



Founded 1749

**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: Tuesday, October 27, 2020

TIME: 5:30 PM - Executive Session
7:30 PM - Regular Session

LOCATION: IN-PERSON LOCATION

Town Hall
2 West Main Street
Brookside

REMOTE VIA ZOOM – Link on Page 17

Webinar ID: 838 8095 2143

Passcode: 021071

ROLL CALL

Mr. Baio Present
Ms. Duarte Present
Mr. Monaghan Present
Mr. Orlins Present
Mayor Neibart Present

Also, Present

Mr. Bob Casey, Township Administrator
Mr. John Mills, Township Attorney
Ms. Maria Coppinger, Township Collector

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 3, 2020. The notice of change in meeting format and start time was given to Star Ledger and Daily Record on October 19, 2020. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

SALUTE TO THE FLAG

2020-195 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

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X		X			
Ms. Duarte	X		X		X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

The Township Committee entered into Executive Session at 5:33 PM. The Township Committee returned from Executive Session at 7:15pm; Re-convened for Regular Session at 7:30PM.

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SALUTE TO THE FLAG

PROCLAMATION

Mayor Neibart presented the proclamation to Ms. Cotton.

Honoring Stephanie Cotton, who served as Director of the Mendham Township Library from 2007 to 2020 and Children’s Librarian from 2006 through 2007 with dedication and distinction.

Mr. Peter Colford, President of the Board of Trustees, commented on Ms. Cotton’s achievements.

COVID-19 UPDATE

Mayor Neibart provided an update on the Covid-19 numbers.

ANNOUNCEMENTS

The Township Committee made several announcements regarding election updates and upcoming township events. Assemblywoman Dunn sent a letter congratulating the Township on the final installation of the Ralston Playground.

OPEN TO THE PUBLIC

Ms. Duarte made a motion to open the meeting to the public; Seconded by Mr. Monaghan.

There were no comments from the public.

Ms. Duarte made a motion to close the meeting to the public; Seconded by Mr. Baio.

APPROVAL OF MINUTES

Regular Meeting Minutes of July 13, 2020

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X		X			
Ms. Duarte	X		X		X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

Special Meeting Minutes of July 22, 2020

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X		X			
Ms. Duarte	X		X		X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

Executive Meeting Minutes of July 22, 2020

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X		X	X		
Ms. Duarte	X		X		X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

Regular Meeting Minutes of July 28, 2020

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X		X	X		
Ms. Duarte	X		X		X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

Executive Meeting Minutes of July 28, 2020

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X		X	X		
Ms. Duarte	X		X		X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

CONSENT AGENDA - RESOLUTIONS

2020-196 Resolution of the Township Committee of the Township of Mendham Recognizing the Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020 - June 2025

2020-197 Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of Taxes Due to New Jersey State Tax Court Judgment

2020-198 Resolution of the Township Committee of the Township of Mendham Authorizing the Local Government Emergency Fund (CRF) Grant Application in the Amount of \$57,672

Consent Agenda – Resolutions 2020-196 thru 2020-198

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio					X		
Ms. Duarte	X		X		X		
Mr. Monaghan		X			X		
Mr. Orlins				X	X		
Mayor Neibart					X		

REGULAR AGENDA - RESOLUTIONS

2020-199 Resolution of the Township Committee of the Township of Mendham Authorizing the Termination of the State of New Jersey Short-Term Disability Plan and Providing Coverage through MetLife Short-Term Disability Plan

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio					X		
Ms. Duarte	X		X		X		
Mr. Monaghan		X			X		
Mr. Orlins				X	X		
Mayor Neibart					X		

2020-200 Resolution of the Township Committee of the Township of Mendham Establishing the Construction Project Exterior Design Advisory Committee

The Township Committee engaged in a discussion on the CPEDA Committee including the procedure on how to apply for the committee and the number of members. It was suggested to have the professionals (architects) provide the design for the CPEDA Committee to evaluate and work off.

Ms. Duarte made a motion to table Resolution 2020-200 to the next township committee meeting; seconded by Mr. Orlins. All members present voted to table Resolution 2020-200.

2020-201 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio				X	X		
Ms. Duarte	X		X		X		
Mr. Monaghan		X			X		
Mr. Orlins					X		
Mayor Neibart					X		

ORDINANCE FOR SECOND READING / PUBLIC HEARING

12-2020 Bond Ordinance Providing for Capital Improvements in and by the Township of Mendham, In the County of Morris, New Jersey, Appropriating \$5,000,000 Therefor and Authorizing the Issuance of \$4,750,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof – **Introduced on October 13, 2020**

Ms. Duarte made a motion to open the meeting to the public; Seconded by Mr. Monaghan.

Patricia Zimmerman – 3 West Main Street – Ms. Zimmerman mentioned that people are concern about coming to public meetings because of Covid-19. Ms. Zimmerman made a couple of comments on her neighbor’s

behalf (Ms. Zimmerman noted that her neighbor was on the Zoom call); her neighbor has asked to slow the progress on the new construction.

Ted Maglione – 10 Thackery Lane – Mr. Maglione asked the Township Committee to reconsider Ordinance 12-2020. He provided a breakdown of the construction cost and expressed that the costs are high.

Craig Schrader – 1 West Main Street – commented on the CPEDA Committee and its membership.

Diana Orban Brown – Ironia Road – She asked the Township Committee to take a look of what the priorities should be. She has spoken about the police station several times and that should be the highest priority; however, she did not realize the situation in Town Hall – not the extent of it. She noted that she would move Town Hall ahead of the Police Station on the priority list. She explained that the bond ordinance is merely a commitment that there is money available to do whatever you plan to do, the details of which have to be worked out in future; that is why she strongly supports the bond ordinance.

Arjan Roghanchi – Brockden Drive – spoke in support of the police department and the officers. He also noted that it's very important for the CPEDA committee to have new faces (volunteers). He expressed that we are in a historically low interest rate environment, and hopes the ordinance passes unanimously.

Kylie Bailin – 10 Washington Valley Road – She spoke against the proposal to build a new police station, instead of a new library. She agrees that the police need a new place and agrees that the money should be spent. She mentioned that the police department could be more easily incorporated into the renovated municipal building and share municipal services all in one complex. She expressed that most towns have a stand-alone library building, we are one of the few that do not have one. The residents should get a chance to vote on the ordinance. She agrees with supporting the plan in general and approving money, we need a new municipal building and the police need a new facility but the details (which building) could be worked out later.

Mike Wicko – 9 Oak Knoll Road – mentioned his support for a new police station and hopes the ordinance moves forward.

Patricia (Trish) Zimmer – 13 East Main Street – she does not oppose what needs to be done for the police department. She applauded the Township Committee for considering citizens to assist with process; its not about the number of citizens, its about getting the right people on board and its about making sure that new construction looks like it has always belonged in the historic district.

Randy Lee – 24 Old Knoll Road – Mr. Lee is in 100% supportive of this and the ordinance needs to move forward. Mr. Lee has experience in flooring and expressed that he is willing to do the flooring at cost for the town and maybe other professionals would provide assistance to help with cost.

Mr. Orlins made a motion to close the meeting to the public; Seconded by Mr. Baio.

Mayor Neibart read the title of Ordinance 12-2020.

The Township Committee engaged in a discussion regarding Ordinance 12-2020.

Mr. Orlins commented:

- Also, agrees with Mr. Maglione's comments on the construction cost; the numbers feel weird.
- He will vote in favor of the ordinance because he helped the committee streamline the project from 7,500 sq. ft. to the current size.
- The bill cost decreased
- He will re-read the Lessons Learned Report over and over again as the township goes through the process.

Ms. Duarte commented:

- Expressed this is a tough decision, the police station has been kicked down the road for too long
- The police facility is embarrassing which has to be addressed and will be addressed
- Town Hall also needs to be addressed; there are real issues, and the requirement to make the building ADA compliant
- We need to maintain our library
- The concern is if the police or library should be a stand-alone facility
- The concern around shared services and future opportunities
- There was not sufficient information on the tax implication of this plan
- Agrees that we are rushing the plan
- Disappointed that we are not going to end up with a new library (stand-alone building); she will not support the bond ordinance.

Mr. Baio commented:

- Window in Time: We have needs, we have low rates, and we have a need to move forward because there is potential for library grants
- Applauded Mayor Neibart for her efforts
- He understands that Town Hall and the Police Facility appear to be over budgeted; we are not spending this money, this approval is about getting qualified for a mortgage.
- The need is the police station and not the library

Mr. Monaghan commented:

- This has not been a huge rush; he has worked on this since last year
- The bond ordinance starts the process

- Supports the bond ordinance

Mayor Neibart commented:

- Addressed the comments and concerns of the public
- Mentioned the Township Committee’s priority – ADA Compliant, address the police facility, needs to be cost effective, needs to honor the historical nature and possible community space for programs and recreation.
- The library has endorsed the current plan
- Spoke on the debt process
- Will vote in favor of the bond ordinance

Ms. Duarte asked questions specifically on the bond ordinance and wording.

ORDINANCE 12-2020

BOND ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio				X	X		
Ms. Duarte						X	
Mr. Monaghan	X				X		
Mr. Orlins		X	X		X		
Mayor Neibart					X		

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (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 are hereby respectively authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$5,000,000, and further including the aggregate sum of \$250,000 as the down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$4,750,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness
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.	\$2,600,000	\$2,465,000	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	\$2,400,000	\$2,285,000	20 years
TOTALS:	\$5,000,000	\$4,750,000	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose. Each purpose includes all work, materials, equipment and costs related or incidental thereto.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the

provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.81 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 \$4,750,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

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

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

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real 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.

APPOINTMENT

MAYORAL APPOINTMENT:

Environmental Commission – Kylie Bailin, Alternate Member – Unexpired Term 12/31/2021

OPEN TO THE PUBLIC

Ms. Duarte made a motion to open the meeting to the public; Seconded by Mr. Baio.

Warren Gisser – 39 West Main Street – Thanked the Committee and most specifically Mayor Neibart on their efforts with the bond ordinance.

Randy Lee – Oak Knoll Road – Thanked the committee for their hard work and efforts on the bond ordinance. He noted that shared services keep coming up and expressed that Mendham Township needs to change their mind set to show the professionalism and awesome job that the Mendham Township Police do and start looking to acquire other services.

Patricia Zimmerman – 3 West Main Street – She is 100% behind the town's police force and thanked the committee.

Ms. Duarte made a motion to close the meeting to the public; Seconded by Mr. Monaghan.

DISCUSSION

Administration

The Infiltration & Inflow sewer report has been made available and the residents in the Drakewick Community have been notified.

Liaison Reports

The Township Committee presented their liaison reports.

ADJOURN

Motion to adjourn at 9:55 pm made by Mr. Baio; seconded by Ms. Duarte.

Respectfully submitted,

Distributed: 04/17/2021

Approved: 04/26/2021

Maria F. Coppinger
Township Clerk