



**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
REGULAR MEETING**

**DATE:** Monday, June 28, 2021  
**TIME:** 6:00 PM Special Meeting / Executive Session  
7:30 PM Regular Meeting

**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](http://www.zoom.us)

Click on "Join a Meeting"

**Webinar ID: 894 7638 8075**

**Passcode: 323628**

Follow prompts

**SALUTE TO THE FLAG**

**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 Star Ledger and Daily Record on June 23, 2021. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**2021-132** Resolution of the Township Committee of the Township of Mendham Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

**ADJOURN**

**REGULAR SESSION START AT 7:30PM**

**TOWNSHIP COMMITTEE  
TOWNSHIP OF MENDHAM  
REGULAR MEETING**

**DATE:** Monday, June 28, 2021

**TIME:** 7:30 PM

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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 January 6, 2021. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

**PROCLAMATION**

Recognizing July 1st as Love and Kindness Day in Mendham Township presented to Walker Cole Roghanchi

**COVID – 19 UPDATE**

**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**

- Special Meeting and Executive Session of December 7, 2020
- Regular Meeting of December 22, 2020

**ANNUAL AUDIT**

**2021-133** Resolution of Township Committee of the Township of Mendham Certification of the Annual Audit

## **RESOLUTIONS**

- 2021-134** Resolution of the Township Committee of the Township of Mendham to Approve Settlement of Real Property Tax Appeal
- 2021-135** Resolution of the Township Committee of the Township of Mendham Appropriating Unexpended Funds in Various Capital Ordinances
- 2021-136** Resolution of the Township Committee of the Township of Mendham Awarding A+ Technology and Security Solutions through the State Contract# T2424 for a Security Access System for the Emergency Services Building
- 2021-137** Resolution of the Township Committee of the Township of Mendham Extending the Required Permits and Authorization for the Development of Block 100 Lot 17.03, Hillandale Development
- 2021-138** Resolution of the Township Committee of the Township of Mendham Recognizing the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle October 2020 - June 2025
- 2021-139** Resolution of the Township Committee of the Township of Mendham Re-Appointing Maria Coppinger, Township Clerk and Registrar
- 2021-140** Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract to Galbraith & Sons Excavation, LLC, for the Demolition of 4 West Main Street, Brookside
- 2021-141** Resolution of the Township Committee of the Township of Mendham Authorizing the Township Administrator to Provide the Necessary Assurances for Participation in the "Federal American Rescue Plan Act of 2021" and the "Coronavirus Local Fiscal Recovery Fund"
- 2021-142** Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

## **ORDINANCE FOR INTRODUCTION**

- 10-2021** An Ordinance of the Township Committee of the Township of Mendham, County of Morris, New Jersey Prohibiting the Operation of any Class of Cannabis Businesses Within the Township's Geographical Boundaries and Amending Chapter X, Zoning of the Township of Mendham Code  
***Public hearing scheduled for July 10, 2021***

## **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
- Review of Sewer Facilities Report
- Discussion of Responses of the Morris County Farmland Preservation Plan Questionnaire
- August Meetings

**RESOLUTION 2021-132**

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

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

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

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

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

- o **Salaries**
- o **Chief Financial Officer / Township Administrator**



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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mendham, in the County of Morris and State of New Jersey, assembled in public session on **June 28, 2021 at 6:00 P.M.** in the Township Municipal Building, 2 West Main Street, Brookside, New Jersey, that the Township Committee shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

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

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**RESOLUTION 2021-133**  
**RESOLUTION OF TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Mendham, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**RESOLUTION 2021-134**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM TO**  
**APPROVE SETTLEMENT OF REAL PROPERTY TAX APPEAL**

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

**WHEREAS**, the settlement is 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 settlement is approved:

1. Block 123, Lot 35.01 – 2020 assessment to be reduced to \$1,550,000, resulting in an anticipated refund to the taxpayers in the amount of \$5,776.77.

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**RESOLUTION 2021-135**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM APPROPRIATING**  
**UNEXPENDED FUNDS IN VARIOUS CAPITAL ORDINANCES**

**WHEREAS**, the Township has appropriated funds in prior years for various capital purchases / improvements in the Township Fire Department, with these funds being provided from the Annual Capital Budget; and

**WHEREAS**, unexpended funds remain in the original ordinances and the Township Committee agrees to supplement the use of these funds for other comparable capital improvements.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM COUNTY OF MORRIS** that the approved uses for the funds provided under the designated ordinances is hereby rewritten as follows:

Ordinance 2017 07 entitled An Ordinance for various capital improvements and appropriating \$130,000 therefore from the Capital Improvement Fund. Section 2: "Security Systems for Municipal Buildings" is hereby determined to include the Emergency Services Building Access System

Ordinance 2018-05 entitled An Ordinance providing for various Capital Improvements and Appropriating \$372,000 therefore from the Capital Improvement Fund. Section 2: "Administration – Municipal Building Improvements" is hereby determined to include the Emergency Services Building. Access System. Section 2:" Fire Department – PPE Gear, Equipment, Major Apparatus Repair" is hereby determined to include Security Access Equipment for the Emergency Services Building

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to approve the expenditure of funds that include the above cited designations

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk



**RESOLUTION 2021-136**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM**  
**AWARDING A+ TECHNOLOGY AND SECURITY SOLUTIONS THROUGH THE STATE CONTRACT# T2424**  
**FOR A SECURITY ACCESS SYSTEM FOR THE EMERGENCY SERVICES BUILDING**

**WHEREAS**, the Township of Mendham needs to upgrade and replace the Security Access System for the Emergency Services Building at 2 West Main Street, NJ through State Contract #T24248; 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:

Capital Ordinance 2017-07-C-04-55-005-007 \$6,000.00

Capital Ordinance 2018-05-C-04-55-008-007 \$7,170.51

Capital Ordinance 2017-07-C-04-55-008-002 \$2,329.49.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Committee of the Township of Mendham, County of Morris, State of New Jersey authorizes a Purchase Order for a contract with A+ Technology & Security Solutions, Inc of Bay Shore NY, not to exceed \$15,500 for a Security Access System for the Emergency Services Building.

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**RESOLUTION 2021-137**  
**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM EXTENDING THE**  
**REQUIRED PERMITS AND AUTHORIZATION FOR THE DEVELOPMENT OF BLOCK 100 LOT 17.03,**  
**HILLANDALE DEVELOPMENT**

**WHEREAS,** 2017 the Township Committee of the Township of Mendham approved two resolutions allowing the development of Block 100, lot 17.03, 22 Saint John's Drive, to be developed according to a plan approved by the Mendham Township Planning Board, the Hillandale development

Resolution 2017-14 Consenting to the Proposed Water Quality Management (WQM) Plan Amendment entitled Upper Raritan Water Quality Management Plan

Resolution 2017-26 Authorizing Administrator to Execute NJDES/TWA Application for Hillandale Block 100 lot 17.03; and

**WHEREAS,** the proposed work did not proceed and in 2021 the Planning Board approved a revised development plan that reduced the number of dwelling units to be provided; and

**WHEREAS,** the developer has advised that the sewage treatment plan approved in 2017 remains unchanged with the total daily sewage flow being reduced to 13,200 gpd versus 14,100 gpd proposed in 2017. Development; and

**WHEREAS,** it is necessary for the Township of Mendham to notified appropriate State agencies of the Township's policy on the revised development plan for sewage treatment for block 100 lot 17.03.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NJ** that The Township hereby reaffirmed the approvals given in 2017 and the Township Administrator is authorized to notify appropriate State agencies of this fact.

**BE IT FURTHER RESOLVED** that this reaffirmation is predicated upon the following facts:

1. The sewage treatment plan remains unchanged from that proposed in 2017 with the exception of the reduced daily flows.
2. The guarantees and assurances contained in the original 2017 Resolutions concerning the ownership and responsibility for the sewage facilities outlined in the 2017 approvals remain unchanged.

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**RESOLUTION 2021-138**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM RECOGNIZING THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE October 2020-JUNE 2025**

**FORM 1B**

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

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

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

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

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

1. The Township Council does hereby authorize submission of a strategic plan for the Mendham Municipal Alliance grant for fiscal year 2022 in the amount of:

|            |         |
|------------|---------|
| DEDR       | \$5,056 |
| Cash Match | \$1,264 |
| In-Kind    | \$3,792 |
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
*Sarah Neibart, Mayor*

**CERTIFICATION**

I, Maria F. Coppinger, Municipal 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 duly authorized by the Township Committee on this 28<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
*Maria F. Coppinger, Township Clerk*

**Draft pending Executive Session**

**RESOLUTION 2021-139**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM REAPPOINTING A MUNICIPAL CLERK AND REGISTRAR OF VITAL STATISTICS**

**WHEREAS**, effective July 9, 2018, Maria F. Coppinger, RMC, CMR was appointed Municipal Clerk and Registrar of Vital Statistics pursuant to by N.J.S.A. 40A:9-133 for a three-year term for the Township of Mendham; and

**WHEREAS**, the Township Committee of the Township of Mendham has review Maria Coppinger's performance in this 3-year period and has determine that she should be reappointed to this position; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-137 upon reappointment, Maria F. Coppinger, RMC, CMR who is fully licensed by the State of New Jersey, Department of Community Affairs, as a Registered Municipal Clerk and Certified Municipal Registrar of Vital Statistics, shall acquire Tenure in said position.

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

1. Effective July 10, 2021, Maria F. Coppinger, RMC, CMR is hereby appointed Municipal Clerk and Registrar of Vital Statistics as promulgated by N.J.S.A. 40A:9-133.
2. The salary for the Municipal Clerk/Registrar position to be paid to Maria F. Coppinger RMC, CMR shall be \$xx,xxx per annum based on a 35 hour work week and attendance at required meetings of the Township Committee with salary advancement in future years in accordance with the salary adjustments provided to other comparable employees.
3. This Resolution shall take effect after passage immediately on July 10, 2021.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded the Division of Local Government Services as required by law

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**Draft pending receipt of Engineer's recommendation**

**Resolution 2021-140**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO GALBRAITH & SONS EXCAVATION, LLC, FOR THE DEMOLITION OF 4 WEST MAIN STREET, BROOKSIDE**

**WHEREAS**, the Township Purchasing Agent and Township Engineer publicly opened bids on June 23, 2021 for the demolition and removal of all related debris and backfilling the former basement areas at 4 West Main Street, Brookside, NJ; and

**WHEREAS**, 6 bids were received and evaluated by the Township Engineer; and

**WHEREAS** Galbraith & Sons Excavation, LLC., of Scotch Plains, New Jersey was determined to have submitted the low bid and complied with the bid requirements; and

**WHEREAS**, the services provided in this bid will be provided for from account C- 04-55-02002.

**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 Galbraith & Sons Excavation, LLC., of Scotch Plains for the demolition of \$ West Main and related debris removal and site backfilling cited in the Specifications dated May 28, 2021 in a total amount not to exceed \$17,800.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Galbraith & Sons Excavation, LLC., of Scotch Plains, in accordance with its bid for said Demolition Services.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 28 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**RESOLUTION 2021-141**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO PROVIDE THE NECESSARY ASSURANCES FOR PARTICIPATION IN THE "FEDERAL AMERICAN RESCUE PLAN ACT OF 2021" AND THE "CORONAVIRUS LOCAL FISCAL RECOVERY FUND"**

**WHEREAS**, the federal government had provided \$592,633.36 in funds to Mendham Township through the American Rescue Plan Act of 2021 for use under specific federal requirements and guidelines; and

**WHEREAS**, the be eligible and actually receive these funds it is necessary for the Township to appoint an official representative to apply for and process all relating funding documents; and

**WHEREAS**, under the Township Code of Ordinances, Article IV, Section 10-19, Duties and Responsibilities of the Administrator, provides in Subsection 14 the following "Represent the Township in its relations with the federal, state, county governments and other municipalities."

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NJ** that pursuant to the Township Code of Ordinances, Robert Casey, as the Interim Administrator, is authorized to be the official represented to the federal and state governments under the American Rescue Plan Act of 2021.

Adopted: June 28, 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 June 28, 2021.

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

**RESOLUTION 2021-142**  
**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 28, 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 June 28, 2021.

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Maria F. Coppinger, Township Clerk

## ORDINANCE 10-2021

### AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, COUNTY OF MORRIS, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE TOWNSHIP'S GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER X, ZONING OF THE TOWNSHIP OF MENDHAM CODE

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Philip Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six (6) marketplace classes of licensed businesses, including:

- **Class 1:** Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- **Class 2:** Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- **Class 3:** Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- **Class 4:** Cannabis Distributor License, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- **Class 5:** Cannabis Retailer License for locations at which cannabis items and related supplies are sold to consumers; and
- **Class 6:** Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and operation times of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere within the municipality; and

**WHEREAS**, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and



**WHEREAS**, at the conclusion of the initial and any subsequent five (5) year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Township Committee of the Township of Mendham has determined that, due to present uncertainties regarding the potential future impacts allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Township of Mendham in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Township of Mendham's residents and members of the public who visit, travel, or conduct business in Township of Mendham, to amend Township of Mendham's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Township of Mendham.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows:

**SECTION 1.** Chapter XX, Land Use, Article VI, Zoning, of the Township Code is hereby amended to establish as new Section XXX, "Cannabis Businesses Prohibited," to read as follows:

### **XXX.1 Cannabis Businesses Prohibited**

#### **A. Definitions.**

For purposes of this Chapter, the following definitions shall apply:

**"Cannabis"** means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:61-1 et al.) and P.L.2015, c.158 (C.15A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B- 1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

**"Cannabis cultivator"** means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

**"Cannabis delivery service"** means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

**"Cannabis distributor"** means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed

cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

**"Cannabis establishment"** means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

**"Cannabis manufacturer"** means any license person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

**"Cannabis retailer"** means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

**"Cannabis wholesaler"** means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

**"Medical cannabis organizations"** means any person or entity licensed, or an applicant for a license, to operate as medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, clinical registrant or an alternative treatment center under the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (c. 24:61-1 et al).

**B. Cannabis establishments, distributors and delivery services prohibited.**

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (N.J.S.A. 24:61-45b) all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township, except for the delivery of cannabis items and related supplies directly to a consumer for personal use by a New Jersey licensed cannabis delivery service having its license premises based at a location outside the geographic boundaries of the Township, and which the delivery of such cannabis items and related supplies is initiated from such licensed location.
2. This prohibition shall be read and construed to apply equally to any and all Medical Cannabis Organizations holding a license, or applicants for such a license, issued under the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (c. 24:61-1 et al), to the extent such Medical Cannabis Organizations, or applicants for such licenses, seek to concurrently operate or to otherwise hold a cannabis a Class 1 Cannabis Cultivator license, Class 2 Cannabis Manufacturer license, Class 3 Cannabis Wholesaler license, Class 4 Cannabis Distributor license, Class 5 Cannabis Retailer License and/or a Class 6 Cannabis Delivery License under section 33, (C.24:61-46a(3)(a)(i) thru (3)(a)(iv) of "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act."
3. The concurrent operation of a cannabis a Class 1 Cannabis Cultivator license, Class 2 Cannabis Manufacturer license, Class 3 Cannabis Wholesaler license, Class 4 Cannabis Distributor license, Class 5 Cannabis Retailer License and/or a Class 6 Cannabis Delivery License under section 33, (C.24:61-46a(3)(a)(i) thru (3)(a)(iv) of "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Moderation Act" is hereby prohibited at any premises of a licensed Medical

Cannabis Organization or applicant for such license, under the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (c. 24:61-1 et al).

**SECTION 2.** Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 3.** In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof

**SECTION 4.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

INTRODUCED: June 28, 2021

ADVERTISED:

PUBLIC HEARING: July 12, 2021

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM  
IN THE COUNTY OF MORRIS

\_\_\_\_\_  
Maria F. Coppinger, Township Clerk

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Sarah Neibart, Mayor

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