

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, March 13, 2023
TIME: 6:30 PM
LOCATION: **MENDHAM TOWNSHIP MIDDLE SCHOOL**
All Purpose Room
16 Washington Valley Road, Brookside
And via the Zoom communications platform (referenced herein as “Zoom”)

ROLL CALL

Ms. Duarte	Present
Ms. Moreen	Present {arrived shortly after roll call}
Ms. Neibart	Present
Ms. Spirig	Present
Mayor Monaghan	Present

Also, present:

Mr. John M. Mills, Esq.
Mr. Jason Gabloff, Township Administrator
Ms. Karen Orgera, Acting Township Clerk

SALUTE TO THE FLAG- LED BY MAYOR MONAGHAN

STATEMENT OF ADEQUATE NOTICE-READ BY MAYOR MONAGHAN

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.

FINANCE COMMITTEE

Administrative Budget Presentation

Township Administrator Jason Gabloff presented the 2023 budget. Mr. Gabloff highlighted the various budget increases. The 2023 budget breakdown showing operating expenses and statutory expenditures were shared with the Township Committee. The presentation is appended to the minutes

Upon conclusion of the presentation there were no comments or questions from the Finance Committee or Township Committee.

Recreation Budget Presentation

Recreation Director David Guida presented the 2023 Recreation budget and capital requests. Mr. Guida shared highlights of 2022 and future programming needs of the recreation programs. He mentioned that fundraising efforts set off a fair amount of costs of the different special events. The presentation is appended to the minutes

Upon conclusion of the presentation Ms. Moreen requested that the costing out of the proposed Mosle Field Lighting and maintenance numbers be finalized and Ms. Duarte inquired as to the next steps for the proposed Mosle Lighting project.

PRESENTATION

None

PROCLAMATION

Eagle Scout Candidate Brian Janacek

Committeewoman Duarte read the proclamation commending Brian Janacek on achieving the rank of Eagle Scout and presented the proclamation to Mr. Janacek.

RECOGNIZING NEW MEMBER

Mayor Monaghan recognized Eren Onat as an active member of the Ralston Engine Company #1 having served as a junior member.

ANNOUNCEMENTS

Ms. Duarte recognized the First Aid Squad and the awards presented at its annual dinner held on March 4th. She reported that the First Aid Squad responded to 269 calls in 2021 and 386 calls were responded to in 2022.

Ms. Duarte mentioned March is Women's History month and recognized Ms. Neibart, Ms. Moreen and Ms. Spirig on the Township Committee, as well as recognizing the women of the community.

Mr. Monaghan announced the new Police Headquarters will be holding an open house on May 6th and invited the public to attend. More information to follow.

Ms. Neibart announced that the First Aid Squad will be participating in the Police Unity tour on May 9th and congratulated the volunteers of the First Aid Squad on their accomplishments. She further reported that both fire departments marched in the St. Patrick's Day parade in Morristown, where Mendham resident Ryan Dawson was honored as the parade's Grand Marshall.

Ms. Neibart announced that blood drives have been scheduled for May 4th and September 21st at the Brookside Community Club, and also announced that the next senior luncheon will be held on March 21st at the Brookside Community Club. Lastly, Ms. Neibart reported that Governor Murphy announced a State of Emergency in advance of the forecasted snowstorm.

Ms. Spirig expressed her congratulations to the First Aid Squad and thanked the members for their volunteer service. She reported that the Board of Education is in the middle of their budget process and will be meeting again on March 14th at 7:30pm in the media center. The school budget is scheduled to be voted on at its May 9th meeting. Lastly, Ms. Spirig announced that the library hired a new adult program coordinator and thanked the public for the email feedback she has been receiving.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

Frank Zammataro, 41 Corey Lane, Mendham NJ, commented that he is a representative for the Mendham Alliance for Preservation and Conservation and read a prepared letter that was emailed to the Township Committee sharing concerns regarding the proposed Mosle Field lighting.

Mr. Selementi (first name not provided) 2 Kendall Court, Mendham NJ participated by Zoom. He commented that as a young football player he enjoys playing football and supported lighting Mosle Field.

Kim Schoenholtz, 8 Hunters Glen, Mendham NJ commented that officials must undertake financial due diligence regarding the proposed Mosle Field lighting project.

Nunzio Esposito, 289 Mountainside Road, Mendham NJ expressed his concerns regarding traffic, health and safety challenges concerning the proposed Backer Farm Brewery. He also questioned what the liability, if any, would fall on the Township.

Peter Banos, 47 Ironia Road, Mendham NJ inquired if the Township Committee would consider inviting the Raritan Headwaters to give a presentation at the next Township Committee meeting. He also voiced his concerns about the proposed Backer Farm Brewery.

Elisabeth MacDonald, 313 Mendham Road West, Mendham NJ expressed her concerns regarding increased traffic at the intersection of Route 24 and Roxiticus Road.

Dennis Tupper, 1 Rain Tree Ridge, Mendham NJ expressed his strong support for the proposed lighting at Mosle Field.

Ed Coury, 87 Mosle Road, Mendham NJ expressed his opposition to the proposed Mosle Field lightning and concerns regarding environmental impacts.

Domenic DiSiena, 14 Shelton Road, Mendham NJ expressed his support for the proposed Mosle Field lighting and improvements.

Jen Selementi, 2 Kendall Court, Mendham NJ participated by Zoom. She expressed support for the proposed Mosle Field lighting.

Vinny LaSorsa, 90 Fairmount Avenue, Chester NJ, former President of the Twin Boro Bears and upcoming 8th grade football coach, thanked the Township Committee for their consideration in supporting the proposed Mosle Field lighting and improvements.

Quan Hong, 10 Hunters Glen, Mendham NJ expressed concern that lighting and improvements to Mosle Field could bring increased traffic into the neighborhood.

Kristin Barber, 5 Carriage Hill Drive, Mendham NJ participated by Zoom. She voiced her concern regarding potential impacts of increased traffic in the neighborhood with the proposed Mosle Field lighting.

Richard Watson, 14 North Gate Road, Mendham NJ inquired as to what the benefits of the proposed Backer Farm Brewery would be to the Township.

Rich Diegnan, 40 Walsingham Road, Mendham NJ voiced his support for the proposed lighting and improvements to Mosle Field. As a former mayor in Mendham Township, he commented that schools and recreation programs are important in the community.

Anthony Reitano, 3 Carriage Hill, Mendham NJ expressed opposition to the proposed lighting and parking lot improvements to Mosle Field. He further commented that he searched through past Township Committee meeting minutes and could not find any approvals that lighting would be installed on Mosle Field. He also questioned the Recreation Committee's authority in approving lighting in any park. And confirmed that the Township's Park sunset ordinance requires parks to closes half an hour after sunset.

Barrett Kolton, 3 North Gate Road, Mendham NJ sought clarification on the application process for the proposed Backer Farm Brewery and inquired why the application was pulled from the Township Planning Board and submitted to the Morris County Ag Board. Mayor Monaghan provided clarification and assured that once the application is completed and submitted to Township officials, all components of the proposed use and potential impacts will be examined.

Marta Longo, 42 Corey Lane, Mendham NJ inquired if the proposed Mosle Field lightning project could be a shared multi town project.

Norman Menz, 81 Mosle Road, Mendham NJ expressed his opposition to the proposed lighting and improvements to Mosle Field and commented that he searched through past Committee meeting minutes and could not find any approvals that lighting would be installed on Mosle Field.

Jaime Goodrich, 4 Carriage Hill, Mendham NJ commented on the Township's Park sunset ordinance which requires township parks to closes half an hour after sunset.

Randy Lee, 24 Oak Knoll Road, Mendham NJ commented that he spends significant time at Mosle Field and has never heard of any complaints regarding the use of the park. He further commented that on March 10th the Chester Fire Department came to Mosle Field with its ladder truck to determine what houses could be seen from 70 feet in the air. Mr. Lee also suggested that any potential traffic concerns could be addressed by police efforts.

Elisa Wyman, 4 Parkwood Lane, Mendham NJ commented that the results of the public survey posted on the Township's website received an overwhelming supportive response for adding lighting and improvements to Mosle Field.

Steven Lustig, 6 Peachtree Lane, Chester NJ introduced himself as the vice president of youth sport coaches and expressed his support for the proposed lighting at Mosle field. Mayor Monaghan inquired where games are played in Chester and whether Chester's governing body is asked to install lighting at its ball fields.

Timothy Jabbour, 4 Orchard Street, Mendham NJ voiced his support for the proposed lighting and improvements to Mosle Field.

Mary Shay-Milea, 1 Carriage Hill, Mendham NJ participated via Zoom. Expressed her concern that the proposed lighting and improvements to Mosle Field may encourage more activity and use of the field.

Todd Christie, Tall Oaks Court, Mendham NJ commented that the 52 years the Twin Boro Bears nonprofit organization has been existing, the organization has never asked the township for financial assistance. Mr. Christie further commented that he currently serves on the Township's Finance Committee and is familiar with the complexities of the proposed lighting and improvements to Mosle Field.

Seeing and hearing no one else wishing to be heard, Mayor Monaghan asked for a motion to close public comments.

Ms. Neibart made a motion to close the public comment period; seconded by Ms. Duarte. A voice vote was taken with all members present voting in favor, no one opposed.

Mayor Monaghan called for brief recess at 9:05pm.

The meeting reconvened at 9:23pm with all members present.

APPROVAL OF MEETING MINUTES

- February 27,2023 Regular Meeting

TOWNSHIP COMMITTEE	MOTION	SECOND	VOICE VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart			X		
Ms. Spirig		X	X		
Mayor Monaghan					X

REGULAR AGENDA RESOLUTIONS

2023-058 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart		X	X		
Ms. Spirig			X		
Mayor Monaghan			X		

2023-059 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING THE PROFESSIONAL SERVICES CONTRACT TO CORNERSTONE ARCHITECTURAL GROUP FOR ARCHITECTURAL DESIGN AND CONSTRUCTION SERVICES FOR THE RENOVATION OF THE MENDHAM TOWNSHIP MUNICIPAL BUILDING/TOWN HALL

The Township Committee discussed the status of the current contract with Cornerstone Architectural Group and certain structural elements and the building’s sprinkler system that were not fully examined. Mayor Monaghan asked for a motion to table Resolution 2023-059 so that the Township Committee may discuss the matter further in executive session.

Motion was made by Ms. Duarte to table Resolution 2023-059 so that the Township Committee may discuss the matter in executive session; seconded by Ms. Neibart. A voice vote was taken with all members present voting in favor, no one opposed.

2023-060 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING RAFFLE LICENSE – WEST MORRIS JUNIOR WOMANS CLUB

TOWNSHIP COMMITTEE	MOTION	SECOND	VOICE VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart			X		
Ms. Spirig		X	X		
Mayor Monaghan			X		

2023-061 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart			X		
Ms. Spirig		X	X		
Mayor Monaghan			X		

2023-062 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	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart		X	X		
Ms. Spirig			X		
Mayor Monaghan			X		

BOND ORDINANCE FOR SECOND READING / PUBLIC HEARING

02-2023 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

Introduced February 27, 2023

Public Hearing:
Mayor Monaghan asked for a motion to open the public hearing. Motion was made by Ms. Duarte; seconded by Ms. Spirig.

Seeing and hearing no one wishing to speak on Bond Ordinance 02-2023, Mayor Monaghan asked for a motion to close the public hearing. Motion was made by Ms. Neibart; seconded by Ms. Duarte. A voice vote was taken with all members present voting in favor, no one opposed.

Mayor Monaghan asked the Township Committee if anyone had any comments or questions on the bond ordinance.

Ms. Duarte commented that she was glad to see that the Township is investing more than twice as much in road maintenance as in 2022 and finally repaving streets that have been on the list since I first started on the Township Committee in 2018.

Ms. Neibart inquired how the additional bond/BAN payments would impact the municipal budget.

Mr. Gabloff responded that bond ordinance 02-2013 is funded through the state’s Infrastructure “I-Bank” program which provides a 10-year repayment cycle for road improvement projects versus the Municipal Bond law which provides a 20-year useful life. Debt payments would not begin until the road improvement projects are completed, which Mr. Gabloff mentioned could be 3 years from now. He also confirmed that the I-Bank financing will compliment \$500,000 the Township will receive in NJDOT grant funding.

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart			X		
Ms. Spirig		X	X		
Mayor Monaghan			X		

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

George Koenig, 13 North Gate Road, Mendham NJ thanked the Township Committee for listening to all the different viewpoints on the various proposed projects and commented that he appreciates the Township Committee’s work on behalf of the community.

Frank Zammataro, 41 Corey Lane, Mendham NJ concurred with Mr. Koenig’s comments. He further sought clarification whether or the Township’s acquisition of Mosle Field allows permanent lighting and other improvements to the park.

Seeing and hearing no one else wishing to be heard, Mayor Monaghan asked for a motion to close public comments.

Ms. Duarte made a motion to close the public comment period; seconded by Ms. Spirig. A voice vote was taken with all members present voting in favor, no one opposed.

DISCUSSION

Discussion on the Fund Balance Policy and the Township’s Logo contest was being deferred to the next meeting.

Ms. Duarte recommended that the Highlands Council be invited to a Township Committee to do a short presentation. Upon discussion, the Township Committee agreed to invite the Highlands Council to the April 10th meeting.

LIAISON REPORTS

None

EXECUTIVE SESSION

A motion to enter into executive session was made by Ms. Spirig; seconded by Ms. Neibart. A voice vote was taken with all members voting in favor, no one opposed.

The Mayor and Township Committee convened into Executive Session at 9:52 PM.

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The Mayor and Township Committee reconvened into Open Session at 10:40 PM.

Upon re-convening into public session, the Township Committee acted on Resolution 2023-059.

**2023-059 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING THE PROFESSIONAL SERVICES CONTRACT TO CORNERSTONE
ARCHITECTURAL GROUP FOR ARCHITECTURAL DESIGN AND CONSTRUCTION SERVICES
FOR THE RENOVATION OF THE MENDHAM TOWNSHIP MUNICIPAL BUILDING/TOWN
HALL**

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart		X	X		
Ms. Spirig			X		
Mayor Monaghan			X		

ADJOURN

Having no further business to conduct, a motion to adjourn was made by Ms. Spirig and seconded by Ms. Duarte, with all members present voting in favor, no one opposed.

The regular meeting of the Mendham Township Committee was adjourned at 10:42 PM.

Respectfully submitted,

Distributed: 03/21/2023
Approved: 03/27/2023

Karen Orgera
Acting Township Clerk
TOWNSHIP OF MENDHAM

RESOLUTION 2023-058
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 March 13, 2023

RESOLUTION 2023-059

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING
THE PROFESSIONAL SERVICES CONTRACT TO CORNERSTONE ARCHITECTURAL GROUP FOR
ARCHITECTURAL DESIGN AND CONSTRUCTION SERVICES FOR THE RENOVATION
OF THE MENDHAM TOWNSHIP MUNICIPAL BUILDING/TOWN HALL**

WHEREAS, the Township of Mendham has appointed Cornerstone Architectural Group, LLC for the of Town Hall at 2 West Main Street in an amount not to exceed \$209,000; and

WHEREAS, this existing contract was increased by \$56,000 by Resolution 2022 -128 to provide for project and site management;

WHEREAS, upon review of the building after the initial interior demolition and asbestos remediation the need as arisen to redesign certain aspects of the project which includes the review of structural and mechanical engineers and additions site visits; and

WHEREAS, it necessary to amend this contract for the town hall renovation design and management for an amount not to exceed \$45,000.00; 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- 04-55-021-001

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the contract with Cornerstone be amended for an additional \$45,000 for a revised total contract amount of \$310,000.00

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: March 13, 2023

RESOLUTION 2023-060
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING RAFFLE LICENSE – WEST MORRIS JUNIOR WOMANS CLUB

WHEREAS, the below listed organization has applied for a raffle license; and

WHEREAS, the Acting Township Clerk has reviewed said application, finding the application to be satisfactory and recommends that the Township Committee approve same; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the following application for a raffle license be and hereby approved.

ORGANIZATION	DATE OF RAFFLE	TYPE OF RAFFLE
West Morris Junior Womans Club	March 23, 2023	Off-Premise Merchandise Draw

Adopted: March 13, 2023

RESOLUTION 2023-061
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS, Tax Sale Certificate #22-00002 assessed to Block 127 Lot 84, also known as 22 Schoolhouse Lane, and is held by Evolve Bank & Trust; and

WHEREAS, the above-mentioned Tax Sale Certificate has been redeemed in the amount of \$78,122.62.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that the Tax Collector is hereby directed to process the redemption of this Tax Sale Certificate.

Adopted: March 13, 2023

RESOLUTION 2023-062
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.

ATTORNEY CLIENT PRIVILEGE MATTER



(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.

SEWER PLANTS



(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.

DPW

INDIA BROOK APARTMENTS



(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 **March 13, 2023 at 7:30 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: March 13, 2023

**ORDINANCE NO. 02-2023
TOWNSHIP OF MENDHAM
COUNTY OF MORRIS, STATE OF NEW JERSEY**

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.

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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$2,800,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being funded in part from grants to be received from the New Jersey Department of Transportation in the aggregate amount of \$548,320 and in part by the New Jersey Infrastructure Bank ("NJIB").

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,800,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is 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.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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

must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years or such longer period as may permitted by the NJIB terms of financing.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,800,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$560,000 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 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(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

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 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.

Introduced February 27, 2023