

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Wednesday, August 16, 2023
TIME: 6:30 PM- EXECUTIVE SESSION (not open to the public)
 7:30PM- PUBLIC SESSION-REGULAR MEETING
LOCATION: **MENDHAM TOWNSHIP ELEMENTARY SCHOOL**
 Cafeteria
 18 West Main Street, Brookside; and
 And via the Zoom communications platform (referenced herein as “Zoom”)

ROLL CALL

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

Also, present:
 Mr. Jason Gabloff, Township Administrator
 Mr. John M. Mills, Esq.
 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 July 27, 2023. Notice was posted on the bulletin board in the Township offices and notice was filed with the Township Clerk.

LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)- READ BY MAYOR MONAGHAN

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

RESOLUTION TO CONVENE INTO EXECUTIVE SESSION

2023-139 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	VOICE VOTE		
			YES	NO	ABSTAIN
Ms. Duarte	X		X		
Ms. Moreen			X		
Ms. Neibart		X	X		
Ms. Spirig			X		
Mayor Monaghan			X		

EXECUTIVE SESSION

Will not be a public session. Executive session only

A motion to enter executive session was made by Ms. Duarte; 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 6:30 PM.

#

The Mayor and Township Committee reconvened into Open Session at 7:30 PM.

PRESENTATION

Matthew Borinshteyn- Sharing Project

Matthew Borinshteyn and Nicholas Leo gave a brief presentation to the Township Committee on what the Sharing Project is about. In 2022 the program donated over 1800 pounds of produce to the Chester/Mendham food pantry, Interfaith food pantry and Chester Area Senior housing. Over \$13,000.00

has been raised via fundraising and the money is used to keep the gardens going. 20 full size garden beds were constructed with the help of Eagle Scouts. Kurt Alstead will be donating fruit trees to the program.

Upon conclusion of the presentation the Township Committee had no questions but thanked Matthew and Nicholas for their efforts.

ANNOUNCEMENTS

Deputy Mayor Neibart had the following announcements:

- 1. The August 16, 2023, Planning Board meeting was cancelled. The next meeting will be October 18, 2023, at 7pm.
- 2. Brookside Engine Company’s annual Clam Bake is September 9, 2023, at the Brookside Community Field. Rain date is September 10, 2023.
- 3. September 21, 2023, is the next blood drive at 1pm at the Brookside Community Club.

Ms. Spirig had the following announcements:

- 1. The Mendham Township Library is collecting gently used children’s books and Halloween costumes. Donations can be dropped off at the Township Library and the Brookside Post Office.

Ms. Duarte had the following announcements:

- 1. Environmental Commission is having a native plant sale on September 16, 2023, at 10 Washington Valley Road in Mendham.
- 2. Mendham Stigma Free Task Force is having their next meeting on August 21, 2023 at 7m at the Brookside Community Church. It will also be available via Zoom for those who can’t attend.
- 3. Student Reps eblast when out. Reps are needed for Parks and Rec , Historic Commission and Environmental Commissions and must be at least 14 years of age and a Mendham Township resident. Applications are due by September 8, 2023 and can be sent to mtclerk@mendhamtownship.org
- 4. The Mendham Rotary is wrapping up their school supply drive. Supplies can be dropped off at Mendham Coldwell Banker. Drive ends August 18, 2023.
- 5. Ms. Duarte will have office hours at the old Police Station, 3 Cherry Lane, Brookside, August 18, 2023, from 12:30pm-2pm.
- 6. League of Women’s voters’ presentation is available on their YouTube page.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

George Koenig, 13 North Gate Road, Mendham, NJ commented on what 36 hours a week would look like annually, especially regarding the proposed Backer Brewery. Mr. Koenig further commented on the health and safety of the Township residents.

Daniela Reed, 16 Browning Court, Mendham, NJ commented on the dead ash trees on her neighbor’s property. Morris County has taken down what was their responsibility. Ms. Reed further commented on the noise of “jake breaking” on Route 24. Mr. Gabloff said that the Township is reviewing sample Ordinances from other towns.

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.

APPROVAL OF MEETING MINUTES

- July 24, 2023- Regular Meeting Minutes
- July 24, 2023- Executive Session Minutes

MOVED AS ONE

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		

ORDINANCE FOR SECOND READING/PUBLIC HEARING

**09-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY AUTHORIZING A FINANCIAL AGREEMENT FOR THE
PROPOSED MOSLE FIELD LIGHTING PROJECT
INTRODUCED JULY 24, 2023
*ORDINANCE TO BE CARRIED TO A FUTURE MEETING***

A motion to rescind Ordinance 09-2023 was made by Ms. Duarte and seconded by Ms. Spirig. During the meeting, the Township Committee discussed formation of a Mosle sub committee comprised of stakeholders, town professionals, and Township Committee members to work on a proposal and come back with a plan.

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		

REGULAR AGENDA RESOLUTIONS

**2023-140 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		

**2023-141 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR “STATE OF
NEW JERSEY RECYCLING TONNAGE GRANT”**

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		

**2023-142 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR “STATE OF
NEW JERSEY ALCOHOL EDUCATION REHABILITATION ENFORCEMENT FUND”**

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		

**2023-143 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR “MORRIS
COUNTY TRAILS CONSTRUCTION GRANT PROGRAM FOR THE BUCK HILL TRACT
NATURAL AREA”**

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		

**2023-144 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE FOR “STATE OF
NEW JERSEY - CLEAN COMMUNITIES GRANT”**

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		

2023-145 **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING RAFFLE LICENSE – BROOKSIDE ENGINE COMPANY NO.1**

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		

2023-146 **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING THE PROFESSIONAL SERVICES CONTRACT TO CORNERSTONE
ARCHITECTURAL GROUP FOR ARCHITECTURAL DESIGN AND BASE CONSTRUCTION
SERVICES FOR RENOVATIONS OF THE TOWN HALL AND LIBRARY AT 2 WEST MAIN
STREET TO INCLUDE ADDITIONAL SERVICES: CONSTRUCTION MANAGEMENT**

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		

2023-147 **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF 2023 TAXES**

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		

2023-148 **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO NJ STATE TAX COURT
JUDGMENT**

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		

2023-149 **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING STAFF APPOINTMENTS FOR THE DEPARTMENT OF RECREATION WINTER
SEASON**

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		

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

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. Neibart. A voice vote was taken with all members present voting in favor, no one opposed.

DISCUSSION

Deputy Mayor Neibart followed up on the Open Space Committee and re-establishing the committee in regard to the current Ash tree issue. The Open Space Tax will keep being collected and monies potentially used to help pay for removing the trees.

Ms. Moreen would like to see an objective process to use some of the money to remove the most critical Ash trees but would like to see the acquisition of more open space property.

The Township Committee suggested that, and a notice be sent via eblast and the website to potential volunteers and applications and resumes be accepted and reviewed to re-establish the Open Space Committee.

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 8:28 P.M.

Respectfully submitted,

Distributed: 09/06/2023

Approved: 09/28/2023

Karen Orgera
Acting Township Clerk
TOWNSHIP OF MENDHAM

RESOLUTION 2023-139
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 **August 16, 2023 at 6:30 P.M.** in the Mendham Township Elementary School, 18 West Main St., Brookside, New Jersey, that the Township Committee shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

BE IT FURTHER RESOLVED that it is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Adopted: August 16, 2023

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

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

WHEREAS, the municipally owned property known as the Mosle Preserve has been used for decades for active recreation, continuing after purchase by the Township in 2018, particularly for youth football, baseball and soccer; and

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

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

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

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

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

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

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

WHEREAS, the Township has completed a desk Environmental Impact Statement in June 2023 by Princeton Hydro; and obtained consent from the Mosle Preserve’s co-owners, the Schiff Natural Lands Trust, and the New Jersey Water Supply Authority, as well as the state Department of Environmental Protection for this lighting project; and

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

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

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

WHEREAS, the parties wish to memorialize the terms of that cost sharing, pending a satisfactory result of requirements by the Planning Board, outlined herein:

1. The potential invasiveness of lighting of the path should be analyzed. If it is deemed invasive (has light spillover), a less invasive lighting structure for the walking path, e.g., footpath lights, should be considered.
2. Consider and implement the comments from Chief Ross Johnson’s letter, dated April 10, 2023, with the recommendations made therein.
3. The fact that this was done as a desk review by Princeton Hydro and appears to be taken as a shortcut that can miss items of importance, it is suggested that a more comprehensive review be conducted prior to implementation (construction) of the project.
4. The gate from the parking lot to the field appears to be unlocked on a regular basis and in accordance with the Planning Board resolution on acquiring the property, should be secured for utilization only by emergency vehicles.
5. Obtain a schedule from the Twin Boro Bears as to the projected utilization of the lights to be reviewed in consideration of the expense.
6. Consider screening for 87 Mosle Road to block some of the impact of the lighting structures.

7. Provide formalized plans as to the electrical schematic and formatted in a way which will show actual lighting. This can be done when the bid is prepared, which will be available to the public.

Additionally, starting in the 2023 sports season, the Twin Boro Bears, designate a traffic/safety officer to coordinate pick-up and drop-off and traffic control during their practices.

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

1. The Township professionals shall develop a proposed lighting plan with input from the Township Committee and Association.
2. The anticipated cost of the purchase and installation of the lighting is \$400,000 and may be subject to change based on final construction costs.
3. Should there be any cost overages regarding the installation cost, these shall be divided equally between the Township and Association
4. The parties agree that this cost shall be divided between them with the Township paying 50% and the Association paying 50%
5. The Association shall make a 2.5% down payment to match the Township's 2.5% down payment on the bonded indebtedness to pay for the lighting. When the Association has delivered its portion of the down payment funding with the municipal Treasurer, the Township shall place the order for the lighting.
6. Annually, in advance, on a date to be mutually agreed upon by the Township and the Association, for ten years or until the debt related to the lighting project is paid in its entirety, the Association shall make matching payments to the Township's debt service repayment. The amount will be based upon the total costs of the project plus annual interest and be reviewed annually and adjusted for changes in interest rates.
7. Estimated electrical expenses shall be the responsibility of the Association or other user at the rate of \$10 per hour for use of the field and \$10 per hours of use of the parking lot subject to Adjustment to reflect actual costs.
8. In recognition of the expense of the permanent lighting and other upgrades to the parking area, and resident opposition, the parties agree that any discussion by the Township Committee or Parks & Recreation Advisory Committee of converting all or one of the playing fields to artificial turf shall be prohibited for at least 30 years.
9. Notwithstanding this agreement, the Mendham Township Recreation Department remains the sole authority for the scheduling of field use and allocation between users.
10. The Township remains the sole authority for the establishment of hours of operation and the permitting of any upgrades or modifications to the property. The Association is required to adhere to park rules and regulations outlined in Township Ordinance Chapter 245 subsection 2 (Parks and Recreation Facilities) and to abide by posted parking restrictions.
11. The Township will prohibit use by the Association of any Mendham Township fields or facilities should the funding agreement not be upheld and will take any other action necessary to recoup payment of monies owed via this agreement.
12. Notwithstanding the investment by the Association, no rights of ownership or interest beyond those of the other citizens of the Township shall accrue to the Association and it shall have no right to demand preferential treatment or special dispensations.
13. During the fall season, the Association will not seek to extend hours of practice beyond Monday through Friday from 5:30-8:30 PM with a limit of field use with lights to wrap up, ending by 9:00 PM. The Association will be prohibited from installing goal posts or any other additional sports equipment.

SECTION TWO:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION THREE:

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR:

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

RESOLUTION 2023-140
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 August 16, 2023

RESOLUTION 2023-141
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET
INSERTION OF SPECIAL ITEM OF REVENUE
FOR “STATE OF NEW JERSEY RECYCLING TONNAGE GRANT”

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2021 budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township Committee of the Township of Mendham in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of 5,014.74 which is now available from the State of New Jersey for the Recycling Tonnage Grant.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023.

in the sum of \$5,014.74 which is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations:

State of New Jersey – Recycling Tonnage Grant \$5,014.74

BE IT FURTHER RESOLVED that like sum of \$2,938.67 and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from “CAPS”

Public and Private Programs Off-set by Revenues:

State of New Jersey – Recycling Tonnage Grant \$5,014.74

Adopted: August 16, 2023

RESOLUTION 2023-142
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET
INSERTION OF SPECIAL ITEM OF REVENUE
FOR “STATE OF NEW JERSEY ALCOHOL EDUCATION
REHABILITATION ENFORCEMENT FUND”

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2023 budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received funds from the State of New Jersey – Alcohol Education Rehabilitation Enforcement Fund in the amount of \$519.18 and wishes to amend its 2023 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$519.18 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations:

State of New Jersey – Alcohol Education Rehabilitation Enforcement Fund - \$519.18

BE IT FURTHER RESOLVED that like sum of \$519.18 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations Excluded from “CAPS”

Public and Private Programs Off-set by Revenues:

State of New Jersey — Alcohol Education Rehabilitation Enforcement Fund - \$519.18

Adopted August 16, 2023

RESOLUTION 2023-143
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET
INSERTION OF SPECIAL ITEM OF REVENUE
FOR “MORRIS COUNTY TRAILS CONSTRUCTION GRANT PROGRAM FOR THE BUCK HILL TRACT
NATURAL AREA”

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2023 budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a funds from the Morris County Parks Commission – COUNTY TRAILS CONSTRUCTION GRANT PROGRAM FOR THE BUCK HILL TRACT NATURAL AREA in the amount of \$42,080.00 and wishes to amend its 2023 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$42,080.000 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations:

State of New Jersey – Alcohol Education Rehabilitation Enforcement Fund Morris County Parks Commission – COUNTY TRAILS CONSTRUCTION GRANT PROGRAM FOR THE BUCK HILL TRACT NATURAL AREA - \$42,080.00

BE IT FURTHER RESOLVED that like sum of \$42,080.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations Excluded from “CAPS”

Public and Private Programs Off-set by Revenues:

State of New Jersey — Alcohol Education Rehabilitation Enforcement Fund Morris County Parks Commission – COUNTY TRAILS CONSTRUCTION GRANT PROGRAM FOR THE BUCK HILL TRACT NATURAL AREA - \$42,080.00

Adopted: August 16, 2023

RESOLUTION 2023-144
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING 2023 BUDGET INSERTION OF SPECIAL ITEM OF REVENUE
FOR “STATE OF NEW JERSEY - CLEAN COMMUNITIES GRANT”

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the 2023 budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received funds from the State of New Jersey – Clean Communities Grant in the amount of \$25,687.60 and wishes to amend its 2023 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$25,687.60 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-set with Appropriations:

State of New Jersey – Clean Communities Grant - \$25,687.60

BE IT FURTHER RESOLVED that like sum of \$25,687.60 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations Excluded from “CAPS”

Public and Private Programs Off-set by Revenues:

State of New Jersey – Clean Communities Grant - \$25,687.60

Adopted: August 16, 2023

RESOLUTION 2023-145
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING RAFFLE LICENSE – BROOKSIDE ENGINE COMPANY NO.1

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
Brookside Engine Company No.1	September 9, 2023 Rain Date: September 10, 2023	Off-Premise 50/50 Raffle

Adopted: August 16, 2023

RESOLUTION 2023-146
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING THE
PROFESSIONAL SERVICES CONTRACT TO CORNERSTONE ARCHITECTURAL GROUP FOR
ARCHITECTURAL DESIGN AND BASE CONSTRUCTION SERVICES FOR RENOVATIONS OF THE TOWN HALL
AND LIBRARY AT 2 WEST MAIN STREET TO INCLUDE ADDITIONAL
SERVICES: CONSTRUCTION MANAGEMENT

WHEREAS, the Township of Mendham has appointed via Resolution 2020-00711 Cornerstone Architectural Group, LLC for the renovation of the Town Hall and Library at 2 West Main Street in an amount not to exceed \$209,000; and

WHEREAS, it is necessary to amend this contract to reflect additional services to be provided by Cornerstone Architectural Group, LLC for Construction Management Services; and

WHEREAS, the existing contract provides for monthly inspection of the construction program with a formal site meeting and reports to the Township Committee. The Township staff recommends that this be supplemented to provide additional weekly on-site inspections of the construction activity in conjunction with the site inspections performed by Township staff to ensure that the building construction is proceeding according to approved plans and in a timely manner; and

WHEREAS, The Township of Mendham had approved resolution 2022-128 for additional services to be provided at an amount of \$12,000/month not to exceed \$56,000; and

WHEREAS, The Township of Mendham has need to extend the contract for Cornerstone for 16 additional months for construction management due to the change in scope and construction schedule due to the change order for S. Houran USA Contracting; and

WHEREAS, The Township of Mendham has agreed to a change order in an amount not exceed \$8,000 per month for a total not to exceed amount of \$89,000 for construction site management; 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.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey that the contract with Cornerstone be amended for an additional \$89,000 for a revised total contract amount of \$354,000.

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: August 16, 2023

RESOLUTION 2023-147
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
REFUND OF OVERPAYMENT OF 2023 TAXES

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes by the mortgage company and/or homeowner; and

WHEREAS, the Governing Body has reviewed said certification and approved the same.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, being the Governing Body thereof that payment is refunded as follows:

BLOCK & LOT & QUALIFIER	REFUND TO:	AMOUNT:
Block 127 Lot 49 63 Woodland Road	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$2,827.78
Block 104.02 Lot 12 1 White Oak Ridge Ct	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$6,452.89
Block 142 Lot 35 3 Thackery Lane	Brandon Carrabba 3 Thackery Lane Mendham, NJ 07945	\$3,360.98

Adopted: August 16, 2023

RESOLUTION 2023-148
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO NJ STATE TAX COURT JUDGMENT

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of 2022 taxes as a result of NJ State Tax Court Judgment; and

WHEREAS, the Governing Body has reviewed said certification and approved the same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, being the Governing Body thereof that payment is refunded as follows:

Block & Lot & Qualifier	Refund to:	Amount:
Block 147 Lot 31 16 Cobblefield Dr	McCarter & English, LLP attorneys for David Pulver 2020 Trust Four Gateway Center 100 Mulberry Street Newark, NJ 07102	\$3,168.89

Adopted: August 16, 2023

RESOLUTION 2023-149
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING STAFF
APPOINTMENTS FOR THE DEPARTMENT OF RECREATION WINTER SEASON

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following named persons be paid from the Recreation Trust in accordance with the following:

BROOKSIDE BEACH

REHIRES

Kamryn Schilling	Ski Club Chaperone	\$14.13/hour
Brendan O’Reilly	Ski Club Chaperone	\$14.13/hour

NEW HIRES

Maya Nisani	Ski Club Chaperone	\$14.13/hour
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, approves the hiring of seasonal employees and a copy of this resolution be provided to the Recreation Director and the Chief Financial Officer.

Adopted: August 16, 2023