

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, November 13, 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 for Executive/Absent for Regular meeting
Ms. Neibart	Present
Ms. Spirig	Present
Mayor Monaghan	Present

Also, present:
Mr. Jason Gabloff, Township Administrator
Karen Orgera, Acting Township Clerk
Wendy Parrinello, Assistant to Clerk
Mr. John M. Mills, Esq.

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.

RESOLUTION TO CONVENE INTO EXECUTIVE SESSION

**2023-171 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		
Ms. Spirig		X	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.

#

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

Mayor Monaghan called for a 10-minute recess before opening the regular meeting.

ANNOUNCEMENTS

Mayor Monaghan made the following announcements:

1. Congratulated Committeewoman Duarte on being re-elected.
2. Gypsy Moth survey was conducted in Mendham Township by Morris County and no infestations were identified.
3. David Braun on achieving the rank of Eagle Scout.
4. Megan Marino in the Drakewick development for a successful Halloween food drive and also thanked the Mendham Township Police, Mendham Township Department of Public Works, Brookside Engine Company and Ralston Fire Company for their help on Halloween
5. Historic Preservation Committee developed a 275th planning committee to celebrate the 275th birthday of Mendham Township. Robin Johnston and myself were invited to be co-chairs on the committee. If you have ideas or wants to volunteer or made a financial contribution, please feel free to reach out.

Deputy Mayor Neibart made the following announcements:

1. December 3, 2023 will be the annual Santa parade. Following the parade the Santa event will be taking place at Pitney Park.
2. OEM blood drive will be January 11, 2024 at the Brookside Community Club.
3. Mosle Committee is nearing the conclusion of its work. The committee has agreed on recommendations on the major issues. Several vendors have been selected to provide the Township Community with options to define solutions. The goal is to present to the Township Committee on November 27, 2023
4. Volunteer reception to be held on December 11, 2023 at 7:00pm at the Emergency Services Building in the ready room.

Ms. Spirig made the following announcements:

1. Mendham Township library relies on donations to help sustain their programs despite receiving funds from Mendham Township. Please consider donating by visiting mendhamtownshiplibrary.org.

Ms. Duarte made the following announcements:

1. November 15, 2023 at 7:00pm the Stigma free task force, along with school counselors and police Sargeant Ambrosi will be presenting a panel to parents on internet safety for children. You can pre-register by visiting the Stigma free task force Facebook page.
2. Annual holiday boutique will be Saturday, November 18, 2023 from 9:00am-3:30pm at the Brookside Community Club
3. Congratulated election winners Dr. Mandell, Thomas Kneeling, Robert Strobel. Ms. Duarte thanked the community for their support.

RECOGNIZING NEW MEMBERS

Mayor Monaghan recognized Brody Mortensen and Sebastian Rodrigues as new Junior members to the Ralston Fire Company and thanked them for their service.

PROCLAMATION

Veteran William Hulkower

Committeewoman Duarte read aloud the proclamation on behalf of the Township Committee on Mr. Hulkower's tremendous efforts in WWII. Mr. Hulkower was awarded the Bronze Star for bravely saving the life of a soldier who lost a leg. Mr. Hulkower was engaged in a street battle in Bastogne and endured relentless fighting at the Battle of the Bulge.

The Township Committee thanked Mr. Hulkower for his service, sacrifice, and heroic actions. The Township is honored to present this proclamation and gave thanks to all Veterans for their service.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

George Koenig, 13 North Gate Road, Mendham, NJ thanked Mr. Hulkower for his service following the proclamation. Mr. Koenig further commented on New Jersey soils on preserved farms and the effects of agritourism on preserved farms for agricultural use.

Peter Banos, 47 Ironia Road, Mendham, NJ has concerns on the proposed Backer Brewery regarding storm water compliance.

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

- October 23, 2023- Regular Meeting Minutes
- November 1, 2023 - Special Meeting Minutes

MOVED AS ONE

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

ORDINANCE(S) FOR INTRODUCTION

12-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY RE: AMENDING CHAPTER 7 “TRAFFIC” SECTION 13 “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS”

PUBLIC HEARING NOVEMBER 27, 2023

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

Ms. Duarte made a motion to make a friendly amendment to extend the no parking to Route 24, seconded by Ms. Neibart. A voice vote was taken with all members present voting in favor, no one opposed.

13-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY RE: AMENDING CHAPTER 7 “TRAFFIC” SECTION 29 “SPEED LIMITS”

PUBLIC HEARING NOVEMBER 27, 2023

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

14-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY RE: AMENDING THE NAME OF A PORTION OF SHORES ROAD KNOWN AS ARCADIA CIRCLE TO “BROOKSIDE WAY”

PUBLIC HEARING NOVEMBER 27, 2023

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

The following amendments were made to Ordinance 14-2023:

1. The title to say Re: Amending the name of the new road known as Acadia Circle to “Brookside Way”
2. Remove the first WHEREAS
3. In the second WHEREAS, remove extension of the public road to reflect the name of a new public road as Acadia Circle
4. In the fifth WHEREAS remove that portion of “Shores Road” to “The Road”
5. Correct spelling in all Acadia to Acadia

Ms Duarte made a motion for the friendly amendments, seconded by Ms. Neibart. A voice vote was taken with all members present voting in favor, no one opposed.

ORDINANCE FOR SECOND READING/PUBLIC HEARING

11-2023 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, MORRIS COUNTY, NEW JERSEY ADDING A TEMPORARY AMENDMENT TO CHAPTER 10-45 “OPEN SPACE TRUST COMMITTEE

INTRODUCED OCTOBER 10, 2023

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

Public Hearing:
Mayor Monaghan opened the public hearing Bond Ordinance 11-2023.

Diana Orban Brown, Ironia Road former member of the Open Space Trust Committee and is in favor of the amendment to the Open Space program as the amendment is limited in duration and cost and is important to the safety of hikers on open space properties. Ms. Brown further commented that any remaining funds be used to fix the open space road scapes and asked the Township Committee about cost sharing for homeowner’s who have Ash trees abutting the right of way.

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

The Township Committee briefly discussed the Ordinance and members present are in favor of this Ordinance and the value of dealing with the immediate hazards of the dead Ash trees.

REGULAR AGENDA RESOLUTIONS

2023-172 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					
Ms. Neibart		X	X		
Ms. Spirig			X		
Mayor Monaghan			X		

2023-173 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPOINTING DEREK SIMMONS, EQUIPMENT OPERATOR, TO THE DEPARTMENT OF PUBLIC WORKS

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

2023-174 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING THE CONTRACT FOR J.R. CONTRACTING FOR THE SALLY PORT DOOR AND LOCKSET AT THE MENDHAM TOWNSHIP POLICE HEADQUARTERS

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

2023-175 RESOLUITON OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROVING RICHARD ROMAN FOR THE SERVICE OF PART-TIME/TEMPORARY ELECTRICAL SUB-CODE INSPECTOR

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

2023-176

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING A CONTRACT WITH THE MORRIS COUNTY UTILITIES AUTHROITY FOR
RECYCLING COLLECTION AND DISPOSAL

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

2023-177

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING 2023 BUDGET APPROPRIATION TRANSFER

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

2023-178

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
N.J.S.A. 40A:4-87

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

DISCUSSION

Town Hall Renovation Update

Mayor Monaghan shared that the Town Hall project is moving along. The elevator shaft is complete and scaffolding up installed around the building to remove the stucco. The inside slab is mostly complete, steel beans are in place and wood for the interior has been delivered to start the interior framing. A slide show of construction progression will be shared with the Township Committee and posted to the website.

Tree Survey Update

Mr. Gabloff shared what the Forester drafted on the various areas that have dead Ash trees and what is the most critical Ash trees that need to be removed. Mr. Gabloff further mentioned that he will contact the contractor being used to remove the dead Ash trees about being able to cost share and help the homeowners with removal of dead Ash trees.

AV Equipment

Mr. Gabloff discussed with the Township Committee the need for new Audio-Visual equipment as the current equipment is not working well and some pieces have broken. The timing of addressing the new equipment is working well with the Town Hall renovation as the wiring can be installed now and be integrated for when Town Hall is ready to move back too. The Township Committee asked Mr. Gabloff to obtain an itemized invoice of the prices of the equipment being purchased.

OPEN TO THE PUBLIC

Mayor Monaghan opened the meeting for public comments.

George Koenig, 13 North Gate Road, Mendham, NJ, inquired if the Township Committee will share their response to the Morris County Agricultural Board pertaining to the proposed Backer Brewery. A discussion took place between Mr. Koenig and the Township Committee about transparency and requested that more needs to be discussed and the public should have further input.

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.

ADJOURN

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

The regular meeting of the Mendham Township Committee was adjourned at 9:17 P.M.

Respectfully submitted,

Distributed: 11/22/2023
Approved: 11/27/2023

Karen Orgera
Acting Township Clerk
TOWNSHIP OF MENDHAM

RESOLUTION 2023-171
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR A
MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY
OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Mendham is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Mendham to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:



(1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.



(2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.



(3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.



(4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.



(5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.



(6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.



(7) Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.



(8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.



(9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, State of New Jersey, assembled in public session on **November 13, 2023 at 6:30 P.M.** in the Mendham Township Middle School, 16 Washington Valley Road, Brookside, New Jersey, that the Township Committee shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

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

Adopted: November 13, 2023

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

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

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

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

Name of Street- Ironia Road

Side- Westerly

Location- From Mountainside Road to Roxiticus Road

SECTION TWO:

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

SECTION THREE: all ordinances of the Township of Morris which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: this ordinance shall take effect upon final passage and publication thereof as provided by law.

Introduced: November 13, 2023

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

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

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

Chapter 7 SECTION 29 “SPEED LIMITS”

Name of Street- Oak Knoll Road
Speed Limit- 25mph
Location- From Route 24 to Valley View Drive

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

SECTION THREE: all ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: this ordinance shall take effect upon final passage and publication thereof as provided by law.

Introduced: November 13, 2023

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

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

SECTION ONE:

WHEREAS, there exists in the Township of Mendham a road known as Shores Road;
and

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

WHEREAS, the subdivision map reflected the name of the extended roadway as “Arcadia Circle, and

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

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

That portion of “Shores Road, known as Arcadia Circle which lies within the new subdivision shall be named “**Brookside Way**, the following conditions shall be satisfied by the property owner:

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

SECTION TWO:

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

SECTION THREE: all ordinances of the Township of Morris which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR: this ordinance shall take effect upon final passage and publication thereof as provided by law.

Introduced: November 13, 2023

ORDINANCE NO. 11-2023
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM,
MORRIS COUNTY, NEW JERSEY
ADDING A TEMPORARY AMENDMENT TO CHAPTER 10-45 "OPEN SPACE TRUST COMMITTEE"

WHEREAS, the Township of Mendham had implemented a policy and funding mechanism with the purpose of acquiring many acres of Open Space land dedicated and restricted to public use and recreation; and

WHEREAS, pursuant to that policy the Township has in whole or in part acquired or secured deed restrictions of hundreds of acres of land restricted to open space and or recreational uses; and

WHEREAS, many of these lands are used and traversed by walking trails, have parking areas and other public amenities; and

WHEREAS, a significant portion of these lands are heavily forested with many species of trees, including Ash trees, and

WHEREAS, an invasive insect known as the Emerald Ash Borer has infested virtually every Ash tree in the State of New Jersey; and

WHEREAS, this infestation results in the death of the infected tree which begins to drop branches and ultimately to fall, and

WHEREAS, the safety of the public requires intervention by the Township to, to the extent possible remove or fell those trees having a possible impact on public safety, and

WHEREAS, the cost of addressing hundreds of these trees is beyond the constraints of the regular municipal budget, and

WHEREAS there is a funding mechanism within Chapter 10-45 which provides for the separate funding of the "Municipal Open Space, recreation and Farmland and Historic Preservation Trust Fund", the "Open Space Trust Fund", and

WHEREAS, the trust Fund is required to be used for the acquisition of lands, easements, and development rights for recreation and conservation purposes, together with the payment of debt service incurred for those purposes, and

WHEREAS, in the interest of public safety and so as to prevent the necessity of closing off access to these open space lands, the Township Committee has deemed necessary and advisable to allow the Open Space Trust Fund to be used for the purpose of removing the dead or dying Ash or other trees that could impact the public welfare.

NOW, THEREFORE, BE IT HERBY ORDAINED by the Township Committee of the Township of Mendham that Chapter 10-45 be temporarily amended as set forth herein.

SECTION 1.

Chapter 10-45 subsection F. (3) is amended to add:

For a period of six (6) months from the effective date of this ordinance, Open Space Trust Fund monies not to exceed \$150,000.00 shall be available to be used for the sole purpose of cutting dangerous trees in those areas of the open space and recreation areas traversed by trails and hiking paths open to the public. The Township Committee shall invite the public, the Open Space, Parks and Recreation Advisory Committee, and the Environmental Commission to provide recommendations and advise in this regard. These funds may also be used to notice the public and provide warnings regarding the wild or remote areas where tree removal is impractical.

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.

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: October 10, 2023

RESOLUTION 2023-172
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, State of New Jersey, that the Chief Financial Officer be and hereby is authorized to pay current bills as attached hereto and made a part hereof, contingent upon the approval of the Finance Committee.

Adopted: November 13, 2023

RESOLUTION 2023-173
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPOINTING DEREK SIMMONS, EQUIPMENT OPERATOR, TO THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, a need has arisen to appoint a DPW Laborer/Equipment Operator to fulfill the duties of a vacant position, and

WHEREAS, the Township of Mendham had advertised and received resumes for the position of Skilled Laborer/Operator, and

WHEREAS, it has been determined and recommended by the Superintendent of Public Works and Township Administrator that Derek Simmons, meets the requirement necessary to perform the function of Equipment Operator and the duties and responsibilities of the position, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham that Derek Simmons be appointed to the position of Equipment Operator at an annual salary of \$48,691.58 effective as of November 20, 2023.

Adopted: November 13, 2023

RESOLUTION 2023-174
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING THE CONTRACT FOR J.R. CONTRACTING FOR THE SALLY PORT DOOR AND LOCKSET AT THE
MENDHAM TOWNSHIP POLICE HEADQUARTERS

WHEREAS, the Township of Mendham has authorized a contract with JR Contracting for the construction of the new Mendham Township Police Station at 4 West Main Street; and

WHEREAS, it has been determined that the locksets installed on the Sally Port door are incorrect and do not meet the required Department of Corrections specifications, and;

WHEREAS, JR Contracting and Cornerstone Architectural Group have reviewed the specifications and design and agree that the locksets for the Sally Port door are incorrect, and;

WHEREAS, this change order for the locksets for the Sally Port Door to be completed by JR. Contracting causes a change in the pricing of J.R.” contract in the amount \$4,723.05, and;

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*.

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 JR Contracting be amended for an additional \$4,723.05.

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

Adopted: November 13, 2023

RESOLUTION 2023-175
RESOLUITON OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING RICHARD ROMAN FOR THE SERVICE OF PART-TIME/TEMPORARY
ELECTRICAL SUB-CODE INSPECTOR

WHEREAS, The Township of Mendham Construction Official has recommended that the hiring of an Electrical subcode inspector is necessary on an “as-needed” basis to help with the volume of construction due to the Hillendale Development and the volume of inspections being created due to mandatory meter pan changes from JCP&L; and

WHEREAS, Richard Roman, is a licensed electrical sub code inspector and has the ability to be on call on an as needed basis to help the Township manage the extra volume of inspections at a rate of \$40 per hour with a minimum of 2 hours per “call out”; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mendham that Richard Roman be appointed as a temporary, on- call electrical sub-code inspector.

Adopted November 13, 2023

RESOLUTION 2023-176
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING
A CONTRACT WITH THE MORRIS COUNTY UTILITIES AUTHORITY FOR RECYCLING COLLECTION AND
DISPOSAL

WHEREAS, the Township of Mendham has adopted an agreement, Resolution 2020-208 with the Morris County Municipal Utilities Authority to provide recycling collection and disposal services utilizing a weekly rotating dual stream collection process for a 5-year term at an initial cost of \$166,000 for year 1 starting January 1, 2021, with a 2% increase in each subsequent year; and

WHEREAS, the parties executed the Agreement between December 4, 2020, and December 20, 2020, and;

WHEREAS, the parties have performed pursuant to this Agreement since that time and at this time desire to make a change from dual streamed to single streamed recycling and;

WHEREAS, such relevant and necessary amendments have accordingly been made to the “First Amended Agreement to Provide Curbside Collection, Transporting, and Marketing of Recyclable Materials between the Morris County Municipal Utilities Authority and the Township of Mendham” (“First Amendment”) and;

WHEREAS, the MCMUA and the Township of Mendham desire to execute such First Amendment, at this time, and;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham, in the County of Morris and State of New Jersey, that the contract from the Morris County Municipal Utilities Authority be amended to provide recycling collection and disposal services utilizing a weekly single stream collection process through 2025.

BE IT FURTHER RESOLVED that the Township Clerk shall provide a certified copy of this resolution to the Morris County Municipal Utilities Authority for their information and implementation.

Adopted November 13, 2023

RESOLUTION 2023-177
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING 2023 BUDGET APPROPRIATION TRANSFER

BE IT RESOLVED, by the Township Committee of the Township of Mendham, County of Morris, and State of New Jersey, that 2023 Budget Appropriations Transfer totaling **\$23,000** are to be made in the following manner:

FROM:	AMOUNT
Liability Insurance	6,000
Dental Insurance	6,000
Fire – OE – Cistern Maintenance	5,000
Employee Group Health Insurance	3,000
Mayor & Township Committee - Miscellaneous	3,000
TOTAL	\$23,000
TO:	AMOUNT
Police – OE – Maintenance/Repairs	15,000
Capital Improvement Fund	5,000
General Administration – OE – Miscellaneous	3,000
TOTAL	\$23,000

NOW, THEREFORE, BE IT RESOLVED, by the Township of Mendham, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with provision N.J.S.A. 40A:4-59, part of the surplus in the accounts heretofore mentioned be and the same is hereby transferred to the accounts mentioned as being insufficient and directs the Chief Financial Officer to execute this transfer transaction.

Adopted November 13, 2023

RESOLUTION 2023-178

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87**

WHEREAS, N.J.S.A. 40A:4-87 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 was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that 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 \$3,900 which is now available from the New Jersey Division of Mental Health and Addictions Services.

BE IT FURTHER RESOLVED, that the like sum of \$3,900 is hereby appropriated under the caption the New Jersey Division of Mental Health and Addictions Services; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Division of Mental Health and Addictions Services in the amount of \$3,900.

Adopted November 13, 2023