

****Access Information for the
Virtual Meeting can be found
on the last page of this
document. ****



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
May 26, 2020 VIRTUAL MEETING
6:00 PM EXECUTIVE SESSION (CLOSED)
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 May 14, 2020. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

2020-098 Resolution of the Township Committee of the Township of Mendham Authorizing Discussion Without the Presence of the Public – Personnel Matters / Contract Negotiations

ADJOURN TO EXECUTIVE SESSION (CLOSED)

REGUAR MEETING STARTS AT 7:30PM

SALUTE TO THE FLAG

COVID-19 UPDATE

BUDGET HEARING

- 2019 Municipal Budget – Public Comment

PRESENTATION

- West Morris Regional High School District Budget – Mr. L. Douglas Pechanec, Business Administrator

ANNOUNCEMENTS

OPEN TO THE PUBLIC

APPROVAL OF MINUTES

- Regular Meeting Minutes of March 9, 2020
- Regular Meeting Minutes of March 24, 2020

RESOLUTIONS

- 2020-099** Resolution of the Township Committee of the Township of Mendham Adoption of 2019 Municipal Budget
- 2020-100** Resolution of the Township Committee of the Township of Mendham Rejecting All Bids Received for Improvements to Cold Hill Road
- 2020-101** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Professional Services Contract to H2M Associates, Inc Not to Exceed \$15,000
- 2020-102** Resolution of the Township Committee of the Township of Mendham to Amend the Recreation and Open Space Inventory (ROSI) and Authorize Its Filing with the New Jersey Department of Environmental Protection: Green Acres Program
- 2020-103** Resolution of the Township Committee of the Township of Mendham to Amend a Raffle License – HSA Mendham Township Inc.
- 2020-104** Resolution of the Township Committee of the Township of Mendham Urging A Safe, Phased Reopening of the State of New Jersey (**PENDING**)
- 2020-105** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

ORDINANCE FOR INTRODUCTION / FIRST READING

- 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
Second Reading and Public Hearing scheduled for June 8, 2020

ORDINANCE FOR SECOND READING / PUBLIC HEARING

- 04-2020** An Ordinance of the Township of Mendham Providing for Various Capital Improvements and Appropriating \$290,000 Therefore, from the Capital Improvement Fund
Introduction / First Reading held on May 11, 2020

05-2020 Bond Ordinance Providing for the Improvement of Roads In and By the Township of Mendham, In the County of Morris, New Jersey, Appropriating \$550,000 Therefor and Authorizing the Issuance of \$523,000 Bonds Or Notes of the Township to Finance Part of the Cost Thereof.

Introduction / First Reading held on May 11, 2020

06-2020 Ordinance Reappropriating \$60,000 Proceeds of Obligations Not Needed for Their Original Purpose in Order to Provide for the Acquisition of Self-Contained Breathing Apparatus Units for the Fire Department in and By the Township of Mendham, In the County of Morris, New Jersey

Introduction / First Reading held on May 11, 2020

OPEN TO THE PUBLIC

DISCUSSION

- Administration
 - May Property Tax Receipts
 - Tax Assessor - Reassessment Process
 - Opening of Town Hall

- Liaison Reports
 - Construction
 - DPW
 - Environmental Commission
 - Finance Committee
 - Fire Department
 - First Aid Squad
 - Historic Preservation
 - Library
 - Mendham Sewer East & West
 - Mendham Township School District
 - Mendham TV
 - Planning Board
 - Police
 - Recreation Committee
 - Regional School District
 - Shared Court
 - Stigma-Free Initiative
 - Surrounding Town Outreach
 - Tax Assessor
 - Tree Committee
 - Wildlife Management
 - Zoning Board
 - Recreation Committee
 - Regional School District
 - Shared Court
 - Stigma-Free Initiative

ADJOURN

RESOLUTION NO. 2020-098
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 (4) – *Teamsters Negotiation*

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;

N.J.S.A. 10:4-12.b (8) – *Personnel - Business Administrator Position, Sewer System Appointment, and DPW*

(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: May 26, 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 May 26, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-099
SECTION 2 - UPON ADOPTION FOR YEAR 2020
RESOLUTION

Be it Resolved by the COMMITTEEPERSONS of the TOWNSHIP of MENDHAM, County of MORRIS that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of: _____

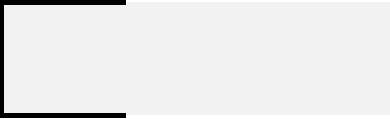
- (a) \$ 8,193,191.67 (Item 2 below) for municipal purposes, and
- (b) \$ _____ (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and, (c) \$ _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in _____ Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of _____ the following summary of general revenues and appropriations.
- (d) \$ 191,500.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy (e) \$ _____ (Item 5 Below) Minimum Library Tax

	Nays	
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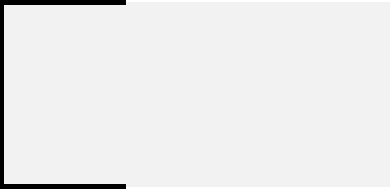
RECORDED VOTE Abstained
(Insert last name)



Ayes



Absent



1. General Revenues **SUMMARY OF**

REVENUES

Surplus Anticipated	08-100	\$	1,308,000.00
Miscellaneous Revenues Anticipated	13-099	\$	2,041,502.99
Receipts from Delinquent Taxes	15-499	\$	225,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)	07-190	\$	8,193,191.67
3. AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I</u> SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
		\$	-

TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE II</u> SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$ -
Total Revenues	13-299	\$ 11,767,694.66

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 6,623,885.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 865,895.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 931,225.59
(c) Capital Improvements	44-999	\$ 493,000.00
(d) Municipal Debt Service	45-999	\$ 1,825,100.00
(e) Deferred Charges - Municipal	46-999	\$ -
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 1,028,589.07

6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)

07-195	
34-499	\$ 11,767,694.66

Total Appropriations

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the day of _____, . It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the approved budget previously approved by the _____ and all amendments thereto, if any, which have been Director of Local Government Services.

_____ 26th day of May , Maria Coppinger (mtclerk@mendhamtownship.org)
 _____ Cer, Clerk
Signature

RESOLUTION 2020-100
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
REJECTING ALL BIDS RECEIVED FOR IMPROVEMENTS TO COLD HILL ROAD

WHEREAS, five bids were received by the Township Purchasing Agent on May 14, 2020 for Improvements to Cold Hill Road; and

WHEREAS, N.J.S.A 40A: 11-13.2(a) permits the Township Committee to reject bids that exceed the cost estimates for the services; and

WHEREAS, N.J.S.A.40A: 11-13.2(b) permits the Township Committee to reject bids that exceeds the appropriation for the goods or services.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham, in the County of Morris and State of New Jersey, rejects all bids received by the Township Purchasing Agent on May 14, 2020 for the Improvements to Cold Hill Road because the lowest responsive bid exceeds the cost estimates for the services and appropriation for the services.

Adopted: May 26, 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 May 26, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-101
RESOLUTION OF THE TOWNSHIP OF COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO H2M ASSOCIATES, INC
NOT TO EXCEED \$15,000

WHEREAS, the Township of Mendham has a need to appoint a licensed professional planner for expert professional planning services for the preparation of the 2020 Master Plan for the Township Committee; and

WHEREAS, H2M Associates, Inc of Parsippany, New Jersey will provide licensed professional planning services as sought by the Township of Mendham and outlined in a proposal in the Office of the Township Clerk in an amount not to exceed \$15,000 for planning services associated with the 2020 Master Plan for Mendham Township; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*, said funds to be encumbered from account 0-01-21-180-028.

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 H2M Associates, Inc. of Parsippany, New Jersey, not to exceed \$15,000 for planning services for the preparation of the 2020 Master Plan.

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: May 26, 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 May 26, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-102
RESOLUTION OF THE TOWNSHIP OF MENDHAM TO AMEND THE RECREATION AND OPEN SPACE
INVENTORY (ROSI) AND AUTHORIZE ITS FILING WITH THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION: GREEN ACRES PROGRAM

WHEREAS, the Township of Mendham is required to file with the NJDEP: Green Acres Program an inventory of all areas in the Township dedicated to open space and recreation / park usage in order to be eligible to obtain financial assistance in obtaining and improving open space and recreation / park facilities in the Township; and

WHEREAS, the Township filed a ROSI in 2014 and the State is requiring that it be updated at this time in view of the grant for the development of the Pitney Farms Park; and

WHEREAS, a review of the Township's Assessment Roles indicates that the Township purchased one property in 2015 dedicated to Open Space / Farmland Preservation: Block 147 Lot 16, Tempe Wick Road

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NJ that the 2014 Recreation and Open Space Inventory is hereby amended by the addition of Block 147 Lot 16, Tempe Wick Road containing 48.7 acres.

BE IT FURTHER RESOLVED that the Township Administrator is hereby authorized to forward the ROSI as amended to the NJ Department of Environmental Protection: Green Acres Program in compliance to the request for this document.

Adopted: May 26, 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 May 26, 2020.

Maria F. Coppinger, Township Clerk

RESOLUTION 2020-103
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
TO AMEND A RAFFLE LICENSE – HSA MENDHAM TOWNSHIP INC.

WHEREAS, HSA Mendham Township Inc. has filed an application to amend Raffle License No. RL-209, approved at the February 10, 2020 Township Committee Meeting by Resolution No. 2020-040; and

WHEREAS, the raffle was scheduled for March 21, 2020 however due to the COVID-19 State of Emergency the organization has decided to postpone their event until further notice.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mendham approves the application to amend the March 21, 2020 raffle date to a date to be determined by the organization.

BE IT FURTHER RESOLVED that the Town Clerk is authorized to issue said License in accordance with the Rules and Regulations of the Legalized Games of Chance Control Commission.

Adopted: May 26, 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 May 26, 2020.

Maria F. Coppinger, Township Clerk

**RESOLUTION 2020-104
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
URGING A SAFE, PHASED REOPENING OF THE STATE OF NEW JERSEY**

PENDING

Adopted: May 26, 2020

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

RESOLUTION 2020-105
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: May 26, 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 May 26, 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.”**

**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.

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 04-2020**

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS AND APPROPRIATING \$290,000 THEREFORE, FROM THE CAPITAL
IMPROVEMENT FUND**

BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, as follows:

Section 1. The funding for the Various Capital Improvements is hereby authorized and such cost is not to exceed \$290,000.

Section 2. The several improvements hereby authorized are as follows:

Fire Department – PPE Gear, Equipment, Major Apparatus Repairs	\$50,000
Police Department - Police Vehicle(s)	\$50,000
Recreation Department – Various capital improvements to recreation areas including but not limited to irrigation system for India Brook Field, Park Furnishings	\$15,000
Township Signs – Repair and/or Replace	\$5,000
Department of Public Works- Various Road Improvements	\$170,000
Total	\$290,000

Section 3. The funding for the Various Improvements is hereby appropriated from the Capital Improvement Fund.

Section 4. This ordinance shall take effect following passage and publication as provided by law.

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 05-2020**

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF ROADS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$523,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Mendham, in the County of Morris, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$550,000, including the sum of \$27,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$523,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the improvement of Township roads described on the list on file in the office of the Township Clerk, hereby incorporated in this bond ordinance by this reference, involving milling and paving and work, materials, equipment and costs necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear

interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes

provided in this bond ordinance by \$523,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 06-2020**

ORDINANCE REAPPROPRIATING \$60,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF SELF-CONTAINED BREATHING APPARATUS UNITS FOR THE FIRE DEPARTMENT IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$60,000 of the proceeds of obligations originally made available pursuant to the following bond ordinance of the Township of Mendham, in the County of Morris, New Jersey (the "Township") is no longer necessary for the purpose for which the obligations previously were authorized:

<u>Bond Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to Be Reappropriated</u>
2017-12	Section 3(a) - acquisition and, where applicable, installation of equipment for Ralston Fire Company consisting of personal protective equipment and gear, replacement of undercarriage of water tender truck, communications and firefighting equipment and major repair of fire trucks, finally adopted 11/28/2017	\$60,000

Section 2. The \$60,000 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby reappropriated to provide for the acquisition of self-contained breathing apparatus units for the Fire Department.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR

When: May 26, 2020 Executive Session starts at 6:00 PM Eastern Time (US and Canada)

Regular Session starts at 7:30 PM

Topic: Township Committee Meeting

Please click the link below to join the webinar:

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Public input will be available during the 'open to the public' session via the webinar option or telephone option. The Township Committee will also accept comments or questions in advance of the meeting at mtclerk@mendhamtownship.org.