

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Thursday, September 28, 2023
TIME: 6:30 PM- EXECUTIVE SESSION (not open to the public)
 7:30PM- PUBLIC SESSION-REGULAR MEETING
LOCATION: **MENDHAM TOWNSHIP MIDDLE SCHOOL**
 All Purpose Room
 16 Washington Valley Road, Brookside; and
 And via the Zoom communications platform (referenced herein as “Zoom”)

ROLL CALL

Ms. Duarte	Present
Ms. Moreen	Present
Ms. Neibart	Present via zoom
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 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.

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

2023-156 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		

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 roll call 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.

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A motion to reconvene into open session was made by Ms. Duarte and seconded by Ms. Spirig. A voice vote was taken will all members voting in favor, no one opposed.

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

PRESENTATION

Denis Keenan- Storm Water Management

Mr. Keenan, Township Engineer presented to the Township Committee a detailed report of the new storm water regulations being put in place and what implications this will have on Mendham Township. The

new regulations will tax the Department of Public Works staff and be a financial issue as the cost to implement the regulations is immense. Mr. Keenan provided a worksheet to the Township Committee for their reference.

RECOGNIZING NEW MEMBER

Mayor Monaghan recognized Jack Bertha joining the Ralson Fire Company as an active member and thanked Jack for his service.

ANNOUNCEMENTS

Mayor Monaghan had the following announcements:

1. Fall brush pick up will start on October 2, 2023, and go until October 13, 2023. Please visit the Township website for more information and details.
2. Brookside Community Club is having its 100th birthday celebration on October 27, 2023, \$50 for members and \$75 for non-members. Posters are around town with information.
3. Backer Brewery public hearing to be discussed later in this evening's meeting.

Deputy Mayor Neibart had the following announcements:

1. October is Fire Prevention month. Brookside Engine Company will be at the Elementary School on October 13, 2023, for its annual fire prevention presentation.
2. The concert for Brian Kirk and the Jirks was postponed due to weather and will be rescheduled for October 17, 2023
3. Haunted Hike is October 20, 2023
4. The Halloween party at Brookside Community Field will be October 29, 2023.
5. Thanked everyone involved in the recent blood drive and all who participated.

Ms. Spirig had the following announcements:

1. Mendham Township Library had their children's book sale and Halloween costume sale on Saturday, September 23, 2023, and it was a huge success.
2. Adult program on October 3, 2023, at 7pm is geared for Yankee's fans. New Jersey author Paul Semendinger, who has an award-winning book, "The Least Among Them" will be in person at the library.
3. Mosle Ad-Hoc committee update: The first meeting was held on September 19, 2023. The meeting went well and was very constructive. The next meeting will be Tuesday, October 3, 2023.

Ms. Duarte had the following announcements:

1. Hike for Hope was rescheduled due to weather for October 8, 2023, at 12pm. Space is limited to 40 participants. You can sign up on Community Pass.
2. Ms. Duarte's office hours will be October 6, 2023, from 11am-12:30pm. Email aduarte@mendhamtownship.org to make an appointment or you can walk in.
3. October 2, 2023, renaming ceremony at the Ralston Cider Mill at 5pm in honor of Raymond Nadasky.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

George Koenig, 13 North Gate Road, Mendham, NJ commented on the storm water management presentation and the impacts on towns the new rules and regulations will create.

Peter Banos, 47 Ironia Road, Mendham, NJ commented that the NJDEP ramped up storm water mandates. Mr. Banos further commented on the storm water management at the proposed Backer Brewery and that the project should comply with the storm water regulations. Mr. Banos strongly opposes the proposed Backer Brewery.

Kim Hart, 17 North Gate Road, Mendham, NJ participated via Zoom, commented on the discussion of a public hearing for the proposed Backer Brewery. Ms. Hart further inquired if the Township Committee will publicly discuss their viewpoints.

Steve Dreskin, 3 Roxiticus Road, Mendham, NJ commented that an independent traffic study to be conducted and paid for by the applicant regarding the proposed Backer Brewery. Mr. Dreskin is concerned with the traffic at Roxiticus Road and Ironia Road and stated that the hours should be limited to 15 hours per week at the proposed Brewery.

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

- August 16, 2023- Regular Meeting Minutes
- August 16, 2023- Executive Session Minutes
- September 11, 2023- Executive Session Minutes

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

A motion to table the September 11, 2023- Regular Meeting Minutes was made by Ms. Duarte and seconded by Ms. Spirig.

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		

ORDINANCE FOR INTRODUCTION

10-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY ADDING A NEW CHAPTER 298 “REGULATION OF PRIVATELY OWNED SALT STORAGE”

PUBLIC HEARING OCTOBER 23, 2023

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

2023-157 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		
Ms. Spirig	X		X		
Mayor Monaghan			X		

2023-158 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO LTI, INC., OF MONTVILLE FOR LANDSCAPE SERVICES

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		

2023-159 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM CONFIRMING THE PURCHASE OF A SKID STEER LOADER FROM FOLEY INC, OF PISCATAWAY, NJ THROUGH THE SOURCEWELL CO-OP PRICING, CONTRACT #032119-CAT

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		

2023-160 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE EMERGENCY PURCHASE OF A 2023 FORD F-550 DUMP TRUCK VEHICLE PURSUANT TO N.J.S.A. 40A:11-6 IN AMOUNT OF \$ 87,639.14 FROM PERFORMANCE FORD OF RANDOLPH, NJ

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		

RESOLUTIONS 2023-161 THROUGH 163 MOVED AS ONE VOTE

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

2023-161 RESOLUTION OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT TO DEANDREA LAND AND STONE OF BROOKSIDE NEW JERSEY, SNOWPLOW SERVICES

2023-162 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A CONTRACT TO FRANK GALBRAITH & SONS EXCAVATING & DEMOLITION OF SCOTCH PLAINS, NEW JERSEY FOR SNOW PLOWING SERVICES

2023-163 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A CONTRACT TO LAND WORKD LANDSCAPE DESIGN, LLC FOR SNOW PLOWING SERVICES

2023-164 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING A SALARY INCREASE FOR ANTOINETTE GALLICHIO, ADMINISTRATIVE ASSISTANT FOR THE MENDHAM TOWNSHIP POLICE

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		

2023-165 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING STUDENT REPRESENTATIVES TO THE ENVIRONMENTAL COMMISSION, PARKS AND RECREATION ADVISORY COMMITTEE AND HISTORIC PRESERVATION COMMITTEE

Resolution 2023-165 was introduced at the meeting and Ms. Duarte suggested the following student representatives to serve until October 1, 2024:

Environmental commission:

Loki Reynolds
Benny Marcello
Ryan Smith

Parks and recreation advisory committee:

Nina Mody
Daniel Moore

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 asked when the date for the Ralston Cider Mill ceremony was. Mr. Koenig further commented that the proposed Backer Brewery is a major development. Regarding the public hearing, Mr. Koenig shared that the experts should not have a time limit and the public be given more than 3 minutes.

Terrill Doyle, 5 Cross Way, Mendham, NJ participated via Zoom asked if a summary will be posted prior to the public hearing for the proposed Backer Brewery.

Peter Banos, 47 Ironia Road, Mendham, NJ commented that the proposed Backer Brewery is a major development and further mentioned the parking issue and storm water management. Mr. Banos requested the Township Engineer, Denis Keenan to review.

Steve Dreskin, 3 Roxiticus Road, Mendham, NJ inquired if questions will be allowed to be asked of the experts during the public hearing for the proposed Backer Brewery.

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

Town Hall Renovation Update

Mayor Monaghan provided an update on the Town Hall renovation project. Great progress has been made. Interior demolition is complete, and concrete is ready to be poured.

Public Hearing for Backer Brewery Application

Mayor Monaghan proposed a meeting date of October 16, 2023, from 6pm to no later than 11pm to hold a public hearing for the proposed Backer Brewery. It will be live streamed via zoom and all questions will only be read in the Middle School. Mayor Monaghan provided a meeting structure for the public hearing.

Ms. Duarte suggested potentially holding the meeting from 6pm to 10pm and further suggested residents be able to submit questions prior to if they are not able to attend the public hearing.

Ms. Moreen suggested that the Township market this public hearing.

Ms. Spirig requested clarification on bullet point 5D regarding the meeting structure of the public hearing. This is the opportunity to publicly talk and have comments to send back to the Morris County Agricultural Board.

Ms. Neibart shared her concerns on how much can be discussed openly.

ADJOURN

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

The regular meeting of the Mendham Township Committee was adjourned at 9:29 P.M.

Respectfully submitted,

Distributed: 10/06/2023

Approved: 10/10/2023

Karen Orgera
Acting Township Clerk
TOWNSHIP OF MENDHAM

RESOLUTION 2023-156
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 **September 28, 2023 at 6:30 P.M.** in the Mendham Township Middle School, 16 Washington Valley Road, Brookside, New Jersey, that the Township Committee shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

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

Adopted: September 28, 2023

ORDINANCE NO. 10-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
ADDING A NEW CHAPTER 298 "REGULATION OF PRIVATELY OWNED SALT STORAGE"

SECTION 1. Be it hereby ordained by the Township Committee of the Township of Mendham that Chapter 298 (a new Chapter) be adopted as set forth herein.

Chapter 298- Regulation of Privately-Owned Salt Storage

298-1 Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Township of Mendham to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

298-2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials.
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak.
 - 3. The structure shall be erected on an impermeable slab.
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

298-3 Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through.
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels.
 - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use.
 - 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible.
 - b. The cover shall extend to the base of the pile(s).
 - c. The cover shall be free from holes or tears.

- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
- 5. Containers must be sealed when not in use; and
- 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. Temporary and/or permanent structures shall comply with all township ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

298-4 Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

298-5 Enforcement:

This ordinance shall be enforced by the Police Department and/or the Environmental Health Officer and/or the Zoning Officer of the Township of Mendham during the course of ordinary enforcement duties.

298-6 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines not exceeding \$500.00.

SECTION 2 Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

1. SECTION 3. REPEALER

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 4. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: September 28, 2023

RESOLUTION 2023-157
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 September 28, 2023

RESOLUTION 2023-158
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO
LTI, INC., OF MONTVILLE FOR LANDSCAPE SERVICES

WHEREAS, The Township awarded bids in 2022 for Landscape Services to be provided to various Township owned parks and facilities for the period of 2022, 2023, and an option of 2024 to LTI, Inc of Montville, NJ; and

WHEREAS, The Township is exercising its option to renew LTI, Inc, for its 2024 landscaping services based on the 2022 bid and award; and

WHEREAS, the LTI, Inc., of Montville NJ shall provide landscape services for 2024 based on the contract awarded in 2022; and

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

WHEREAS, the services provided in this bid will be provided for in the 2024 budget from accounts numbered 4-01-28-375-060 – Parks Other Expense.

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

1. The Township Committee hereby awards a contract to LTI, Inc., of Montville, New Jersey for Landscape Maintenance of various park and other facilities in a total amount not to exceed **\$145,000**
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with LTI, Inc., in accordance with its bid for said Landscape maintenance services.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted September 28, 2023

RESOLUTION 2023-159
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
CONFIRMING THE PURCHASE OF A SKID STEER LOADER FROM FOLEY INC, OF PISCATAWAY, NJ
THROUGH THE SOURCEWELL CO-OP PRICING, CONTRACT #032119-CAT

WHEREAS, the Township of Mendham, pursuant to N.J.S.A. 40A:11-11, N.J.A.C. 5:34-7.1, may by resolution purchase any goods or services from approved Cooperative Purchasing programs and;

WHEREAS, the Township of Mendham is a member of the SourceWell Purchasing Cooperative and;

WHEREAS, the Township of Mendham Department of Public Works is in need of a skid steer loader and;

WHEREAS, Foley Incorporated of Piscataway, NJ offers a Foley Cat skid steer through SourceWell contract #032119- CAT in the amount of \$142,988.00 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 as follows:

General Capital fund	C-04-55-031-009	\$142,988.00
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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey authorizes the Mayor and the Township Clerk to enter into a contract with Foley Incorporated of Piscataway, New Jersey, in an estimated amount of \$142,988for the purchase of a skid steer loader.

Adopted September 28, 2023

RESOLUTION 2023-160
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE EMERGENCY PURCHASE OF A 2023 FORD F-550 DUMP TRUCK VEHICLE PURSUANT
TO N.J.S.A. 40A:11-6 IN AMOUNT OF \$ 87,639.14
FROM PERFORMANCE FORD OF RANDOLPH, NJ

WHEREAS, the Township Department of Public Works has an emergent need to purchase a Ford F-550 Dump Truck; and

WHEREAS, as indicated in a memorandum and certification from the Township Administrator and DPW Superintendent attached hereto and incorporated here, the Department is experiencing a shortage in its fleet due to a 2008 Ford F-550 being a total loss due to a motor vehicle accident, resulting in having an insufficient amount of vehicles for snow and emergency response; and

WHEREAS, The Township has received a check in the amount of \$38,765.00 from the Morris County Joint insurance fund for the 2008 Ford -F-550 and;

WHEREAS, these circumstances place officers at risk and impact the health, safety and welfare of the general public to which the Department responds, and;

WHEREAS, the Department has been diligently searching for an additional Ford F-550 Dump Truck through multiple vendors, but due to ongoing inventory shortages, the inability of vendors to order vehicles, and continuing surging cost increases, the Department has been unable to locate an appropriate vehicle and;

WHEREAS, the Department has just been advised that Performance Ford has a 2023 Ford F-550 Dump Truck \$87,639.14, but cannot hold the vehicle without a purchase order and;

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township may negotiate and award a contract without public advertising for bids, notwithstanding that the contract price will exceed the bid threshold, when an unforeseen emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the perform and;

WHEREAS, in accordance with N.J.S.A. 40A:11-6, the DPW Superintendent has notified the Township Purchasing Agent in writing of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking this section and;

WHEREAS, the Purchasing Agent is satisfied that an emergency exists pursuant to N.J.S.A. 40A:11-6; and;

WHEREAS, the Township Attorney has reviewed the proposed purchase, the related documents, and the circumstances involved, and finds that the matter qualifies as an emergency purchase under the Local Public Contracts Law and;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, that the Township of Mendham is hereby authorized to enter into an emergency contract with Performance Ford of Randolph, NJ the purchase of a 2023 Ford F-550 Dump Truck in the amount of \$87,639.14 less the insurance proceeds of \$38,765.00 for a net cost not to exceed \$48,874.14.

BE IT FURTHER RESOLVED that the appropriate Township employees are authorized and directed to take whatever actions are necessary to effectuate this resolution and purchase. This Resolution shall take effect immediately.

Adopted: September 28, 2023

RESOLUTION 2023-161
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A CONTRACT TO DEANDREA LAND AND STONE
OF BROOKSIDE NEW JERSEY, SNOWPLOW SERVICES

WHEREAS, The Township bid and awarded a contract for Snow Plowing services during 2022, which included an option to extend the contract for 2023, and 2024 to DeAndrea Land and Stone and;

WHEREAS, DeAndrea Land Stone and the Township have agreed to renew the option for the period of October 1, 2023, through April 30, 2024 at a 4% increase per the bid specifications and;

WHEREAS, the hourly rate per truck (2 trucks included per the bid) based on the 4% increase will be \$205.51 and;

WHEREAS, the services provided in this bid will be provided for in the 2023/2024 budget from accounts numbered 01-26-291-155– Snowplow – Contract.

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

4. The Township Committee hereby awards a contract to DeAndrea Land and Stone, of Brookside, New Jersey for Snow Plowing services to be provided at a rate of \$205.51 per hour per truck.
5. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with DeAndrea Land and Stone, in accordance with its bid for said Snow Plowing services.
6. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted September 28, 2023

RESOLUTION 2023-162
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A CONTRACT TO FRANK GALBRAITH & SONS EXCAVATING &
DEMOLITION OF SCOTCH PLAINS, NEW JERSEY
FOR SNOW PLOWING SERVICES

WHEREAS, The Township has bid for snow plowing services for the 2022/2023 season with an option to extend for one year for the 2023/2024 season and;

WHEREAS, Frank Galbraith & Sons is able to provide 1 truck and salter/spreader on an as needed basis and;

WHEREAS, the hourly rate per truck (1 truck included in the bid) at a rate of \$304.98 per hour for 2023/2024 (2% increase) with the option of adding a salter/spreader at an additional fee not to exceed \$392.70 per hour and;

WHEREAS, the services provided in this bid will be provided for in the 2023/2024 budget from accounts numbered 01-26-291-155– Snowplow - Contract.

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

1. The Township Committee hereby awards a contract to Frank Galbraith and Sons Excavating & Demolition of Scotch Plains New Jersey for Snow Plowing services to be provide at a rate of \$304.98 per hour per truck, with the option of a salter/spreader for an additional fee not to exceed a total of \$392.70 per hour on an as needed basis.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Frank Galbraith & Sons, in accordance with its bid for said Snow Plowing services.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted September 28, 2023

RESOLUTION 2023-163
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A CONTRACT TO LAND WORKD LANDSCAPE DESIGN, LLC
FOR SNOW PLOWING SERVICES

WHEREAS, The Township has bid for snow plowing services for the 2022/2023 season with an option to extend for one year for the 2023/2024 season and;

WHEREAS, Landworks Landscape and Design, LLC can provide 3 trucks as needed and;

WHEREAS, the hourly rate per truck will be \$200 per hour per truck, which is a 3% increase over 2022/2023 (3 trucks included in the bid) based on the 3% increase will be \$206.00 and;

WHEREAS, the services provided in this bid will be provided for in the 2023/2024 budget from accounts numbered 01-26-291-155– Snowplow – Contract.

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

1. The Township Committee hereby awards a contract to Landworks Design, LLC New Jersey for Snow Plowing services to be provided at a rate of \$206.00 per hour per truck.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Landworks Design, LLC, in accordance with its bid for said Snow Plowing services.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted September 28, 2023

RESOLUTION 2023-164
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING A SALARY INCREASE FOR ANTOINETTE GALLICCHIO, ADMINISTRATIVE ASSISTANT
FOR THE MENDHAM TOWNSHIP POLICE

WHEREAS, Antoinette (Toni) Gallicchio has been employed by the Mendham Township Police Department since October 27, 2014, as the Department Administrative Assistant and;

WHEREAS, Toni is also Mendham Township's Crossing Guard and receives an additional stipend and;

WHEREAS, The Mendham Township Chief of Police has reviewed Toni's work and overall contributions to the Mendham Township Police Department and has done a market analysis to compare the duties to other similar communities and;

WHEREAS, the Police Chief, in consultation with the Township Administrator/CFO is recommending an increase in salary, along with combining the duties of crossing guard as part of her duties, as outlined below:

9/30/2023 – Increase Salary to \$52,000

8/01/2024 – Increase Salary to \$58,000

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham, County of Morris authorizes the salary increase for Toni Gallicchio to \$52,000 as of 9/30/2023 and to \$58,000 as of 8/1/2024.

Adopted September 28, 2023

RESOLUTION 2023-165
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING
STUDENT REPRESENTATIVES TO THE ENVIRONMENTAL COMMISSION, PARKS AND RECREATION
ADVISORY COMMITTEE AND HISTORIC PRESERVATION COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following appointments are made for the terms as indicated:

ENVIRONMENTAL COMMISSION – *TERM EXPIRES 10/1/2024*

Loki Reynolds
Benny Marcello
Ryan Smith

PARKS & RECREATION ADVISORY COMMITTEE – *TERM EXPIRES 10/1/2024*

Nina Mody
Daniel Moore

HISTORIC PRESERVATION COMMITTEE – *TERM EXPIRES 10/1/2024*

Adopted: September 28, 2023