

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 77-2018**

RESOLUTION OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO JAMES R. WANCHO, P.E. OF PAULUS, SOKOLOWSKI AND SARTOR, LLC IN CONNECTION WITH THE BOROUGH OF MENDHAM WATER RECLAMATION FACILITY

WHEREAS, the Borough of Mendham requires professional general consulting engineering services in connection with the Borough of Mendham Water Reclamation Facility; and

WHEREAS, the Borough desires to retain the services of James R. Wancho, P.E. of Paulus, Sokolowski and Sartor, LLC to provide these services, and other related services, as identified in his proposal dated February 27, 2018, at a rate not to exceed \$175 per hour; and

WHEREAS, the total amount of the professional services agreement is anticipated to exceed \$17,500; and

WHEREAS, James R. Wancho, P.E. has completed and submitted a Business Entity Disclosure Certification which certifies that Paulus, Sokolowski and Sartor, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit Paulus, Sokolowski and Sartor, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough Chief Financial Officer has certified that sufficient funds are available for this purpose; and

WHEREAS, the balance of funding for this contract for fiscal year 2019 is subject to and contingent upon appropriation of sufficient funds; and

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

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

1. The Borough hereby awards, and authorizes the Mayor and Borough Clerk to execute, a professional services agreement with James R. Wancho, P.E. of Paulus, Sokolowski and Sartor, LLC to provide professional general consulting engineering services, and other related services, in connection with the Borough of Mendham Water Reclamation Facility at a rate not to exceed \$175 per hour for the period February 1, 2018 to February 1, 2019, per the proposal dated February 27, 2018, attached hereto.

2. This contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The balance of funding for this contract for fiscal year 2019 is subject to and contingent upon appropriation of sufficient funds.

4. The Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this Resolution.

5. This Resolution shall take effect immediately.

6. A Notice of this action shall be printed once in the Borough's official newspaper as required by law.

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7. A copy of this Resolution shall be provided to the Borough Chief Financial Officer and to Paulus, Sokolowski and Sartor, LLC, 67B Mountain Blvd. Ext., P.O. Box 4039, Warren, NJ 07059 for their information and guidance.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 78-2018**

**RESOLUTION AWARDING NON FAIR AND OPEN CONTRACT FOR
LABORATORY SERVICES AT THE SEWER PLANT**

WHEREAS, the Borough of Mendham requires the services of a certified testing laboratory to perform tests required for the Borough's discharge monitoring reports for its sewage treatment plant as required by the New Jersey Department of Environmental Protection; and

WHEREAS, in response to a request for quotations the following laboratory submitted a proposal to provide these services, including all sample transport:

<u>LABORATORY</u>	<u>ANNUAL COST ALL REQUIRED TESTS</u>
Garden State Laboratories, Inc.	\$ 6,260.00

WHEREAS, the quotation submitted by Garden State Laboratories, Inc. was the only quotation received which met the Borough's specifications; and

WHEREAS, this contract may be authorized without formal bidding because the annual cost is less than the mandatory bid threshold; and

WHEREAS, funds have been certified as available for this purpose for fiscal year 2018; and

WHEREAS, the balance of the funding for this contract for fiscal year 2019 is subject to and contingent upon appropriation of sufficient funds.

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

1. The contract for performing the required sewage treatment plant discharge monitoring tests is hereby awarded to Garden State Laboratories, Inc. for the period June 1, 2018 through May 31, 2019 at a total cost not to exceed \$6,260.00, with the balance of funding for this contract for fiscal year 2019 subject to and contingent upon appropriation of sufficient funds.
2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
3. This Resolution shall take effect immediately.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 79-2018**

RESOLUTION AUTHORIZING THE REFUND OF PERMIT FEE

WHEREAS, the Construction Code Official of the Borough of Mendham has collected from the below listed applicants a permit fee; and

WHEREAS, after it was determined that the applicant decided to no longer proceed with the renovations plans submitted in 2017 and has resulted in an overpayment; and

WHEREAS, the Construction Official has reviewed the status of this payment and has recommended that the monies be returned to the payor below.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mendham that the following be refunded to the below listed applicants:

<u>BLOCK</u>	<u>LOT</u>	<u>REFUND TO</u>	<u>PERMIT</u>	<u>AMOUNT</u>
2101	1	Consolidated Construction Corp 4 Tingley Road Morristown, NJ 07960 (Contractor for Mr. and Mrs. St. John – 460 Cherry Lane)	2017-2393	\$19,959.20

BE IT FURTHER RESOLVED that the Municipal Finance Officer of the Borough of Mendham is hereby authorized and directed to prepare a refund for the above named.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 80-2018**

**RESOLUTION TO APPROVE A FIREWORKS DISPLAY AT THE
MENDHAM BOROUGH PARK DURING THE ANNUAL LABOR DAY
CARNIVAL**

WHEREAS, the Pastime Club has contracted with Garden State Fireworks Inc. to provide a fireworks display at the Borough Park on Monday, September 3, 2018 with a rain date of Saturday, September 8, 2018;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham, that authorization is hereby granted to the Pastime Club to conduct a Fireworks Display on the night of September 3, 2018 with a rain date of Saturday September 8, 2018, subject to the following conditions:

1. The persons conducting the fireworks display and all other persons involved shall hold the Borough of Mendham harmless from any liability in connection with said display and shall execute and deliver to the Borough Clerk a Hold Harmless agreement in the form to be provided by the Borough.
2. Pursuant to N.J.S.A. 21:3-5, a certificate of insurance evidencing public liability insurance of not less than \$1,000,000/\$2,000,000 with a \$2,000,000 umbrella liability policy limit and listing the Borough of Mendham as a named insured shall be supplied to the Borough Clerk prior to issuance of this consent.
3. Approval from the Police Chief and the Fire Chief as to the locations of the place for storing and displaying the fireworks is required.
4. Receipt and approval of the aforesaid certificate of insurance, approvals and Hold Harmless Agreement by the Borough Attorney is received.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 81-2018**

**RESOLUTION RECOGNIZING GEORGE B. MACDONALD'S
APPOINTMENT TO THE MENDHAM HOSE COMPANY #1 AS A JUNIOR
MEMBER**

WHEREAS, application for Junior Membership to the Mendham Independent Hook and Ladder Co., Inc. was made by George B. MacDonald; and

WHEREAS, the application form has been accepted by the Chief and his officers for a six month probationary period; and

WHEREAS, upon completion of the probationary period the member will be reviewed and approved for regular membership.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Mendham, in the County of Morris that George B. MacDonald be recognized for his appointment as a Junior Member of the Mendham Independent Hook and Ladder Co., Inc.; and

IT IS FURTHER RESOLVED that a copy of this resolution, executed by the Mayor and attested by the Registered Municipal Clerk be presented to George B. MacDonald.

This Resolution shall take effect immediately.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 83-2018**

AUTHORIZATION OF REFUND OF OVERPAYMENT OF PROPERTY TAXES

WHEREAS, an overpayment was received for the 3rd quarter of 2017 for regular property taxes on the following properties in Mendham Borough:

<u>Block/Lot</u>	<u>Overpayment</u>	<u>Property Location</u>
1003 / 151	\$ 577.04	22 Essex Dr
1402 / 6	\$1,000.00	16 Coventry Rd
2601 / 2.16	\$1,050.00	95 Bliss Rd

WHEREAS, homeowners received homestead rebates yet mortgage company paid full amount due resulting in overpayments; and

WHEREAS, it has been determined that the overpayments should be refunded to the property owners; and

WHEREAS, the tax collector has requested that the overpayments be returned.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, that the Borough Treasurer issue checks in the amounts listed above and to the parties listed below for refund of the property tax overpayment.

Frank J & Annette D Tozzi \$ 577.04
22 Essex Dr
Mendham, NJ 07945

John E & Martha P Beck \$1,000.00
16 Coventry Rd
Mendham, NJ 07945

Thomas W & Karen M Larkin \$1,050.00
95 Bliss Rd
Mendham, NJ 07945

I hereby certify that the above amount is correct.

Karen L. Ferrone, Tax Collector

DATED: April 19, 2018

Neil J. Henry, Mayor

ATTEST

Mimi M. Marlor
Borough Clerk

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 84-2018**

**RESOLUTION TO HIRE A FULL-TIME CLASS 2 – PUBLIC WORKS
BUILDINGS MAINTENANCE APPLICANT**

WHEREAS, the need exists to fill a full-time position in the Department of Public Works; and

WHEREAS, having first interviewed and been satisfied that the applicant has the necessary qualifications required for the position of Buildings Maintenance laborer, Superintendent of Public Works, Jeffery Cooper recommended with concurrence by Administrator Bushman that Daniel J. Loesner, be extended a conditional offer to be hired as a Buildings Maintenance DPW employee with the start date of April 30, 2018.

BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, in the County of Morris and State of New Jersey, that the following appointment be made as follows:

CLASS 2 PUBLIC WORKS:

Roads/Buildings, Grounds & Parks

Buildings Maintenance

Loesner, Daniel

\$35,000/annually

BE IT FURTHER RESOLVED, this appointment is made with the understanding that there is a one-year probationary period from the effective date of employment. This appointment is subject to the applicant satisfactorily completing all necessary Borough employee requirements including a criminal background check. If such were to be unsatisfactory then this appointment shall be rescinded.

This resolution shall take effect immediately.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 85-2018**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF MENDHAM, COUNTY OF MORRIS AND
STATE OF NEW JERSEY CONSENTING TO THE PROPOSED
UPPER RARITAN WATER QUALITY MANAGEMENT (WQM)
PLAN AMENDMENT**

WHEREAS, the Borough of Mendham (Borough) desires to provide for the orderly development of wastewater facilities within the Borough of Mendham; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that the proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities and to amend the limits of the sewer service areas into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on February 5, 2018 for the Upper Raritan Water Quality Management Plan has been prepared by Engineering and Land Planning Associates, Inc.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Mendham, in the County of Morris, and State of New Jersey that the Borough of Mendham hereby consent to the Water Quality Management (WQM) Plan Amendment prepared by Engineering and Land Planning Associates, Inc. entitled ‘Barber Subdivision’ and publicly noticed on February 5, 2018 in the New Jersey Register.

BE IT FURTHER RESOLVED, this consent shall be submitted to NJDEP pursuant to N.J.A.C. 7:15-3.5(g) 6.

This Resolution shall take effect immediately.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 86-2018**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS AND STATE OF NEW JERSEY, APPROVING AN EMERGENCY
APPROPRIATION FOR REPAIRS AT THE WATER RECLAMATION FACILITY**

WHEREAS, an emergency has arisen with respect to the main force main into the sewer plant has failed and must be repaired immediately, as no materials can be processed due to the blockage, and no adequate provision was made in the 2018 sewer budget for the aforesaid purpose, and

WHEREAS, N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$120,000.00 and three percent of the total operations in the budget for the year is \$216,206.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham, County of Morris, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$120,000.00.
2. That said emergency appropriation shall be provided in full in the 2019 sewer budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 87-2018**

**A RESOLUTION PROVIDING FOR AN EXECUTIVE SESSION NOT OPEN TO THE
PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN
PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

(1) *Matters required by law to be confidential*: Any matter which by express provision of the 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) Any matter in which the release of information would impair the right to receive federal funding.

(3) *Matters involving individual privacy*: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, 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.

(4) *Matters pertaining to a collective bargaining agreement*: Any matter involving a 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, acquisition of real property or investment of public funds*: Any matter involving the lease, purchase 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 of public protection*: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

(7) *Matters relating to litigation, negotiations and attorney-client privilege*: Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Borough is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise 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 of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.

(9) *Deliberations after public hearing*. Deliberations by the Borough occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, the Mayor and Council has determined that it is necessary to go into a closed session to discuss certain matters relating to items as permitted by N.J.S.A. 10:4-12b.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Mendham that it will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the open public session:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 87-2018**

1. *Matters of public protection* – N.J.S.A 10:4-12b(6)

BE IT FURTHER RESOLVED that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 19th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor