



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: Monday, August 16, 2021

TIME: 7:30 PM

LOCATION: IN-PERSON
Town Hall
2 West Main Street
Brookside; and

REMOTE VIA ZOOM

Access link and call-in numbers can be found on the last page of the agenda

www.zoom.us

Click on "Join a Meeting"

Webinar ID: 894 7638 8075

Passcode: 323628

Follow prompts

ROLL CALL

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

SALUTE TO THE FLAG

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 August 3, 2021. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

COVID – 19 UPDATE

PROCLAMATION

- National Immunization Awareness Month

RECOGNIZING NEW MEMBERS

The following members have applied to be members of the Brookside Engine Company No. 1:

- Henrik Kaufman, Explorer Member
- Christian Clarke, Junior Member
- Christopher Loguda, Senior Member

PRESENTATION

- Hunterdon Area Energy Cooperative (HAEC) – Lisa Hibbs, VP Operations & Government Relations
- Presentation by the Historic Preservation Committee on Signs for Pitney Park

ANNOUNCEMENTS

The next Township Committee Meeting is scheduled for Monday, September 13, 2021. There is only one meeting in August.

OPEN TO THE PUBLIC

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial *9** to raise your hand.*

APPROVAL OF MINUTES

- January 25, 2021 – Regular Meeting
- February 8, 2021 – Regular Meeting and Executive Session
- February 22, 2021 – Regular Meeting and Executive Session
- March 1, 2021 – Special Meeting and Executive Session
- March 8, 2021 – Regular Meeting and Executive Session
- March 22, 2021 – Regular Meeting and Executive Session
- March 31, 2021 – Special Meeting and Executive Session (Mr. Orlins was absent / abstain)

CONSENT AGENDA - RESOLUTIONS

- 2021-163** Resolution of the Township Committee of the Township of Mendham to Approve Settlement of Real Property Tax Appeals
- 2021-164** Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of Taxes Due to NJ State Tax Court Judgment
- 2021-165** Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of 2021 Taxes Due to an Overpayment of Taxes by the Mortgage Company or Property Owner
- 2021-166** Resolution of the Township Committee of the Township of Mendham Authorizing Refund of Overpayment of 2021 Taxes as a Result of County Board Tax Judgement

REGULAR AGENDA - RESOLUTIONS

- 2021-167** Resolution of the Township Committee of the Township of Mendham Appointing Robert Casey as the Administrative Assistant in the Township of Mendham
- 2021-168** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills
- 2021-169** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract to J.R. Contracting and Environmental Consulting, Inc., of Wayne, New Jersey for Construction of a Police Facility at 4 West Main Street, Brookside

- 2021-170** Resolution of the Township Committee of the Township of Mendham Authorizing an Agreement by and Between Mendham Township and the County of Morris, providing for the Authorization of a Project Entitled, " Traffic Signal Detection Upgrade, East Main Street/Mendham Road (Cr 510) And Cold Hill Road, Mendham Township, County of Morris
- 2021-171** Resolution of the Township Committee of the Township of Mendham Authorizing the Director of Recreation to Set Forth the Guideline of Expectations for Event Participation
- 2021-172** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract for Snow Plowing Services (***Pending***)

ORDINANCE FOR INTRODUCTION

- 13-2021** An Ordinance of the Township Committee of the Township of Mendham Amending Chapter 229 "Noise"
Public hearing scheduled for September 13, 2021

ORDINANCE FOR SECOND READING / PUBLIC HEARING

- 11-2021** An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Ordinance No. 11-2019 Fixing the Salaries of Certain Officers and Employees of the Township of Mendham in the County of Morris, New Jersey
Public hearing scheduled for August 16, 2021

FOR INFORMATIONAL PURPOSES ONLY

Second Reading and Public Hearing scheduled for September 13, 2021

Ordinance No.12-2021 - An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Chapter 21 of the Ordinances of the Township 'Zoning' By Adding a New Classification of Use, The M-1 Municipal Use Zone

OPEN TO THE PUBLIC

Please state your name and address for the record. Speakers are asked to limit their comments to 5 minutes.

*Zoom Attendees: If you wish to make a comment, please click 'Raise hand' in the webinar controls. If you join the webinar by phone, **dial *9** to raise your hand.*

DISCUSSION

- Construction Project Update
- Tax Bill Inserts
 - New Police Station Project
 - Pitney Fundraising Campaign

RESOLUTION 2021-163
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO
APPROVE SETTLEMENTS OF REAL PROPERTY TAX APPEALS

WHEREAS, the municipal tax assessor and tax appeal counsel have negotiated settlements of a real property tax appeals pending in the Tax Court of New Jersey; and

WHEREAS, the settlements are conditioned upon approval by the governing body of the Township of Mendham.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the following proposed settlements are approved:

1. Block 106, Lot 7 – 2020 and 2021 assessments to be reduced to \$2,150,000, resulting in an anticipated refund to the taxpayers in the amount of \$4,398.00 for 2020 and a credit for 2021.
2. Block 147, Lot 26– 2021 assessment to be reduced to \$1,950,000, resulting in a credit for 2021.

Adopted: August 16, 2021

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on August 16, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-164
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 Judgment; 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 104.06 Lot 7 7 Mill Stone Road	Brach Eichler LLC & Williams, Gregory C/Oliver, Erin 101 Eisenhower Parkway Roseland, NJ 07068	\$5,309.13
Block 117 Lot 54 15 Calais Road	Brach Eichler LLC & Mikula, Jonathon/Kristin 101 Eisenhower Parkway Roseland, NJ 07068	\$5,191.84
Block 127 Lot 78.02 3 Kings Court	Brach Eichler LLC & Medford, David J & Nancy F D 101 Eisenhower Parkway Roseland, NJ 07068	\$14,609.66
Block 127 Lot 94.10 1 Wilrich Glen	Brach Eichler LLC & Jhunjunwala, Vinod/Prabha 101 Eisenhower Parkway Roseland, NJ 07068	\$11,473.00
Block 146 Lot 21 47 Corey Lane	Brach Eichler LLC & Magazine, Todd E 101 Eisenhower Parkway Roseland, NJ 07068	\$5,922.70

Adopted: August 16, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on August 16, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-165
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AUTHORIZING REFUND OF OVERPAYMENT OF 2021 TAXES DUE TO AN OVERPAYMENT OF TAXES BY
THE MORTGAGE COMPANY OR PROPERTY OWNER

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 or property owner; 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 19 & QFarm 99 Mosle Rd	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$14,985.92
Block 107 Lot 16 6 Kendall Ct	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$6,066.25
Block 118 Lot 34 4 Cold Hill Rd	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$3,724.05
Block 119 Lot 1.04 8 Cramer Ln	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$6,771.00
Block 127 Lot 75.04 8 Ascot Ln	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$8,495.35
Block 131 Lot 34 1 Pitney Dr	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$3,795.15
Block 144 Lot 23 9 Corey Ln	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$4,893.18
Block 148 Lot 3 Cobblefield Dr	Corelogic Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760	\$8,009.24
Block 131.01 Lot 1.02 Ballantine Road Rear	Pitney Farm Development LLC 524 Union Avenue Bridgewater, NJ 08807	\$1,228.46
Block 131.01 Lot 1.03 Ballantine Road	Pitney Farm Development LLC 524 Union Avenue Bridgewater, NJ 08807	\$1,980.16

Adopted: August 16, 2021

RESOLUTION 2021-166
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING
REFUND OF OVERPAYMENT OF 2021 TAXES AS A RESULT OF COUNTY BOARD TAX JUDGEMENT

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 County Board Tax Judgment; 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 107 Lot 75 8 Winston Farm Lane	McKirdy Riskin Olson DellaPelle For Buell, Stephen J & Betsy P 201 Littleton Road, Suite 135 Morris Plains, NJ 07950	\$5,538.86

Adopted: August 16, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on August 16, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-167
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
APPOINTING ROBERT CASEY AS THE ADMINISTRATIVE ASSISTANT IN THE TOWNSHIP OF MENDHAM

WHEREAS, Robert Casey has served as the Interim Administrator for the Township since April 2020 and the Acting Chief Financial Officer since January 2021; and

WHEREAS, the Township Committee has appointed a new Administrator and Chief Financial Officer starting on Monday August 16, 2021; and

WHEREAS, it is in the Township's best interest to provide for a transition between the Interim Administrator / Acting Chief Financial Officer and the new Administrator / Chief Financial Officer.

NOW, THEREFORE BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY that effective Monday, August 16, 2021 Robert Casey is hereby appointed to the position of Administrative Assistant on a part time basis at an hourly rate of \$70.00 with the hours to be determined by the Administrator in consultation with the Township Mayor.

Adopted: August 16, 2021

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on August 16, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-168
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: August 16, 2021

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger, Township Clerk

Sarah Neibart, Mayor

CERTIFICATION: I, Maria F. Coppinger, Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on August 16, 2021.

Maria F. Coppinger, Township Clerk

RESOLUTION 2021-169

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO J.R. CONTRACTING AND ENVIRONMENTAL CONSULTING INC., OF WAYNE, NEW JERSEY FOR CONSTRUCTION OF A POLICE FACILITY AT 4 WEST MAIN STREET, BROOKSIDE

WHEREAS, plans and specifications for the construction of a new police facility at 4 West Main Street, Brookside, N.J., were prepared by Cornerstone Architectural Group, LLC on behalf of the Township; and

WHEREAS, bid proposal and specifications were advertised on July 12, 2021 and bids were opened on August 10, 2021; and

WHEREAS, 8 bids were received, Cornerstone on behalf of the Township verified the adequacy of the low three bids and determine that the low Bid of J.R. Contracting & Environmental Consulting, Inc., of Wayne, New Jersey complied with all bid requirements; and

WHEREAS, the bid of J.R. Contracting & Environmental Consulting, Inc., has been duly reviewed and analyzed by the Cornerstone Architectural Group, with relevant references contacted and been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written, as cited in the report attached to and made a part of this resolution; and

WHEREAS, the Acting Chief Financial Officer of the Township has verified that funds for awarding of this contract are available in Account C-04-55-021-002 (Bond Ordinance 2020-12).

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

1. The Township Committee hereby awards a contract to J.R. Contracting & Environmental Consulting, Inc., of Wayne, New Jersey, for the construction of a new Police Facility at 4 West Main Street, Brookside in response to the detailed bid prepared by Cornerstone Architectural Group in a total amount not to exceed \$2,189,000.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with J.R. Contracting & Environmental Consulting, Inc., of Wayne, New Jersey in accordance with its bid of August 10, 2021.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

BE IT FURTHER RESOLVED that this bid award is conditioned upon the issuance of a Zoning Permit by the Township Zoning Officer

Adopted: August 16, 2021

RESOLUTION 2021-170
AN AGREEMENT BY AND BETWEEN MENDHAM TOWNSHIP AND THE COUNTY OF MORRIS, PROVIDING
FOR THE AUTHORIZATION OF A PROJECT ENTITLED," TRAFFIC SIGNAL DETECTION UPGRADE, EAST
MAIN STREET/MENDHAM ROAD (CR 510) AND COLD HILL ROAD, MENDHAM TOWNSHIP,
COUNTY OF MORRIS"

THIS AGREEMENT, made this _____ day of _____, Two Thousand and Twenty-one, by and between the Mendham Township, hereinafter called the Municipality, and the County of Morris, hereinafter called the County.

WHEREAS, the Mendham Township will be replacing existing, non-functioning loop detectors with image detector cameras to improve traffic flow at the intersection of East Main Street/Mendham Road and Cold Hill Road in Mendham Township.

WHEREAS, Cold Hill Road is under the jurisdiction of Mendham Township.

WHEREAS, East Main Street/ Mendham Road is under the jurisdiction of Morris County

WHEREAS, Mendham Township has contracted out the paving of Cold Hill Road through the intersection of E Main Street/Mendham Road.

WHEREAS, The County has requested all non-functioning loop detectors be upgraded to image detection cameras to improve the overall signal function.

WHEREAS, detection cameras are required for the E Main Street/ Mendham Road left turn lanes.

WHEREAS, the total cost of the project is to be apportioned as follows:

ESTIMATED COST	COUNTY SHARE	MENDHAM TOWNSHIP SHARE
\$ 27,470.50	\$ 13,735.25	\$ 13,735.25

Being in accordance with the County Policy on Cost Sharing in Intersection Improvements, Channelization and Signalization Projects, issued August 12, 1974, which County Policy is in writing and on record in the Office of the County Engineer and made a part hereof by reference.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto covenant and agree with each other as follows:

FIRST: The Municipality hereby agrees that the project hereinbefore described shall be undertaken by Mendham Township.

SECOND: Mendham Township agrees to take all the necessary action to complete the project.

THIRD: The County and Municipality agree that the municipality has the necessary funds available to finish this project upon execution of this agreement.

FOURTH: Upon completion of the proposed work, the Municipality agrees to retain jurisdiction, ownership, and perform continued maintenance over said traffic signal and corresponding equipment.

IN WITNESS WHEREOF, each of the parties hereto has caused this instrument to be signed by its proper officers and they have caused their corporate seals to be hereunto affixed the day and year first above written.

Adopted: August 16, 2021

RESOLUTION 2021-171
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE
DIRECTOR OF RECREATION TO SET FORTH THE GUIDELINE OF EXPECTATIONS FOR EVENT
PARTICIPATION

WHEREAS, the Recreation Department hosts several events to promote community engagement throughout the year; and

WHEREAS, the interest in groups participating in events has increased recently and it is important to set a guideline of expectations for event participation; and

WHEREAS, all vendors, exhibitors, and participants who are a part of a recreational event must be able to provide a certificate of insurance and hold harmless prior to their participation; and

WHEREAS, there shall be several opportunities for both for profit and non-profit organizations to participate in recreational events; and

WHEREAS, the Recreation Department would like to provide community organizations opportunities to become involved in an appropriate and meaningful way at all events; while also ensuring that no groups are alienated and to guarantee equal access to all organizations;

THEREFORE, the following policies shall be put in place to guarantee equal, appropriate, and meaningful participation by all groups:

The following groups shall be allowed to participate in events in the following capacities:

1. Non-Profit Organizations
 - a. Local non-profits may participate in an event in which their mission statement is in direct alignment to the goal or mission of the event. Their participation is expected to add to the educational value and raising awareness for the mission of the event.
 - b. Any non-profit may participate in events as a sponsor for the designated events that the Recreation Department formally solicits sponsors for.
2. For Profit Organizations
 - a. For profit organizations may participate in events when hired to provide entertainment for an event. This entertainment is to be hired by the Director of Recreation following all New Jersey Purchasing Laws.
 - b. For profit organizations may participate in events as a sponsor for the designated events that the Recreation Department formally solicits sponsors for.

Sponsored events and rates will be determined by the Township Administrator and Recreation Director.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mendham authorizes the Director of Recreation to set forth the guideline of expectations for event participation in the Township of Mendham.

Adopted: August 16, 2021

**RESOLUTION 2021-172
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE
AWARD OF A COMPETITIVE BIDDING CONTRACT FOR SNOW PLOWING SERVICES**

PENDING

DRAFT

**ORDINANCE NO. 13-2021
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING CHAPTER 229 "NOISE"**

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

SECTION 1. Existing Chapter 229 entitled "NOISE" is hereby deleted in its entirety and replaced with the following new Chapter 229 entitled "Noise"

Chapter 229. Noise

§ 229-1. Specific noise prohibitions.

- A. Unless exempted under the provisions of this article, no person shall cause to be made, directly or indirectly, any loud noise which disturbs, injures or endangers the health, comfort, safety or welfare of others within the Township of Mendham.
- B. The following specific acts are declared to be loud, disturbing and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive:
 - i) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street, road or public place, except as a warning pursuant to the provisions of N.J.S.A. 33:3-69, a whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.
 - ii) Radio and television sets, phonographs, etc. The use of any radio or television receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - iii) Loudspeakers and amplifiers for advertising. The use of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising.
 - iv) Exhausts. The discharge into the open air of the exhaust of any internal-combustion engine except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - v) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for a period of three days or less while the emergency continues.

vi) Schools, courts, churches. The creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same are in use, provided that conspicuous signs are displayed on the adjacent streets indicating that the same is a school, church or court street. £1 1

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

vii) Hawkers and peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

viii) Drums, bells and the like. The use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise by any creation of noise or sound.

ix) Mobile loudspeakers. The use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.

x) Yelling, shouting and the like. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or any persons in the vicinity.

C. If any person who is not exempted under the provisions of this article shall cause to be made any of the noises prohibited under this article, and if said noises shall be proved to be in violation of the sound levels prescribed herein, said proof shall be sufficient to prove a violation of this article.

§ 229-2. Exceptions.

The prohibitions contained in this article shall not apply to persons:

- A. Who are engaged in the performance of any public or governmental function, such as the sounding of a church or school bell or a police, fire, ambulance, air raid or like disaster warning, alert or alarm, whether such alarm is for an actual emergency purpose or for practice or drilling purposes.
- B. Who are engaged in religious, charitable, recreational, civic or political activity by means of a sound truck or other amplifying device, for nonprofit purposes, provided that such persons shall have first filed with the Mayor and Borough Council of the Township of Mendham an application for a permit setting forth the sponsorship, date, hours and routes of such activity and the Mayor and Borough Council shall have issued a permit after having ascertained that such activity is not in conflict, in terms of hours, route, traffic volume and like factors, with any other previously scheduled activity.
- C. Who are engaged in any activity specifically permitted or required by any ordinance, resolution, statute or governmental regulation.

§ 229-3. Additional remedy.

As an additional remedy, the maintenance or operation of any device, instrument, vehicle or machinery in violation of any provision hereof which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health, or peace of residents in the area shall

be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 229-4. Violations and penalties.

Violation of any of the provisions of this article shall be punishable as provided in Chapter 1, General Provisions, Article I, General Penalty. Section 1-17

§ 229-5. Definitions.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article have the same meaning as those defined in N.J.A.C. 7:29.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

DEMOLITION

Any dismantling, destruction or removal of buildings, structures or roadways.

DEPARTMENT

The New Jersey Department of Environmental Protection.

EMERGENCY WORK

Any work or action necessary to deliver essential public services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

IMPULSIVE SOUND

Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

MOTOR VEHICLE

Any vehicle that is propelled other than by human or animal power on land.

MUFFLER

A properly functioning sound-dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

MULTI-DWELLING-UNIT BUILDING

Any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple-family houses, townhouses and attached residences.

MULTI-USE PROPERTY

Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the

exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

- B. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

NOISE CONTROL OFFICER

An employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities; or a municipality with a Department-approved noise control ordinance and the employee has received noise enforcement training and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.

PLAINLY AUDIBLE

Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The Noise Control Officer need not determine the title, specific words or the artist performing the song.

PRIVATE RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a nongovernmental entity.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a governmental entity.

PUBLIC SPACE

Any real property or structures thereon that are owned, leased or controlled by a governmental entity.

REAL PROPERTY LINE

Either:

- A. The imaginary line, including its vertical extension, that separates one parcel of real property from another;
- B. The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or
- C. On a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

WEEKDAY

Any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

WEEKENDS

Beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§ 229-6. Applicability.

- A. This article applies to sound from the following property categories:
 - i) Industrial facilities;
 - ii) Commercial facilities;
 - iii) Public service facilities;
 - iv) Community service facilities;
 - v) Residential properties;
 - vi) Multi-use properties;
 - vii) Public and private rights-of-way;
 - viii) Public spaces; and
 - ix) Multi-dwelling-unit buildings.
- B. This article applies to sound received at the following property categories:
 - i) Commercial facilities;
 - ii) Public service facilities;
 - iii) Community service facilities;
 - iv) Residential properties;
 - v) Multi-use properties; and
 - vi) Multi-dwelling-unit buildings.
- C. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.3, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§ 229-7. Declaration of findings and policy.

- A. Whereas, excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and whereas, a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas, the people have a right to, and should be ensured of, an environment free from excessive sound.
- B. Now, therefore, it is the policy of the Township of Mendham to prevent excessive sound that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.
- C. This article shall apply to the control of sound originating from sources within the Township of Mendham.

§ 229-8. Noise Control Officers.

- A. The provisions of this article shall be enforced by Noise Control Officers. A person shall be qualified to be a Noise Control Officer if the person meets the criteria set forth in the definition

above and completes, at a frequency specified by the Department in N.J.A.C. 7:29-2.11, a noise certification and recertification course which are offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University of New Jersey, or any other noise certification or recertification course which is offered by an accredited university and approved by the Department.

- B. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in § 229-9B and C of this article and with the definition of "real property line" as contained herein.
- C. Noise Control Officers shall have the power to:
 - i) Coordinate the noise control activities of all departments in the Township of Mendham and cooperate with all other public bodies and agencies to the extent practicable.
 - ii) Review the actions of the Township of Mendham and advise of the effect, if any, of such actions on noise control.
 - iii) Review public and private projects subject to mandatory review or approval by other departments or boards for compliance with this article.
 - iv) Investigate and pursue possible violations of this article for sound levels which equal or exceed the sound levels set forth in Tables I and II when measured at a receiving property located within the designated jurisdiction of the Noise Control Officer, in accordance with
 - v) **§ 229-11** below.
 - vi) Cooperate with noise control officers of adjacent municipalities in enforcing one another's municipal noise ordinances.

§ 229-9. Maximum permissible sound levels.

- A. No person shall cause, allow or permit the operation of any source of sound on any source property listed in § 229-6A above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I and II when measured at or within the real property line of any of the receiving properties listed in Tables I and II, except as specified in Subsection B below.
C1 1
[1] Editor's Note: Tables I and II are included at the end of this chapter.
- B. When measuring total sound or residual sound within a multi-use property or within a residential unit when the property line between it and the source property is a common wall, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room most affected by the noise. Residual sound shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound or residual sound, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use, such as hallways, closets and bathrooms.
- C. Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the

same building) or multi-dwelling-unit building. In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, such as in multi-dwelling-unit building. The allowable sound level standards for indoors are as shown in Tables I and II.

- D. Impulsive sound. Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as impulsive sound and shall meet the requirements as shown in Table I.
- i) Table I, Maximum Permissible A-Weighted Sound Levels^{PI}
[2] Editor's Note: Table I is located at the end of this chapter.
 - ii) Table 11, Maximum Permissible Octave Band Sound Pressure Levels in Decibels.^{I31}
[3] Editor's Note: Table II is located at the end of this chapter.

§ 229-10. Restricted uses and activities.

- A. Exemptions.
- i) Except as provided in Subsection B below, the provisions of this article shall not apply to the exceptions listed at N.J.A.C. 7:29-1.4.
 - ii) Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II, except as provided for in Subsection B below.
- B. Notwithstanding the provisions of Tables I and II, the following standards shall apply to the activities or sources of sound set forth below:
Noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 8:00 p.m. and 8:00 a.m. unless such activities can meet the applicable limits set forth in Tables I and II. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment.
- i) Commercial or nonindustrial power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on a residential property, or within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I and II. In addition, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Tables I and II between the hours of 10:00 p.m. and 7:00 a.m. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.

- ii) Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities.
- iii) Motorized snow blowers, snow throwers, and lawn equipment with attached snowplows shall be operated at all times with a muffler.
- iv) An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated.
- v) Personal or commercial vehicular-music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a residential property line between the hours of 10:00 p.m. and 8:00 a.m.
- vi) Personal vehicular-music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.
- vii) Self-contained portable handheld music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.
- viii) Sound levels exceeding the limits set forth in Table I and Table II shall be prohibited between residential units within the same multi-dwelling-unit building. Measurements shall be taken indoors as per § 229-9B and C.

§ 229-11. Enforcement.

- A. Violation of any provision of this article shall be cause for an enforcement document to be issued to the violator by the Noise Control Officer according to procedures set forth in N.J.A.C. 7:29-1.6. The recipient of an enforcement document shall be entitled to a hearing in the Municipal Court having jurisdiction to contest such action.
- B. Any person who violated any provision of this article shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.
- C. No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this article or from other law.

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Noise Chapter 229
Attachment 1

**Township of Mendham
Table I
Maximum Permissible A-Weighted Sound Levels**

No person shall cause, allow, or permit the operation of any source of sound on any source property listed in § 229-6A in such a manner as too creates a sound level that equals or exceeds the sound levels listed below.

Receiving Property Category						
Octave Band Center Frequency (Hz)	RESIDENTIAL PROPERTY OR RESIDENTIAL PORTION OF A MULTI-USE PROPERTY				COMMERCIAL FACILITY, PUBLIC SERVICE FACILITY, NONRESIDENTIAL PORTION OF A MULTI-USE PROPERTY OR COMMUNITY SERVICE FACILITY	COMMERCIAL FACILITY* OR NONRESIDENTIAL PORTION OF A MULTI-USE PROPERTY
	Outdoors		Indoors		Outdoors	Indoors
Time	Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)	Octave Band Sound Pressure Level (dB)
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours	24 hours
Maximum A-weighted sound level standard, dB	65	50	55	40	65	55

* Note: In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

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**Table II,
Maximum Permissible Octave Band Sound Pressure Levels in Decibels**

1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in § 229-6A in such a manner as to create a sound pressure level that equals or exceeds the sound levels listed below in one or more octave bands.
2. When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus two decibels in the bands containing the principal source frequencies, discontinue the measurement.

Receiving Property Category						
	RESIDENTIAL PROPERTY OR RESIDENTIAL PORTION OF A MULTI-USE PROPERTY				COMMERCIAL FACILITY, PUBLIC SERVICE FACILITY, NONRESIDENTIAL PORTION OF A MULTI-USE PROPERTY OR COMMUNITY SERVICE FACILITY	COMMERCIAL FACILITY*OR NONRESIDENTIAL PORTION OF A MULTI- USE PROPERTY
	Outdoors		Indoors		Outdoors	Indoors
Octave Band Center Frequency (Hz)	Octave Band Sound PressureLevel (dB)		Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)	Octave Band SoundPressure Level (dB)
Time:	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	63	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

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SECTION 2.

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 3.

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.

This Ordinance shall take effect after final passage and publication pursuant to law.

INTRODUCED: 8/13/2021

ADVERTISED:

PUBLIC HEARING: 9/12/2021

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger Township Clerk

Sarah Neibart, Mayor

ORDINANCE 11-2021

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING AND SUPPLEMENTING ORDINANCE NO. 11-2019 FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS, NEW JERSEY

WHEREAS, N.J.S.A. 40A 0-165 permits a municipality to establish salaries, wages, or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Township Committee have made a careful examination of the salaries, wages and compensation appropriate to the compensation of said Township employees.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the below stated titles and compensation shall be amended / created upon adoption of this ordinance as follows:

Title	Annual Salary	
	Minimum	Maximum
Chief Financial Officer	\$180,000	\$200,000
Administrative Assistant	\$50 per hr.	\$70 per hr.

1. The specific salary to be paid each officer and employee within the ranges set forth in Section 1 shall be determined by Resolution adopted by the Township Committee of the Township of Mendham.
2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.
3. This ordinance shall take effect August 16, 2021.

INTRODUCED: 7/26/2021

ADVERTISED: 7/30/2021

PUBLIC HEARING: 8/16/2021

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger Township Clerk

Sarah Neibart, Mayor

ACCESS INFORMATION
TOWNSHIP COMMITTEE MEETING

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