

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: Monday, February 26, 2024
TIME: 6:30 PM- EXECUTIVE SESSION
7:30 PM- 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
Mr. Monaghan	Present
Ms. Moreen	Present-arrived after roll call
Ms. Spirig	Present
Mayor Neibart	Present

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

SALUTE TO THE FLAG-LED BY MAYOR NEIBART

STATEMENT OF ADEQUATE NOTICE-READ BY MAYOR NEIBART

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 5,2024. 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

**2024-045 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		
Mr. Monaghan		X	X		
Ms. Moreen					
Ms. Spirig			X		
Mayor Neibart			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 Mr. Monaghan. 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.

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

Mayor Neibart requested a 5-minute recess.

PROCLAMATION(S)

Eagle Scouts

Committeewoman Duarte read the proclamation on behalf of the Township Committee commending David Braun on achieving the rank of Eagle Scout and presented the proclamation to Mr. Braun.

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

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

Volunteer Appreciation

Committeewoman Duarte read the proclamation thanking Mr. John Mallon for his years of volunteering on the Environmental Commission and all he has done for Mendham Township.

PRESENTATION

Environmental Commission Annual Report for 2023

The presentation was tabled to the next Township Committee meeting in March 2024.

ANNOUNCEMENTS

Mayor Neibart had the following announcements:

- 1. The West Morris Regional High School districts Tax Referendum vote is March 12, 2024. Information regarding the referendum will be on the High Schools website.
- 2. The West Morris Mendham High School’s musical will be March 7th -March 9, 2024.

Ms. Spirig had the following announcements:

- 1. The Mendham Township School Districts PTO will be hosting a Gala on March 7, 2024, at Jockey Hollow.
- 2. Mendham Township library is having a Wine with Friends event on April 19, 2024, from 7pm-9m.
- 3. The Mendham Township library is still looking for board members. Information is available on the Township library’s website.

Ms. Duarte had the following announcements:

- 1. The Environmental Commission collected 34 yards of Styrofoam at the recent event held in Mendham Borough.
- 2. Boy Scout Troop 1 is hosting an all you can eat pancake breakfast on March 2, 2024, from 8am-11am at the Grace Lutheran Church in Mendham Borough. Proceeds are being used to help fund high adventure programs. \$10 per plate or \$20 per family/group.
- 3. The “Beat the Winter Blues” event held by the Stigma Free Task Force was a great success.
- 4. The Rotary Club is selling commemorative mugs to celebrate the Township’s 275th birthday. Mugs are \$30.00 each. Proceeds from the mugs will be used to move the flagpole at the Mendham Area Senior Housing complex as there are a lot of Veterans who live there. Information will be available on social media on how to purchase a mug.

Mr. Monaghan had the following announcements:

- 1. The 275th birthday committee will be hosting events happening in the Spring and Fall of 2024 through the Historic Preservation Committee. You can email nmonaghan@mendhamtownship.org or visit the Historic Preservation Committee’s website if you want to donate or help with the events.
- 2. Brookside Community Club is looking for members if you would like to join. This year’s project is to restore the bell that was on the Community Club. The copula needs to be repaired to put the bell back in.

OPEN TO THE PUBLIC

Mayor Neibart opened for public comments.

Bruce Flitcroft- Tingley Road, Mendham, NJ commented that he strongly supports the Native Plant Ordinance being passed tonight. Mr. Flitcroft said this will benefit the entire Township.

Kim Hart, 17 North Gate Road, Mendham, NJ participated via Zoom commented on the response from the Morris County Agricultural Board pertaining to the Backer Brewery application and traffic study that was conducted in 2018. Ms. Hart further commented that in the 2018 report by French & Parrillo that a traffic signal was needed. Ms. Hart would like to see research done by the Township Committee.

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

Motion to close public comment period was made by Ms. Duarte and seconded by Mr. Monaghan, with all members present voting in favor, no one opposed.

APPROVAL OF MEETING MINUTES

- February 12, 2024 – Executive Session Meeting Minutes
- February 12, 2024- Regular Meeting Minutes

MOVED AS ONE

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

ORDINANCE FOR SECOND READING/PUBLIC HEARING

01-2024

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
MORRIS COUNTY, NEW JERSEY NATIVE PLANT ORDINANCE
INTRODUCED FEBRUARY 12, 2024

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

Motion to amend Ordinance 01-2024 was made by Ms. Duarte and seconded by Ms. Spirig to add back in the previously amended and removed Section 9.
Mr. Monaghan is not in support of adding this language back into the Ordinance.

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

Public Hearing:
Mayor Neibart opened the public hearing on Ordinance 01-2024.

George Koenig, 13 North Gate Road, Mendham, NJ commented that he is in support of this ordinance being adopted. Mr. Koenig has personally removed most of the non-native plants on his property.

Seeing and hearing no one wishing to speak, Mayor Neibart asked for a motion to close the public hearing.

A motion was made by Mr. Monaghan and seconded by Ms. Duarte. A voice vote was taken with all members present voting in favor, no one opposed.

- CONSENT AGENDA RESOLUTIONS

2024-046

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE PAYMENT OF BILLS

2024-047

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2025

2024-048

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF 2024 TAXES

2024-050

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES
CONTRACT WITHOUT COMPETITIVE BIDDING TO PHOENIX ADVISORS, LLC FOR
FINANCIAL ADVISOR SERVICES

2024-051

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE TOWNSHIP COMMITTEE TO ENDORSE THE NJDEP TREATMENT
WORKS APPROVAL (TWA) PERMIT APPLICATION FOR THE LEWIS MORRIS PARK PROJECT

CONSENT AGENDA VOTE

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

- 2024-049

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING RAFFLE LICENSE – PTO MENDHAM HIGH SCHOOL PROJECT GRADUATION
- Motion to withdraw Resolution 2024-049 was made by Ms. Duarte and seconded by Ms. Spirig. A voice vote was taken with all members present voting in favor, no one opposed.
Resolution was withdrawn as the applicant moved the event to a different location, not in Mendham Township.

REGULAR AGENDA RESOLUTIONS

2024-052 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
REAFFIRMING THE OBJECTIVES OF THE MENDHAM TOWNSHIP GREEN TEAM
ADVISORY COMMITTEE

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

2024-053 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION
PROGRAM

Motion to table Resolution 2024-053 was made by Ms. Duarte and seconded by Ms. Spirig.
A voice vote was taken with all members present voting in favor, no one opposed.

2024-054 RESOLUTION OF THE TOWNSHIP COMMITTEE OF TOWNSHIP OF MENDHAM
AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION - NJ DCA LOCAL
RECREATION IMPROVEMENT GRANT PROGRAM FOR MT. PLEASANT COURTS

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

The Township Committee had a lengthy discussion on Resolution 2024-054. Mr. Monaghan questioned if this grant money was to be used for the Mosle Lighting project.
Mayor Neibart shared that the Twin Boro Bears are no longer interested in helping to fund the lights at Mosle Field as the lights suggested by the Mosle Committee will not meet the needs of the group. Mayor Neibart further commented on the need to still discuss lighting the parking lot and pathway. The grant would not cover the portable/semi-permanent lights.
Ms. Moreen suggested an amendment to say Mount Pleasant and Meadowood Recreational Facilities.
Ms. Moreen further suggested revisiting the 4 Towns Recreation Plan from 14 years ago to see what sports are being underserved in each town.
Mr. Monaghan strongly opposes this grant application resolution as there isn't a project in place.

DISCUSSION

Town Hall Renovation Update

Mr. Gabloff reported that the project is moving forward. Waiting for the sprinkler contractor to finish the shop drawings for approval. Waiting on NJ American Water to do a pressure test. HVAC unit and duct work needs to be slightly modified. A change order will need to be done for this. The mold issue in the children's room needs to be remediated.

Mosle Light Project Update

Mr. Gabloff commented that the Twin Boro Bears is not willing to put money into the proposed semi-permanent lights that was proposed by the Mosle working group. Twin Boro Bears will continue to use what they have been. Twin Boro Bears requested that the Township would still be interested in lighting the parking lot and pathway with temporary lights.

The Township Committee discussed how the Township would like to proceed with the lights for the parking lot and pathway. It was further discussed that the Twin Boro Bears should be encouraged to put up signage to warn people of the diesel light towers. The price of each diesel tower would be around \$25,000.00. These lights are portable and could be used at different locations throughout the Township. One or two light towers would be needed.

Update & TC Letter Re: Preservation Credit Work- A4/S50 Affordable Housing Bill

Mayor Neibart drafted and read aloud on behalf of the Township Committee to be forwarded to Senate representatives and Assembly members of New Jersey outlining the need for sustainable land-use practices and preservation of the environment in regard to bills A4/S50.

Raritan Headwaters Association-Water Restoration & Protection Plan-appointing members

The Township Committee discussed that a member of the Open Space Trust Committee and Environmental Committee be appointed to this advisory committee. Mayor Neibart will reach out to each Committee to solicit those members.

OPEN TO THE PUBLIC

Mayor Neibart opened for public comments.

Anthony Reitano, 3 Carriage Hill Drive, Mendham, NJ commented that making the investment to light the parking lot for a single organization is a burden on the taxpayers. Currently there are 16 light towers. The owner of the land should be named as an additional insured for liability purposes and protect the Township. Mr. Reitano further commented that Twin Boro Bears should be self-sufficient.

Ed Coury, 87 Mosle Road, Mendham, NJ commented that the Mosle Ad Hoc Committee put in a lot of time and energy into the process of semi-permanent lights. Mr. Coury is still in favor of having an Environmental Impact Study done to see what the impact will be if lights are used for the parking lot and pathway.

Mary Shay-Milea, 1 Carriage Hill Drive, Mendham, NJ commented that she is concerned on how things will be monitored at Mosle Field. Ms. Milea further commented that this project and discussion needs to come to a close as the process has been exhausting.

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

Motion to close public comment period was made by Ms. Duarte and seconded by Ms. Spirig, with all members present voting in favor, no one opposed.

LIAISON REPORTS

Tabled to the next meeting.

ADJOURN

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

The regular meeting of the Mendham Township Committee was adjourned at 10:15 P.M.

Respectfully submitted,

Distributed: 03/08/2024

Approved: 03/11/2024

Karen Orgera
Acting Township Clerk
TOWNSHIP OF MENDHAM

RESOLUTION 2024-045
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 **February 26, 2024 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: February 26, 2024

ORDINANCE NO. 01-2024
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
MORRIS COUNTY, NEW JERSEY
NATIVE PLANT ORDINANCE

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Sec. 1. TITLE

This ordinance shall be known and may be cited as “Municipality of Mendham Township Landscape Ordinance Promoting the Use of Native Vegetation.”

WHEREAS, native plants are localized, well adapted to the local soils and climate, tend to be more insect and disease resistant, and require less watering and fertilizing than non-native plants.

WHEREAS, local governments use native plant ordinances to improve the landscape principles that guide landscaping of all new developments. Many communities find that the use of appropriate native vegetation in local landscaping helps achieve water conservation goals, preserves habitat, and reduces landscaping maintenance costs.

WHEREAS, wildlife such as birds are more attracted to the native plants with which they co-evolved, and use such plants for food, cover, and rearing their young.

WHEREAS, native plants, having evolved in the climate, are extremely hardy and therefore have lower maintenance and replacement costs.

WHEREAS, native plant usage helps restore the ecological balance we have lost through development.

Sec. 2. PURPOSE AND INTENT

The purpose of this ordinance is to establish guidelines for the design, installation, and maintenance of landscaped areas that require the use of native vegetation and to promote the preservation of indigenous plant communities. The Municipality recognizes the significant benefits of establishing and protecting native vegetation and, therefore, the necessity to require the use of native vegetation in all newly planted public landscaped areas within the Municipality. A specific garden with historical or other special significance can request an exception to this ordinance by approval from the Environmental Commission, provided that plants do not appear on the New Jersey Invasive Species Strike Team’s Do Not Plant List. The Municipality strongly recommends that developers, property owners and landscapers consult the New Jersey Invasive Species Strike Team’s Do Not Plant List, and plant native plant species rather than species on this list for all new plantings in Mendham Township wherever possible.

It is the intent of this ordinance that these minimum landscape guidelines be incorporated in order to help combat the climate crisis, species extinction and to promote public health, safety, and welfare by: (a) Acknowledging that native plants are the foundation of the food web and diverse native plants are required to sustain healthy biodiversity; (b) acknowledging pollination is an essential ecological survival function, and without native plants and the pollinators that depend on them, the human race and all of earth's terrestrial ecosystems will not survive; (c) doing our part to reverse the massive decline in native pollinator populations from widespread use of pesticides in agribusiness, loss of habitat from development, and from excessive use of non-native plants in landscaping; (d) protecting and promoting genetically diverse and appropriate native vegetation; (e) promoting microhabitats in Township areas for the conservation of wildlife by establishing new, and maintaining and connecting existing, wildlife habitat; (f) creating larger, more connected plant populations and helping ensure the future of native plant species by increasing their ability to migrate in response to changes in climate; (g) promoting public health through the long term, widespread adoption of diverse native plantings; and (h) educating residents on the importance of native plant species and native pollinators to the ecosystem.

Sec. 3. DEFINITIONS

(a) Invasive Plant: a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes, or habitat quality. Refer to the New Jersey Invasive Species Strike Team’s Do Not Plant List for an up-to-date list.

(b) Landscaped Area: the entire parcel less the building footprint, driveway, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of landscaped areas.

(c) Landscaping: any combination of living plants and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.

(d) Native Plant: those species of plants naturally occurring within a specific habitat or biogeographical region prior to European contact, according to best scientific and historical documentation. Refer to Jersey-Friendly Yards for a database.

(e) Pollinators: animals (primarily insect, but sometimes birds or mammals) that fertilize plants, resulting in the formation of seeds and the fruit surrounding seeds, that humans and other animals rely on to

produce nuts and fruits that are essential components of a healthy diet, and that the majority of flowering plant species found world-wide rely on to make the seeds that will become the next generation of plants. (f) Straight Species: a native plant that is not a cultivar or has not been bred to emphasize or minimize certain traits of the parent plant. Naturally occurring hybrids of native plants shall be considered as Straight Species for the purpose of this ordinance.

Sec. 4. APPLICABILITY

After the effective date of this ordinance, these guidelines shall apply to all public town buildings and public land within the incorporated and unincorporated areas of the Municipality.

Sec. 5. BEST PRACTICES FOR PLANTING

The Municipality shall, where possible, use the Jersey-Friendly Yards best practices for environmentally friendly landscaping which includes guidance on planning, maintaining healthy soil, watering wisely, fertilizing less, avoiding pesticides, and creating habitat for wildlife.

Sec. 6. INVASIVE PLANTS FORBIDDEN

After the effective date of this ordinance, the Municipality shall not use or install any invasive plant in any Municipal property. Landowners and developers shall be encouraged to plant native plants and avoid planting invasive plants on their property.

Sec. 7. PRIORITIZING STRAIGHT SPECIES

The Municipality shall, to the extent possible and to the extent such plants are reasonably available, prioritize using and installing native plants that are straight species on any Municipal property. Cultivars may need to be chosen for disease resistance, size/height management or other attributes. Care should be taken to ensure that leaf and flower color as well as flower form is as close to the straight species as possible.

Sec. 8. SEVERABILITY

If any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the article.

Sec. 9. EFFECTIVE DATE

This ordinance shall take effect 30 days after it is enacted by the Municipality; provided, however, that this ordinance shall not apply to any plantings carried out pursuant to existing contracts, invitations to bid, or designs completed prior to the effective date of this article.

Introduced February 12, 2024

RESOLUTION 2024-046
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: February 26, 2024

RESOLUTION 2024-047
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2025

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Mendham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris.

NOW, THEREFORE, BE IT RESOLVED by the Township of Mendham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Mendham Municipal Alliance grant for fiscal year 2025 in the amount of:

DEDR	\$4,291.00
Cash Match	\$1,072.75
In-Kind	\$3,218.25
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted: February 26, 2024

RESOLUTION 2024-048
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
REFUND OF OVERPAYMENT OF 2024 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 117 Lot 10 22 Horizon Drive	James Ng 22 Horizon Drive Mendham, NJ 07945	\$52.12
Block 137 Lot 20 5 Butternut Drive	Daniel R./ Caleigh Marie Nisivoccia 5 Butternut Drive Mendham, NJ 07945	\$3,141.34
Block 141 Lot 29 8 Prudence Lane	Richard R Jr. & Elizabeth Vanderbeek 8 Prudence Lane Morristown, NJ 07960	\$9,068.88
Block 116 Lot 10 8 Combs Hollow Road Block 139 Lot 97 2 Conifer Drive	Corelogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9760	\$233.97 <u>\$2,899.54</u> \$3,133.51
Block 139 Lot 8 13 East Main Street	Shell Point Mortgage Servicing 3001 Hackberry Road Irving, TX 75063-0156	\$4,140.40

Adopted: February 26, 2024

WITHDRAWN

RESOLUTION 2024-049

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPROVING RAFFLE LICENSE – PTO MENDHAM HIGH SCHOOL PROJECT GRADUATION

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
PTO Mendham High School Project Graduation	March 7, 2024	On-Premise 50/50 Raffle

Adopted: February 26, 2024

RESOLUTION 2024-050
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT
COMPETITIVE BIDDING TO PHOENIX ADVISORS, LLC FOR FINANCIAL ADVISOR SERVICES

WHEREAS, the Township of Mendham has a need to appoint a qualified Municipal Financial Advisor as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and

WHEREAS, Phoenix Advisors, LLC will provide a Municipal Financial Advisor as sought by the Township of Mendham and outlined in a contract on file in the Office of the Township Clerk in an amount not to exceed \$10,000 financial advisor services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Phoenix Advisors, LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Mendham with the elected officials in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; 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 authorizes the Mayor and the Township Clerk to enter into a contract with Phoenix Advisors, LLC of Bordentown, NJ not to exceed \$10,000 for financial advisor services.

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: February 26, 2024

RESOLUTION 2024-051
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE TOWNSHIP COMMITTEE TO ENDORSE THE NJDEP TREATMENT WORKS APPROVAL
(TWA) PERMIT APPLICATION FOR THE LEWIS MORRIS PARK PROJECT

WHEREAS, the Morris County Park Commission operates Lewis Morris County Park, a park which consists of 2,196 acres spanning across several Morris County municipalities, including the Township of Mendham; and

WHEREAS, Lewis Morris County Park relies upon seven different sanitary septic systems throughout the park, including a septic system that is located within the Township of Mendham’s borders (entitled the “Sunrise Lake Boathouse Septic System”); and

WHEREAS, the Morris County Park Commission seeks to replace certain sanitary septic systems throughout the park, including the Sunrise Lake Boathouse Septic System; and

WHEREAS, the proposed project in Lewis Morris County Park involves a flow of over 2,000 gallons per day (“GPD”), requiring a Treatment Works Approval (“TWA”) permit from the New Jersey Department of Environmental Protection (“NJDEP”); and

WHEREAS, pursuant to the TWA Application regulations, specifically N.J.A.C. 7:14A-22.6(a)5 and 22.8(a)3, the following consent is required from any municipality that is going to be affected by the proposed permit: 1) a resolution from the municipality’s governing body approving of any work being done within its borders, and 2) a signed certification from a municipal official certifying to the work being performed within the municipality; and

WHEREAS, the Township of Mendham, pursuant to N.J.A.C. 7:14A-22.6(a)5 and 22.8(a)3, seeks to comply with the TWA Regulations and authorize the Morris County Park Commission to proceed forward with the TWA Application affecting the Sunrise Lake Boathouse Septic System located in Lewis Morris Park.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham (the “Committee”) that subject to the following conditions:

1. The Committee hereby endorses the proposed work to be done at the Sunrise Lake Boathouse Septic System located in Lewis Morris County Park, Township of Mendham.
2. The Committee hereby authorizes and directs the Mayor to execute form WQM003-T, “Certification A”, as required pursuant to N.J.A.C. 7:14A-22.6(a)5 and 22.8(a)3, attached hereto as **Exhibit A**, subject to any de minimis revisions from Counsel.

Adopted: February 26, 2024

RESOLUTION 2024-052
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
REAFFIRMING THE OBJECTIVES OF THE MENDHAM TOWNSHIP GREEN TEAM
ADVISORY COMMITTEE

WHEREAS, The Township of Mendham adopted Resolution No. 2012-118 “Establishing a Green Team Advisory Committee” at a regular meeting conducted on July 9, 2012; and,

WHEREAS, The Township of Mendham resolved in that Resolution that they wished to pursue local initiatives and actions that would lead to Sustainable Jersey Municipal Certification; and,

WHEREAS, The Township of Mendham Township further resolved in that Resolution to create the Mendham Township Green Team Advisory Committee; and,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Mendham, do hereby proclaim the following:

- 1) The Environmental Commission will be the Green Team Advisory Committee of the Township of Mendham and has and shall be active in the community advancing sustainable practices and actions included in the Sustainable Jersey Municipal Certification program; and,
- 2) The Green Team Advisory Committee has been and shall continue to be composed of individuals who have demonstrated interest in advancing the efforts of the Township of Mendham to pursue certification through the Sustainable Jersey Municipal Certification Program; and,
- 3) The role of The Green Team Advisory Committee has been and shall continue to be to lead and coordinate the sustainability activities of the community.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Township Committee establishes the Green Team Advisory Committee as follows:

Martin Slayne
Bernadette Koenig
Bruce Flitcroft
Richard Smith
Mark Van Kirk
Heather Tokarz
Mary Calabro
Kylie Bailin
Marcelo Figueira
Jesse Luis
Michael Rohal
Soko Culbertson
Benito Marcella
Loki Reynolds
Ryan Smith

Adopted: February 26, 2024

TABLED

RESOLUTION 2024-053

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Mendham strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Township of Mendham hereby acknowledges that the residents of the Township of Mendham desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Township of Mendham wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Township of Mendham is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Township of Mendham, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW THEREFORE, BE IT RESOLVED that to focus attention and effort with the Township of Mendham on matters of sustainability, the Township Committee wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Mendham that we do hereby authorize Michael Rohal to serve as the Township of Mendham's agent for the Sustainable Jersey Municipal Certification process and authorize the agent to complete the Municipal Registration on behalf of the Township of Mendham.

Adopted: February 26, 2024

RESOLUTION 2024- 054
RESOLUTION OF THE TOWNSHIP COMMITTEE OF TOWNSHIP OF MENDHAM
AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION - NJ DCA LOCAL RECREATION
IMPROVEMENT GRANT PROGRAM FOR MT. PLEASANT COURTS

WHEREAS, the Township of Mendham desires to apply for and obtain a grant from the New Jersey Department of Community Affairs not to exceed \$100,000.00 to carry out a project to make improvements to the Mt. Pleasant Courts.

BE IT THEREFORE RESOLVED by the Township Committee of the township of Mendham, County of Morris, New Jersey:

1. That the Township of Mendham does hereby authorize the application for such a grant; and,
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Mendham and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Adopted: February 26, 2024