

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, November 27, 2023
TIME: 6:30 PM- EXECUTIVE SESSION (not open to the public)
7:30PM- PUBLIC SESSION-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
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.

RESOLUTION TO CONVENE INTO EXECUTIVE SESSION

2023-179 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

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

- November 13, 2023- Regular Meeting Minutes
- November 13, 2023 – Executive Meeting Minutes

ORDINANCE(S) FOR SECOND READING/PUBLIC HEARING

- 12-2023** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY RE: AMENDING CHAPTER 7 “TRAFFIC” SECTION 13 “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS”
INTRODUCED NOVEMBER 13, 2023
- 13-2023** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY RE: AMENDING CHAPTER 7 “TRAFFIC” SECTION 29 “SPEED LIMITS”
INTRODUCED NOVEMBER 13, 2023
- 14-2023** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY RE: AMENDING THE NAME OF A PORTION OF SHORES ROAD KNOWN AS ARCADIA CIRCLE TO “BROOKSIDE WAY”
INTRODUCED NOVEMBER 13, 2023

REGULAR AGENDA RESOLUTIONS

- 2023-180** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS
- 2023-181** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AWARDING CONTRACT FOR SOLID WASTE, BULKY WASTE COLLECTION TO RECYCLE TRACT SYSTEMS NJ LLC (RTS)
- 2023-182** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM PERSONNEL POLICIES AND PROCEDURES
- 2023-183** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN GOODS AND SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO FOR BE SECURE ALARMS FOR PURCHASE OF AND INSTALLATION OF AUDIO-VISUAL EQUIPMENT
- 2023-184** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO APPROVE A PROFESSIONAL SERVICE CONTRACT FOR MS4 PERMITTING COMPLIANCE PHASE 1 TO BE COMPLETED BY FRENCH & PARRELLO IN AN AMOUNT OF \$145,000
- 2023-185** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO SUPPORT THE GRANT APPLICATION OF NEW JERSEY HIGHLANDS COUNCIL FOR MS4 PERMITTING IN AN AMOUNT OF \$145,000 FOR THE IMPLEMENTATION OF THE TOWNSHIP PHASE 1 MS4 COMPLIANCE
- 2023-186** RESOLUTION OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE TRANSPORTATION BANK SHORT-TERM LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$2,800,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE TOWNSHIP OF MENDHAM IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK’S TRANSPORTATION BANK SHORT-TERM LOAN PROGRAM

2023-187 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM FOR STATE/FEDERAL FUNDING DUE TO EMERALD ASH BORER DESTRUCTION OF ASH TREES

2023-188 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM RECOGNIZING THE GROWING PROBLEM OF ANTISEMITISM IN AMERICA AND CALLING FOR THE ADOPTION OF EDUCATIONAL TOOL TO ADDRESS IT

DISCUSSION

Town Hall Renovation Update
Native Plant Ordinance

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.

ADJOURN

RESOLUTION 2023-179

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 **November 27, 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: November 27, 2023

ORDINANCE NO. 12-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
RE: AMENDING CHAPTER 7 “TRAFFIC” SECTION 13 “PARKING PROHIBITED AT ALL TIMES ON CERTAIN
STREETS”

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris as follows:

SECTION ONE: In accordance with an appropriate study by the Mendham Township Police Department Chapter 7, section 13 of the ordinances of the Township of Mendham is hereby amended as follows:

Chapter 7 SECTION 13 “Parking prohibited at all times on certain streets.”

Name of Street- Ironia Road

Side- Westerly

Location- From Mountainside Road to Route 24

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 Morris 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: November 13, 2023

ORDINANCE NO. 13-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
RE: AMENDING CHAPTER 7 “TRAFFIC” SECTION 29 “SPEED LIMITS”

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris as follows:

SECTION ONE: In accordance with an appropriate study by the Mendham Township Police Department Chapter 7, section 9 of the ordinances of the Township of Mendham is hereby amended as follows:

Chapter 7 SECTION 29 “SPEED LIMITS”

Name of Street- Oak Knoll Road

Speed Limit- 25mph

Location- From Route 24 to Valley View Drive

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: November 13, 2023

ORDINANCE NO. 14-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
RE: AMENDING THE NAME OF THE NEW ROAD KNOWN AS ACADIA CIRCLE TO “BROOKSIDE WAY”

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris as follows:

SECTION ONE:

WHEREAS, a subdivision was approved by the Mendham Township Planning Board relating to property at the end of Shores Road which resulted in a new public road into the subdivision; and

WHEREAS, the subdivision map reflected the name of the new public road as Acadia Circle, and

WHEREAS, the owner of one hundred percent of the newly created lots in the subdivision wishes to change the name of Acadia Circle to “Brookside Way, and

WHEREAS, no objections have been raised by Municipal Officials or other parties.

The road known as Acadia Circle which lies within the new subdivision shall be named “**Brookside Way**, the following conditions shall be satisfied by the property owner:

1. An amended map shall be filed in the office of the Morris County Clerk and the appropriate mylar and sealed copies shall be provided to the Township Engineer and Tax Assessor.
2. Signage reflecting the name change shall be installed at the applicant’s cost and expense in a location approved by the Chief of Police and the Engineer

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 Morris 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: November 13, 2023

RESOLUTION 2023-180
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: November 27, 2023

RESOLUTION 2023-181
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AWARDING CONTRACT FOR SOLID WASTE, BULKY WASTE COLLECTION
TO RECYCLE TRACT SYSTEMS NJ LLC (RTS)

WHEREAS, The Township awarded bids in 2021 for Solid Waste and Bulk Waste Collection to Recycle Track Systems NJ LLC for a 3-year term from 2021 through 2023, with the option to extend the contract for 2 one-year options for 2024 and 2025; and

WHEREAS, the increase in price based on the awarded bid is 2% for an amount not to exceed \$132,571.00 for 2024 and \$ \$135,22 for 2025; and

WHEREAS, RTS, Inc has been duly reviewed and analyzed by the Mendham Interim Administrator and been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

WHEREAS, the services provided in this bid will be provided for in the 2024 budget from accounts numbered 4-01-26-305-209 – Solid Waste Administration.

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

1. The Township Committee hereby awards a contract to RTS., for Solid Waste and Bulk Waste collection in a total amount not to exceed **\$\$132,571 for 2024.**
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with RTS in accordance with its bid for said Solid Waste and Bulk Waste Collection.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted November 27, 2023

RESOLUTION 2023-182
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Township of Mendham to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Committee of the Township of Mendham has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham that the synopsis of changes to the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township of Mendham officials, appointees, employees, volunteers, and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State Law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by the Township of Mendham employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee of the Township of Mendham.

BE IT FURTHER RESOLVED that the maximum extent permitted by law, employment practices for the Township of Mendham shall operate under the legal doctrine known as “employment at will”.

BE IT FURTHER RESOLVED that Arthur R. Thibault has been appointed as the Labor Attorney to advise the Township Committee in personnel matters.

BE IT FURTHER RESOLVED that the Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Township Administrator and the Labor Attorney shall implement the policies and procedures in this manual.

Adopted November 27, 2023

RESOLUTION 2023-183
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN GOODS AND SERVICES CONTRACT WITHOUT
COMPETITIVE BIDDING TO FOR BE SECURE ALARMS
FOR PURCHASE OF AND INSTALLATION OF AUDIO-VISUAL EQUIPMENT

WHEREAS, it has been determined that the Township is in need of new audio and visual equipment and sound system for public meetings of the Township Committee, Zoning Board of Adjustment, Board of Health and Planning Board; and

WHEREAS, the audio-visual equipment includes speakers and microphones and a recording system upgrade that can be integrated with the Zoom platform; and

WHEREAS, Be Secure Alarms LLC of Lafayette, New Jersey can provide the necessary equipment and a cost of \$32,000; 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 from account C-04-55-037-002; and

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 Be Secure Alarms of Lafayette, New Jersey, not to exceed \$32,000 for the installation of audio-visual equipment.

Adopted November 27, 2023

RESOLUTION 2023-184
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
TO APPROVE A PROFESSIONAL SERVICE CONTRACT FOR MS4 PERMITTING COMPLIANCE PHASE 1 TO BE
COMPLETED BY FRENCH & PARRELLO IN AN AMOUNT OF \$145,000

WHEREAS, the state of New Jersey Department of Environmental Protection has implemented new storm water MS4 permitting requirements for Tier A municipalities; and

WHEREAS, The Township is a Tier A municipality and will have a significant number of updates to ensure compliance with the MS4 Permitting; and

WHEREAS, French and Parrello Associates has submitted a proposal for phase 1 of the MS4 permitting requirements in an amount not to exceed \$145,000; and

WHEREAS, The Township will apply for grant funding for Phase 1 of MS4 permitting compliance from the New Jersey Highlands Council; and

WHEREAS, the Township of Mendham looks forward to being included in the preliminary design process to improve the intersection for pedestrians and vehicular traffic.

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 French and Parello for a contract not to exceed \$145,000 for Phase 1 of MS4 Storm Water permitting compliance.

BE IT FURTHER RESOLVED that the contract, resolution, and all other pertinent documents shall remain on file in the office of the Township Clerk; and

Adopted November 27, 2023

RESOLUTION 2023- 185
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
TO SUPPORT THE GRANT APPLICATION OF NEW JERSEY HIGHLANDS COUNCIL FOR MS4 PERMITTING IN
AN AMOUNT OF \$145,000 FOR THE IMPLEMENTATION
OF THE TOWNSHIP PHASE 1 MS4 COMPLIANCE

WHEREAS, the State of New Jersey Department of Environmental Protection has implemented new storm water MS4 permitting requirements for Tier A municipalities; and

WHEREAS, the Township of Mendham is a Tier A municipality and will have a significant financial burden to implement the upgrades necessary to comply with the MS4 Permitting; and

WHEREAS, the New Jersey Highlands Council has grant program for municipalities within the Highlands region to help assist with funding for Tier A MS4 compliance; and

WHEREAS, the Township of Mendham is requesting a grant of \$145,000 from the New Jersey Highlands Council for Phase 1 of its MS4 permitting compliance; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Mendham, County of Morris, State of New Jersey, approve the submission of the application for MS4 permitting compliance to the New Jersey Highlands Council

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the County of Morris, Department of Public Work, Division of Engineering and Transportation.

Adopted November 27, 2023

RESOLUTION 2023-186

RESOLUTION OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE TRANSPORTATION BANK SHORT-TERM LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$2,800,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE TOWNSHIP OF MENDHAM IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK’S TRANSPORTATION BANK SHORT-TERM LOAN PROGRAM

WHEREAS, the Township of Mendham (the “Local Unit”), in the County of Morris, New Jersey has determined that there exists a need within the Local Unit to provide for various road improvements, consisting of the paving and milling of municipally owned streets, including but not limited to, Hunter Glen, Carriage Hill, Green Hills Road, Indian Hollow Road, Yardley Road, Yardley Place, Knollwood Trail, East Main Street, West Main Street, and Woodland Road, and further including all work and materials necessary therefor and incidental thereto (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the transportation financing programs (the “Transportation Bank”) of the New Jersey Infrastructure Bank (the “I-Bank”) as established pursuant to, and in satisfaction of, the “New Jersey Infrastructure Trust Act,” constituting Chapter 334 of the Pamphlet Laws of 1985 of the State (codified at N.J.S.A. 58:11B-1 *et seq.*), as the same has been, and in the future may from time to time be, amended and supplemented (the “I-Bank Act”);

WHEREAS, the Local Unit has determined to short-term finance the design and construction of the Project through the Transportation Bank short-term loan program (the “Transportation Short-Term Loan Program”) with proceeds of a short-term loan (the “Transportation Short-Term Loan”) from the I-Bank;

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Transportation Short-Term Loan, and (ii) satisfy the requirements of the Transportation Short-Term Loan Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Transportation Bank Short-Term Loan Program of the New Jersey Infrastructure Bank” in an aggregate principal amount of up to \$2,800,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law and Section 9 of the I-Bank Act permit the sale of the Note to the I-Bank, without any public offering, all pursuant to the terms and conditions set forth, respectively, therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The obligation represented by the Note has been appropriated and authorized by bond ordinance #02-2023 of the Local Unit, which bond ordinance (i) is entitled “BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,800,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.” and was finally adopted by the Local Unit at a meeting duly called and held on March 13, 2023, at which time a quorum was present and acted throughout, (ii) thereafter duly published as required, and (iii) is in full force and effect, all pursuant to and in satisfaction of the terms of the Local Bond Law and other applicable law. In

accordance with Section 28 of the Local Bond Law and Section 9 of the I-Bank Act, the Local Unit hereby authorizes the issuance, sale and award of the Note to the I-Bank in accordance with the provisions hereof.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law, the I-Bank Act, other applicable law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), (ii) the dated date of the Note and (iii) the interest rate of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note, to be issued to the I-Bank, shall be an amount up to \$2,800,000;
- (b) the maturity date of the Note shall be as determined by the I-Bank pursuant to the terms and provisions of the Transportation Short-Term Loan Program;
- (c) the interest rate of the Note shall be as determined by the I-Bank pursuant to the terms and provisions of the Transportation Short-Term Loan Program;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity and to repayment at or prior to its stated maturity, each in accordance with the terms and provisions of the Transportation Short-Term Loan Program;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJTB-STLP-2023-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form approved by the Transportation Bank and reviewed by bond counsel to the Local Unit.

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the drafting, preparation and printing of the Note, which law firm may authorize Chiesa Shahinian & Giantomasi PC, bond counsel to the I-Bank for the Transportation Short-Term Loan Program, to arrange for same.

Section 7. The Local Unit Mayor, Chief Financial Officer and Local Unit Clerk (each an “Authorized Officer”) are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation

of the Local Unit in the Transportation Short-Term Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution, issuance and delivery of the Note and the participation of the Local Unit in the Transportation Short-Term Loan Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David E. Zimmer, Executive Director of the I-Bank, and Tricia M. Gasparine, Esq., Chiesa Shahinian & Giantomasi PC, bond counsel to the I-Bank for the Transportation Short-Term Loan Program.

Adopted November 27, 2023

RESOLUTION 2023-187
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
FOR STATE/FEDERAL FUNDING DUE TO EMERALD ASH BORER DESTRUCTION OF ASH TREES

WHEREAS, the United States and especially New Jersey has been hard hit by the Emerald Ash Borer (EAB), a voracious pest that has destroyed hundreds of thousands of Ash trees and has devastated the canopy of trees throughout the municipalities of Morris County since it was discovered in New Jersey in 2014; and

WHEREAS, as Ash trees die, they become quite brittle and are a hazard to the community and need to be removed to minimize risk to life and property; and

WHEREAS, each municipality has incurred substantial costs to remove, destroy and quarantine (to avoid the spread of the EAB) these hazard trees; and

WHEREAS, each municipality should be replacing the lost tree canopy with a different species of trees as soon as possible to maintain the ecosystem; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham urges the state of New Jersey and U.S. federal government to provide funding to assist municipalities in dealing with this extraordinary and unanticipated cost of removing, destroying, and quarantining the infected Ash trees and replacing the lost tree canopy; and

BE IT FURTHER RESOLVED that copies of the resolution be transmitted to all members of the New Jersey State Legislature, the Lieutenant Governor, the Governor of the State of New Jersey; and to all our representatives in Congress.

Adopted November 27, 2023

RESOLUTION 2023-188
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
RECOGNIZING THE GROWING PROBLEM OF ANTISEMITISM IN AMERICA AND CALLING FOR THE
ADOPTION OF EDUCATIONAL TOOLS TO ADDRESS IT

WHEREAS, the Township of Mendham stands with other municipalities across New Jersey, including the City of Summit, Westfield, Berkeley Heights, New Providence, Scotch Plains, Millburn, Livingston, and many more, against antisemitism, and;

WHEREAS, antisemitic attacks across New Jersey have been on the rise since 2019, and;

WHEREAS, such attacks across the nation have risen by almost 400% so far in 2023 over last year, and;

WHEREAS, the recent American Jewish Committee (AJC) State of Antisemitism in America Report found that more than one in three American Jews (37%) say they have been victims of antisemitism over the past five years, and;

WHEREAS, antisemitism, including harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith, remains a persistent, pervasive, and disturbing problem in American society, and;

WHEREAS, Jews continue to be a targeted minority in the United States and are consistently the most likely of all religious groups to be victimized by incidents of hate, and such incidents are increasing at an alarming rate, and;

WHEREAS, we acknowledge that because of these attacks, synagogues across the country have felt compelled to re-evaluate their own security measures to keep their congregations safe, and;

WHEREAS, Township of Mendham officials and institutions have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must be given the tools to do so, and;

WHEREAS, valid monitoring, informed analysis and investigation, and effective policy making all benefit from accurate and uniform definitions, and;

WHEREAS, the International Holocaust Remembrance Alliance (IHRA), by consensus vote of its member states, adopted a Working Definition of Antisemitism in May 2016, which has become the internationally recognized, authoritative definition of antisemitism for use by governments and international organizations. That definition reads in full:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish and non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective – such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.
- Accusing Jews as people being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Denying the fact, scope, mechanisms (e.g., sexual and gender-based violence) or intentionality of the attacks on civilians within Israel by Harakat al-Muqawama al-Islamiya (HAMAS) and its allies on October 7, 2023.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of the State of Israel a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the State of Israel.

And,

WHEREAS, antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries), and;

WHEREAS, the IHRA Working Definition has proven to be an essential tool used to help determine contemporary manifestations or antisemitism, and;

WHEREAS, in the United States, the IHRA Working Definition is utilized by various government agencies, including the U.S. Department of State and the U.S. Department of Education, and can be utilized by law enforcement agencies in monitoring, training, and education, and;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham:

1. It does hereby adopt the non-legally binding International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism in full.
2. It will ensure that the IHRA Working Definition of Antisemitism is available as an educational resource for the Board of Education, Police Department, and other agencies responsible for addressing antisemitism and other forms of discrimination.

Adopted November 27, 2023

ZOOM ACCESS

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+13052241968,,86816956043#,,,,*761526# US

+13092053325,,86816956043#,,,,*761526# US

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