

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, July 24, 2023
TIME: 6:30 PM- EXECUTIVE SESSION (not open to the public)
7:30PM- PUBLIC SESSION-REGULAR MEETING
LOCATION: **MENDHAM TOWNSHIP ELEMENTARY SCHOOL**
Cafeteria
18 West Main Street, 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 again on January 31, 2023, and June 1, 2023. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

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.

RESOLUTION TO CONVENE INTO EXECUTIVE SESSION

2023-132 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

EXECUTIVE SESSION

Will not be a public session. Executive session only

RECOGNIZING NEW MEMBER

Achille Pasquier will be joining Brookside Engine Company #1 as a Junior Member.

PRESENTATION

Brian Hays- Ash Trees on Township Properties
DPW Study

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

- July 5, 2023, Special Meeting Minutes
- July 10, 2023, Regular Meeting Minutes
- June 10, 2023, Executive Session Minutes

ORDINANCE(s) FOR INTRODUCTION

09-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY AUTHORIZING A FINANCIAL AGREEMENT FOR THE PROPOSED MOSLE FIELD LIGHTING PROJECT
PUBLIC HEARING AUGUST 16, 2023

07-2023 BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF PERMANENT LIGHTING AND OTHER IMPROVEMENTS AT MOSLE PARK IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$515,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$489,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.
TABLED FROM JULY 10, 2023
PUBLIC HEARING AUGUST 16, 2023

ORDINANCE(s) FOR SECOND READING/PUBLIC HEARING

06-2023 BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,000,000 FOR CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$1,904,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF
INTRODUCED JULY 10, 2023

08-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY
RE: REPLACING CHAPTER 245 SECTION 2 SUBSECTION A OF THE ORDINANCES OF THE TOWNSHIP OF MENDHAM (PARKS AND RECREATIONAL FACILITIES)
INTRODUCED JULY 10, 2023

REGULAR AGENDA RESOLUTIONS

2023-133 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS

2023-134 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING ISSUANCE OF SOCIAL AFFAIR PERMIT FOR BROOKSIDE ENGINE COMPANY NO. 1

- 2023-135 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO VITO TREE CARE
& LAND MANAGEMENT INC. OF BELLEVILLE, NEW JERSEY FOR TUB GRINDING SERVICES**
- 2023-136 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF ADMINISTRATION AND
TOWNSHIP CLEARK FOR SEASONAL HELP**
- 2023-137 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE APPOINTMENT OF A MECHANIC AND BUILDING MAINTENANCE
EMPLOYEE IN THE DEPARTMENT OF DEPARTMENT OF PUBLIC WORKS**
- 2023-138 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE APPOINTMENT OF A LABORER IN THE DEPARTMENT OF
DEPARTMENT OF PUBLIC WORKS**

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

ADJOURN

RESOLUTION 2023-132

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

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

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

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

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



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



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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, State of New Jersey, assembled in public session on **July 24, 2023 at 6:30 P.M.** in the Mendham Township Elementary School, 18 West Main St., 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: July 24, 2023

ORDINANCE NO. 09-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
AUTHORIZING A FINANCIAL AGREEMENT FOR THE PROPOSED MOSLE FIELD LIGHTING PROJECT

WHEREAS, there exists in and about the Township of Mendham, (the “Township”) 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 Mosle Preserve has been used for decades for active recreation, continuing after purchase by the Township in 2018, particularly for youth football, baseball and soccer; and

WHEREAS, the Township has been providing and will continue to provide maintenance for these playing fields in the form of basic repair, seeding, and grass cutting, as outlined under the purchase agreement; and

WHEREAS, the Twin Boro Bears, a limited liability company (hereinafter the “Association”) has coordinated with the Township Department of Recreation regarding the non-exclusive use of these fields; and

WHEREAS, the playing fields are used by the public for activities beyond those that are purely sports related; and

WHEREAS, the popularity of youth sports has resulted in the heavy use of these fields, which includes hours after sunset with the use of portable non-permanent lighting; and

WHEREAS, the current lighting equipment has become antiquated and expensive to maintain and has otherwise not provided the safety to the athletes available from permanent field lighting; and

WHEREAS, the Association has requested that the Township install permanent lighting to the grass playing on the area referred to as Sports Field 1; and

WHEREAS, the Township has determined after a safety review by the Mendham Township Chief of Police that public safety will be enhanced through the illumination of the parking lot adjacent to the playing fields if the sports fields are used after-dark; and

WHEREAS, the Township has completed an Environmental Impact Statement by Princeton Hydro; and obtained consent from the Mosle Preserve’s co-owners, the Schiff Natural Lands Trust, and the New Jersey Water Supply Authority, as well as the state Department of Environmental Protection for this lighting project; and

WHEREAS, the Township and the Association have agreed that there shall be no expansion of field usage from the approved 2023 schedule for after-dark use and otherwise and to comply with all local ordinances; and

WHEREAS, the Township shall add deed restrictions for the property to ensure compliance with this agreement in perpetuity; and

WHEREAS, the Association has approached the Township with a plan to share the cost of permanent field lighting; and

WHEREAS, the parties wish to memorialize the terms of that cost sharing:

NOW THEREFORE BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham that the Township enter into a funding agreement with the Twin Boro Bears, LLC (aka Association), which agreement shall contain the following provisions:

1. The Township professionals shall develop a proposed lighting plan with input from the Township Committee and Association.
2. The anticipated cost of the purchase and installation of the lighting is \$400,000 and may be subject to change based on final construction costs.
3. Should there be any cost overages regarding the installation cost, these shall be divided equally between the Township and Association
4. The parties agree that this cost shall be divided between them with the Township paying 50% and the Association paying 50%
5. The Association shall make a 2.5% down payment to match the Township's 2.5% down payment on the bonded indebtedness to pay for the lighting. When the Association has delivered its portion of the down payment funding with the municipal Treasurer, the Township shall place the order for the lighting.
6. Annually, in advance, on a date to be mutually agreed upon by the Township and the Association, for ten years or until the debt related to the lighting project is paid in its entirety, the Association shall make matching payments to the Township's debt service repayment. The amount will be based upon the total costs of the project plus annual interest and be reviewed annually and adjusted for changes in interest rates.
7. Estimated electrical expenses shall be the responsibility of the Association or other user at the rate of \$10 per hour for use of the field and \$10 per hours of use of the parking lot subject to Adjustment to reflect actual costs.
8. In recognition of the expense of the permanent lighting and other upgrades to the parking area, and resident opposition, the parties agree that any discussion by the Township Committee or Parks & Recreation Advisory Committee of converting all or one of the playing fields to artificial turf shall be prohibited for at least 20 years.
9. Notwithstanding this agreement, the Mendham Township Recreation Department remains the sole authority for the scheduling of field use and allocation between users.
10. The Township remains the sole authority for the establishment of hours of operation and the permitting of any upgrades or modifications to the property. The Association is required to adhere to park rules and regulations outlined in Township Ordinance Chapter 245 subsection 2 (Parks and Recreation Facilities) and to abide by posted parking restrictions.
11. The Township will prohibit after sunset use by the Association of any Mendham Township fields or facilities should the funding agreement not be upheld and will take any other action necessary to recoup payment of monies owed via this agreement.
12. 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.
13. During the fall season, the Association will not seek to extend hours of practice beyond Monday through Friday from 5:30-8:30 PM with a limit of field use with lights to wrap up, ending by 9:00 PM. The Association will be prohibited from installing goal posts or any other additional sports equipment.

SECTION TWO:

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.

SECTION THREE:

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.

SECTION FOUR:

This ordinance shall take effect upon final passage and publication thereof as provided by law.

Introduced: July 24, 2023

**ORDINANCE NO. 07-2023
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF PERMANENT LIGHTING
AND OTHER IMPROVEMENTS AT MOSLE PARK IN AND BY THE TOWNSHIP OF MENDHAM, IN THE
COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$515,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$489,250 BONDS OR NOTES OF THE TOWNSHIP TO
FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (with not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The 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 \$515,000, including the sum of \$25,750 as the down payment required by the Local Bond Law. \$12,875 of the down payment is now available from a contribution from the Twin Boro Bears, and \$12,875 of the down payment is now 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 improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$489,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition and installation of permanent lighting and other improvements at Mosle Park, including the parking lot and football field, and equipment, materials, work and costs necessary therefore or incidental thereto.

(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. Twin Boro Bears is expected to provide a total of 50% of the project cost, including its share of the down payment, in accordance with an agreement with the Township.

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 15 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 \$489,250, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$103,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: July 24, 2023

**ORDINANCE NO. 06-2023
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,000,000 FOR CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$1,904,500 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 improvements described in Section 3 of this bond ordinance have heretofore been authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the supplemental amount of \$2,000,000, such sum being in addition to the \$5,600,000 appropriated therefor by bond ordinance #12-2020 of the Township, finally adopted October 27, 2020, as supplemented by bond ordinance #11-2022 of the Township, finally adopted July 25, 2022 (collectively, the "Original Bond Ordinance"), with \$1,885,000 of the \$2,000,000 supplemental appropriation being for the renovation of the Township Hall as described in Section 3(a) thereof and with \$115,000 of the \$2,000,000 supplemental appropriation being for the construction of the police station as described in Section 3(b) thereof, and including the sum of \$95,500 as the additional down payment required by the Local Bond Law. The additional down payment is now 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 additional cost of the improvements or purposes not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,904,500 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 improvements hereby and heretofore authorized and the purposes for which the bonds are to be issued, the supplemental appropriation for each purpose, the estimated additional amount of bonds or notes to be issued for each purpose and the period of usefulness of each purpose 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) The major renovation of Township Hall located at 2 West Main Street, Brookside, including roof replacement, interior and exterior wall improvements, window and door replacement, a new exterior fireproof stairwell with elevator, bathrooms to meet ADA requirements, a new HVAC/boiler system and related improvements	\$1,885,000	\$1,795,000	10 years
b) The construction of a new police station on property owned by the Township at 4 West Main Street, including furnishings and equipment	<u>\$115,000</u>	<u>\$109,500</u>	20 years
TOTALS:	<u>\$2,000,000</u>	<u>\$1,904,500</u>	

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvements or purposes is \$7,224,500, including the \$5,320,000 authorized by the Original Bond Ordinance and the \$1,904,500 bonds or bond anticipation notes authorized herein, with \$2,940,000 available from the Original Bond Ordinance and \$1,795,000 made available herein for a total of \$4,735,000 for the Township Hall as described in Section 3(a) and with \$2,380,000 available from the Original Bond Ordinance and \$109,500 made available herein for a total of \$2,489,500 for the police station as described in Section 3(b).

(c) The estimated cost of the improvements or purposes is \$7,600,000, including the \$5,600,000 appropriated by the Original Bond Ordinance and the \$2,000,000 appropriated herein, with \$3,100,000

appropriated in the Original Bond Ordinance and \$1,885,000 appropriated herein for a total of \$4,985,000 for the Township Hall as described in Section 3(a) and with \$2,500,000 appropriated in the Original Bond Ordinance and \$115,000 appropriated herein for a total of \$2,615,000 for the police station as described in Section 3(b).

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 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(a) of this bond ordinance is not a current expense. They are 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 the supplemental amounts set forth for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.57 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,904,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,520,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements. \$1,120,000 of this amount was estimated for these items of expense in the Original Bond Ordinance, and \$400,000 is estimated therefor herein.

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 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: July 10, 2023

ORDINANCE NO. 08-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
RE: REPLACING CHAPTER 245 SECTION 2 SUBSECTION A OF THE ORDINANCES OF THE TOWNSHIP OF
MENDHAM (PARKS AND RECREATIONAL FACILITIES)

Whereas, the Township Committee of the Township of Mendham has deemed it advisable to delete a portion of Chapter 245, Section 2, subsection A and replace the same in its entirety:

Now Therefore BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham as follows:

SECTION ONE:

Existing Chapter 245, Section 2, subsection A is deleted and replaced in its entirety with the following;

§ 245-2. PROHIBITED ACTIVITIES.

NO PERSON SHALL:

A. Enter, remain in or conduct any activity whatsoever in any Township Park during the period commencing at 9:00 PM on any day and ending 1/2 hour before sunrise on the following morning. Any use after 1/2 hour after sunset, but before 9:00 PM must:

1. Gain approval by application for use to the Recreation Committee.
2. Once approved by the Recreation Committee, be placed on a resolution approving use with the Township Committee. Township Committee meetings to approve usage hours after sunset, but before 9:00 PM, shall be noticed to all neighbors within 400' of any athletic field.
3. If approved, neighbors within 400' will receive quarterly schedules with approved usage after dark from the Recreation Director via email.
4. The additional below guidelines shall be put into place for Mosle Field:
 - I. Sports League use of Mosle Field lights shall be restricted to the period between August 15 and November 15 and use may not surpass 5:30-8:30 PM Monday through Friday. The additional half hour period between 8:30-9:00 PM shall strictly be for clean-up.
 - II. For Profit Organizations and non- Mendham Township sports organizations are prohibited from using the lighted Mosle Sport Field. The use of the lighted Mosle Sports field is strictly for the use of Mendham Based Sports Non-Profit Organizations.

SECTION TWO:

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.

SECTION THREE:

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.

SECTION FOUR:

This ordinance shall take effect upon final passage and publication thereof as provided by law

Introduced: July 10, 2023

RESOLUTION 2023-133
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 July 24, 2023

RESOLUTION 2023-134
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 applied for a Social Affair Permit for their annual Clambake Event on September 9, 2023 (rain date September 10, 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 annual Clambake Event on September 9, 2023(rain date September 10, 2023) and authorizes execution of the permit application.

Adopted: July 24, 2023

RESOLUTION 2023-135
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO VITO TREE CARE & LAND
MANAGEMENT INC. OF BELLEVILLE, NEW JERSEY FOR TUB GRINDING SERVICES

WHEREAS, The Township of Mendham has a need to grind brush, stumps, and logs; and

WHEREAS, The Township uses the mulch created from the tub grinding to provide to residents and for use on Township properties; and

WHEREAS, Vito Tree Care and Land Management, Inc. has submitted a quote in the amount of \$41,650 for tub grinding services; and

WHEREAS, Vito Tree Care and Land Management, Inc of Belleville, New Jersey has been duly reviewed and analyzed by the Township Administrator and has been found to be in proper form and in compliance with the provisions of N.J.S.A 40A:11-3;

WHEREAS, the services provided will be paid for from the 2023 budget from account numbered T-29-56-850-812 – Storm Trust Fund

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

1. The Township Committee hereby awards a contract Vito Tree Care and Land Management, Inc of Belleville, New Jersey for the tub grinding in an amount not to exceed \$41,650.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Vito Tree Care and Land Management for said services.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted July 24, 2023

RESOLUTION 2023-136
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF ADMINISTRATION AND
TOWNSHIP CLERK 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, Clerk Salary, and Wages in accordance with the following:

ADMINISTRATION

Emily Orgera	Admin. Clerk	\$13/hour
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NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mendham that the following changes in salary be made, effective July 24, 2023.

Adopted: July 24, 2023

RESOLUTION 2023-137
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE APPOINTMENT OF A MECHANIC AND BUILDING MAINTENANCE EMPLOYEE IN THE
DEPARTMENT OF DEPARTMENT OF PUBLIC WORKS

WHEREAS the Department of Public Works is in a need of a full time Mechanic and building maintenance staff person and;

WHEREAS the Public Works Superintendent and Township Administrator have recommended that Theodore Visha of Hopatcong, NJ, be appointed as a Mechanic pending passing his background check and medical exam.

NOW THEREFORE BE IT RESOLVED; by the Township Committee of the Township of Mendham that Theodore Visha of Hopatcong, NJ is hereby appointed as a full-time employee assigned to the Department of Public Works at an annual rate of \$73,743.75 in accordance with the DPW Collective Bargaining Agreement pending the passing of a background check and medical exam.

Adopted July 24, 2023

RESOLUTION 2023-138
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE APPOINTMENT OF A LABORER IN THE DEPARTMENT OF DEPARTMENT OF PUBLIC
WORKS

WHEREAS, the Department of Public Works is in a need of a full time laborer and;

WHEREAS the Public Works Superintendent and Township Administrator have recommended that Rocco Timpano of Succasunna, NJ, be appointed as a laborer pending passing his background check and medical exam.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mendham that Rocco Timpano of Succasunna, NJ is hereby appointed as a full-time employee assigned to the Department of Public Works at an annual rate of \$37,260 in accordance with the DPW Collective Bargaining Agreement pending the passing of a background check and medical exam.

Adopted July 24, 2023

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