

Kindly note the access information on the last page. The public is welcome to join in-person or virtually.



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
June 23, 2020
6:00 SPECIAL (EXECUTIVE) MEETING
7:30 PM REGULAR MEETING**

ROLL CALL

Mr. Baio
Ms. Duarte
Mr. Monaghan
Mr. Orlins
Mayor Neibart

STATEMENT OF ADEQUATE NOTICE

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 3, 2020. The Notice of Change in Meeting Format was given to the Daily Record and Star Ledger on June 17, 2020. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

2020-120 Resolution of the Township Committee of the Township of Mendham Authorizing Discussion Without the Presence of the Public – Personnel Matters / Litigation

ADJOURN TO EXECUTIVE SESSION (CLOSED)

REGUAR MEETING STARTS AT 7:30PM

SALUTE TO THE FLAG

COVID-19 UPDATE

PRESENTATION

- Library – Discussion on Grant Process
- Historic Park at Pitney Farm - Review of Preliminary Plans

ANNOUNCEMENTS

OPEN TO THE PUBLIC

RESOLUTIONS

2020-121 Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of Taxes Due to NJ State Tax Court Judgment

2020-122 Resolution of the Township Committee of the Township of Mendham Appointing Martin Slayne as Chairman of the Environmental Commission

- 2020-123** Resolution of the Township Committee of the Township of Mendham Awarding Fire Fighter One through the State Contract# 17-Fleet-00819 for the Purchase of Self-Contained Breathing Apparatuses Not to Exceed \$60,000
- 2020-124** Resolution of the Township Committee of the Township of Mendham Authorizing the Signing of Government Energy Aggregation Program Agreements Effective March 21, 2021 and Amending the Current Energy Aggregation Program for a Two Month Extension
- 2020-125** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2020-126** Resolution of the Township Committee of the Township of Mendham Declaring an Emergency in Sewer Utility East (Over 3% Limitation)

ORDINANCE FOR SECOND READING / PUBLIC HEARING

- 07-2020** An Ordinance of the Township of Mendham, In the County of Morris, New Jersey, Supplementing Ordinance 2017-14 Establishing the Sewer Service Charges for the Mendham East Water Pollution Control System
Introduction / First Reading held on May 26, 2020

OPEN TO THE PUBLIC

DISCUSSION

- **Administration**
 - Audit and Corrective Action Plan
 - Pending Bids
 - Field Usage / Fees
 - Opening of Town Hall
 - Tax Reassessment
- **Liaison Reports**

<ul style="list-style-type: none"> ○ Construction ○ Communication Committee, Marketing ○ Department of Public Works ○ Environmental Commission ○ Finance Committee ○ Fire Department ○ First Aid Squad ○ Historic Preservation ○ Library ○ Mendham Sewer East & West ○ Mendham Township School District ○ Mendham TV 	<ul style="list-style-type: none"> ○ Planning Board ○ Police ○ Pitney Park ○ Recreation Committee ○ Regional School District ○ Shared Court ○ Stigma-Free Initiative ○ Surrounding Town Outreach ○ Tax Assessor ○ Tree Committee ○ Wildlife Management ○ Zoning Board
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ADJOURN

RESOLUTION 2020-120
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

WHEREAS, the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Township Committee wishes to discuss without the presence of the public the following:

N.J.S.A. 10:4-12.b (7) - Anticipated Litigation

(7) pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become, a party, or 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; and

N.J.S.A. 10:4-12.b (8) – Personnel Matters

(8) 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 rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey that the Township Committee shall meet in executive session, from which the public shall be excluded, for the matters mentioned above.

BE IT FURTHER RESOLVED, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

Adopted: June 23, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Regular Meeting held on June 23, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-121
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF TAXES DUE TO NJ STATE TAX COURT JUDGMENT

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes as a result of NJ State Tax Court Judgments; 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 100 Lot 27.04 6 Timber Ridge Court	McKirby, Riskin, Olson & Della Pelle, PC Attorneys for Jegou, Peter & Carol 201 Littleton Road, Suite 135 Morris Plains, NJ 0950	\$10,728.50
Block 102 Lot 2.04 128 Mosle Road	Jennifer R. Jacobus, Esq. Attny for Keegan, Michael & Freas, Sandra 201 Littleton Road, 1st Floor Morris Plains, NJ 07950	\$18,954.63
Block 112 Lot 7 22 North Gate Road	Michael A. Vespasiano, Attorney Trust Account 331 Main Street Chatham, NJ 07928	\$20,064.63
Block 127 Lot 74.05 4 Buckingham Court	Jennifer R. Jacobus, Esq. Attny for Petrocelli, Antionette 201 Littleton Road, 1st Floor Morris Plains, NJ 07950	\$14,189.55
Block 141 Lot 17 23 Washington Valley Rd	Jennifer R. Jacobus, Esq. Attny for Dubel, John/Karen 201 Littleton Road, 1st Floor Morris Plains, NJ 07950	\$12,730.95

Adopted: June 23, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Regular Meeting held on June 23, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION NO. 2020-122
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPOINTING MARTIN SLAYNE AS CHAIRMAN OF THE ENVIRONMENTAL COMMISSION

WHEREAS, at the January 13, 2020 Regular Township Committee Meeting, Mayor Neibart appointed Richard Cotter as Chairman for the year 2020; and

WHEREAS, in an email dated June 16, 2020, Richard Cotter resigned from the Environmental Commission; and

WHEREAS, Mayor Neibart wishes to appoint Martin Slayne as Chairman of the Environmental Commission to an unexpired term, effective June 16, 2020 to December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, that the Township Committee concurs with the Mayor's designation to appoint Marin Slayne as Chairman of the Environmental Commission for the remainder of 2020.

Adopted: June 23, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Regular Meeting held on June 23, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-123
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AWARDING FIRE FIGHTER ONE THROUGH THE STATE CONTRACT# 17-FLEET-00819 FOR THE PURCHASE
OF SELF-CONTAINED BREATHING APPARATUSES NOT TO EXCEED \$60,000

WHEREAS, the Township of Mendham desires to purchase Self Contained Breathing Apparatuses for the Fire Department through State Contract #17-FLEET-00819, which exceeds the prevailing bid threshold:

VENDOR: Fire Fighter One,
34 Wilson Drive, Sparta, NJ 07871

COST: Not to Exceed \$60,000; and

WHEREAS, the Chief Financial Officer has certified that funds are available in capital account C-04-55-019-001.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Mendham, County of Morris and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above-named vendor to complete the purchase.

Adopted: June 23, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Regular Meeting held on June 23, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-124

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE SIGNING OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS EFFECTIVE MARCH 21, 2021 AND AMENDING THE CURRENT ENERGY AGGREGATION PROGRAM FOR A TWO MONTH EXTENSION

WHEREAS the Township of Mendham in October 2019 entered into an agreement to establish an energy aggregation program for all local residents and appointed Energy Agent Commercial Utility Consultants and Concord Energy Services as the Township's agents; and

WHEREAS on June 17,2020 on behalf of the Township the Energy Consultants recommend that the initial contract for energy aggregation originally scheduled to expired on in October, 2020 be extended for two months, November and December 2020; and

WHEREAS on June 1, 2020 the Energy Consultants on behalf of the Township requested an RFP for energy provision starting in March 21, 2021; and

WHEREAS IDT Energy provided the most favorable quote at \$.867 / kwh for normal generation and \$.0878 /kwh for enhanced renewal energy versus the current JCPL rate of \$.09628 / kwh.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY that the Mayor is hereby authorized to executive on behalf of the Township appropriate agreements to extend the existing energy aggregation contracts for an additional two month period and to enter into an new energy aggregation agreement starting Match 2021 for a nine month term in accordance of the recommendation of the Township's designed energy authorization consultants.

Adopted: June 23, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Regular Meeting held on June 23, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-125
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, 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: June 23, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Regular Meeting held on June 23, 2020.

Maria F. Coppinger, Township Clerk

**Bills list can be found on the website
under the agenda & minutes tab. Locate
the meeting date and click on “other
docs.”**

RESOLUTION 2020-126
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
DECLARING AN EMERGENCY IN SEWER UTILITY EAST
(Over 3% limitation)

WHEREAS, an emergency has arisen with respect to the collection system in Sewer Utility East and, no adequate provision was made in the 2020 budget for the aforesaid purpose, and NJSA 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$50,000 and three (3) percent of the total operating appropriations in the budget for 2020 is \$12,610.74; and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2020.

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJSA 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is hereby made for Pumping and Hauling Other Expenses in the amount of \$50,000.
2. That said emergency appropriation shall be provided for in full in the 2021 budget, within CAPS, pursuant to NJS 40A:4-53.3c(1).
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services.
4. . That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Adopted: June 23, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Township Clerk of the Township of Mendham, do hereby certify the foregoing resolution was duly adopted by the Township Committee at a Regular Meeting held on June 23, 2020.

Maria F. Coppinger, Township Clerk

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 07-2020**

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY,
SUPPLEMENTING ORDINANCE 2017-14 ESTABLISHING THE SEWER SERVICE CHARGES FOR THE
MENDHAM EAST WATER POLLUTION CONTROL SYSTEM**

WHEREAS, Ordinance 10-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Establishing Sewer Services charges for the Mendham East Water Pollution Control System” established sanitary sewer service fees to be charged to the owners of properties served by such system; and

WHEREAS, Ordinance 10-96 was amended by Ordinance 17-97, Ordinance 21-2003, Ordinance 28-2006, and Ordinance 14-2007, ordinance 15-2015; and ordinance 2017-14; and

WHEREAS. The Sanitary Sewer System is experiencing sewage flows in excess of the capability of the Sewer Treatment Plant requiring these excess flows to be taken to an alternate sewage facility for disposal; and

WHEREAS, under ordinance 2019 – 08, entitled “An Ordinance of the Township of Mendham amending and supplementing chapter 272 entitled Sewers, Article iv Use of Public Sewers”, the expense of properly disposing of the excess flows that can be identified as coming from specific residences, can be charged to the owners of those residences are liable for the expense of properly disposing of the excess flows; and

WHEREAS, the cost of disposing of these excess sewage flows not chargeable to specific users was not included in the calculation of the costs to be recovered from the standard operation of the Sewer Treatment Plant (East) since these costs are intermittent and unpredictable.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham, County of Morris, New Jersey, that Ordinance 2017-14 is revised to read as follows:

SECTION ONE:

1. The owner of every property connected to and served by the Mendham East Water Pollution Control System (a self-liquidating municipal utility established by Ordinance 8-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Providing for the Acceptance of the Mendham East Water Pollution Control System and its Operating and Maintenance by the Township as a Self-Liquidating Municipal Utility”) shall pay to the Township an annual service charge in accordance with the following schedule:

<u>Property Use</u>	<u>Annual Service Charge</u>
Single-family dwelling unit and Condominium dwelling unit:	
1 Bedroom Dwelling	\$1,033
2 Bedroom Dwelling	\$2,067
3 Bedroom Dwelling	\$3,100

4 Bedroom Dwelling	\$4,134
5 Bedroom Dwelling	\$5,166

2. If the sewage flows to the Sewer Treatment Plant should exceed the design and NJDEP permitted plant flows and cannot be attributable to specific users, and these excess flows must be disposed of in alternate sewage treatment facilities in accordance with the regulations of the New Jersey Department of Environmental Protection, then the cost of the disposal of these excess flows shall be added to the quarterly bill to be rendered to all of the Utility customers. These added cost shall be shared by the utility customers pro rata in accordance with the individual customer's existing share of the quarterly charge established in Paragraph 1 of this ordinance.

3. The annual service charges provided in Paragraph 1 of this ordinance plus the excess flow charge provided in Paragraph 2 of this ordinance shall be billed by the Collector of Taxes of the Township and be due and payable quarter-annually on February 1, May 1, August 1 and November 1 in each and every year.

4. If any bill for service charges remains unpaid after the due date, the amount due shall bear interest at the rate of eight percent (8%) per annum up to \$1,500 and eighteen percent (18%) over \$1,500. No interest shall be charged if payment of any quarterly service charge is made within the tenth calendar day following the date upon which the quarterly service charge became due. Service charges, and any interest thereon, provided by this Ordinance shall be liens on the respective properties against which such charges are made, and the payment may be enforced in the same manner provided for the collection of taxes.

5. All service fees received by the Township pursuant to this ordinance shall be dedicated revenues to adequately meet the managerial, professional, overhead and all other operating expenses of the Mendham East Water Pollution Control System in accordance with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et.seq.

6. The rate structure established herein shall be effective January 1, 2018 and continue thereafter until amended or modified.

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.

The Township Committee meeting of June 23, 2020 will be held in-person at Town Hall, 2 West Main Street, Brookside. The meeting room will be arranged to comply with the 6 feet social distancing requirement. Masks are recommended.

The public is welcome to join in-person or virtually.

The Township will continue to host the meeting virtually via the Zoom platform. Currently, the virtual meeting will be held in listen-mode with the opportunity for the public to speak during the designated 'open to the public' sections. Kindly note the access information below:

Topic: 6.23.2020 Township Committee Meeting
Time: Jun 18, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84098192109?pwd=YmFueGp2Y3c0R0F0RjFzaVc0eU96Zz09>

Meeting ID: 840 9819 2109

Password: 546880

One tap mobile

+13017158592,,84098192109#,,,,0#,,546880# US (Germantown)

+13126266799,,84098192109#,,,,0#,,546880# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 840 9819 2109

Password: 546880

Find your local number: <https://us02web.zoom.us/j/84098192109> for more information below.