

WHEREAS, the parties wish to memorialize the terms of that agreement

NOW THEREFORE it is agreed between the parties as follows:

1. The Association and the Township shall develop an approved plan for the improvements and a budget
2. The Township shall allow the construction of the improvements to commence upon being provided with adequate proof of funds.
3. Once begun, the work shall be promptly completed.

2023-098 Continued

4. The improvements shall be Construction Code compliant and approved by the Township's Engineer and Construction Official before and after installation.
5. Notwithstanding this agreement, the Mendham Township Recreation Department remains the sole authority for the scheduling of field use and allocation between users.
6. The Township remains the sole authority for the establishment of hours of operation and the permitting of any upgrades or modifications to the property.
7. Notwithstanding the investment by the Association, no rights of ownership or interest beyond those of the other citizens of the Township shall accrue to the Association and it shall have no right to demand preferential treatment or special dispensations.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mendham authorizes the above outlined improvements to Ralston Field.

Adopted: May 22, 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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