

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #107-2020

RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT FOR THE HIRING OF A SCHOOL RESOURCE OFFICER TO WORK AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2020-2021 SCHOOL YEAR

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Mendham (the "Borough") and the Board of Education of the West Morris Regional High School District (the "Board of Education") desire to enter into an Shared Service Agreement (the "Agreement") for the hiring of a School Resource Officer ("SRO") to work at the West Morris Mendham High School for the 2020-2021 school year; and

WHEREAS, the SRO shall be an employee of the Borough, subject to the rules and regulations of the Mendham Borough Police Department, entitled to all of the benefits of an employee of the Borough and shall report directly to the Chief of Police; and

WHEREAS, the Board of Education shall pay the sum of \$65,339.00 to the Borough as a contribution to the salary of the SRO for school fiscal year 2020-2021 in quarterly payments as provided for in the Agreement; and

WHEREAS, the Board of Education and the Borough have memorialized their agreement for the SRO in a Shares Service Agreement, a copy of which is attached hereto and made part of this Resolution.

THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham that the Mayor and Borough Clerk are hereby authorized to execute the Shared Service Agreement between the Borough of Mendham and the Board of Education of the West Morris Regional High School District for the hiring of a School Resource Officer to work at the West Morris Mendham High School for the 2020-2021 school year; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Board of Education of the West Morris Regional High School District; and

BE IT FURTHER RESOLVED, that Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #108-2020

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT TO PROVIDE THE SERVICES OF A SPECIAL LAW ENFORCEMENT OFFICER CLASS II/CLASS III FOR PURPOSES OF SCHOOL SECURITY AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2020-2021 SCHOOL YEAR

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the State of New Jersey has created a new class of special police officer, known as a Special Law Enforcement Officer Class II/Class III (“SLEO II/III”), solely for the purpose of school security, as set forth in N.J.S.A. 40A:14-146.10 et seq.; and

WHEREAS, the Borough of Mendham (the “Borough”) and the Board of Education of the West Morris Regional High School District (the “Board of Education”) desire to enter into an Interlocal Services Agreement (the “Agreement”) with regard to providing the services of a SLEO II/III for purposes of school security at the West Morris Mendham High School for the 2020-2021 school year; and

WHEREAS, the SLEO II/III shall be an hourly, part-time, “at will” employee of the Borough, subject to the rules and regulations of the Mendham Borough Police Department, and shall be under the direction and supervision of the Chief of Police; and

WHEREAS, the Board shall reimburse the Borough for all costs relating to the hiring, training, outfitting and employment of the SLEO II/III; and

WHEREAS, the Board and the Borough have memorialized their agreement for the SLEO III in an Interlocal Services Agreement, a copy of which is attached hereto and made part of this resolution.

BE IT RESOLVED by the Council of the Borough of Mendham that the Mayor and Borough Clerk are hereby authorized to execute the Interlocal Services Agreement between the Borough of Mendham and the Board of Education of the West Morris Regional High School District to enter into an Interlocal Services Agreement (the “Agreement”) with regard to providing the services of a SLEO II/III for purposes of school security at the West Morris Mendham High School for the 2020-2021 school year; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Board of Education of the West Morris Regional High School District; and

BE IT FURTHER RESOLVED, that all Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #109-2020

RESOLUTION AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #19-001

WHEREAS, property located at 86 Mountain Avenue, Block 101, Lot 8, was subject to Tax Sale on November 21, 2019 for delinquent 2018 tax and sewer charges; and

WHEREAS, the tax sale lien on the property was sold at the Tax Sale and Tax Sale Certificate #19-001 was issued to the lienholder Park Finance II LLC; and

WHEREAS, the lienholder paid a premium in the amount of \$99,100.00 to the Borough of Mendham at the time of the sale, which also must be refunded; and

WHEREAS, the property owner has requested to redeem the Tax Sale Certificate; and

WHEREAS, the Interim Tax Collector has calculated, and the lien holder agreed, that the amount necessary to redeem the lien is \$48,457.86; and

WHEREAS, the property owner has paid \$48,457.86 to the Borough of Mendham.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, and State of New Jersey that the Treasurer be authorized to issue a check in the amount of \$147,557.86 in full satisfaction of the redemption of the lien on Block 101, Lot 8. This amount includes the \$48,457.86 received by the Tax Collector's office for redemption of the lien and a return of the \$99,100.00 premium paid by the lienholder at the time of sale.

<u>LIENHOLDER</u>	<u>AMOUNT TO BE REFUNDED</u>
Park Finance II LLC PO Box 109 Cedar Knolls, NJ 07927	\$147,557.86

I hereby certify that the above amount is correct.

Judith O'Brien, Interim Tax Collector

This resolution shall take effect immediately.

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #110-2020

**RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 23 BALBROOK DRIVE [BLOCK 2601, LOT 2.06]**

WHEREAS, an appeal of the 2019 real property tax assessment for property located at 23 Balbrook Drive [Block 2601, Lot 2.06] was filed in the State of New Jersey Tax Court; and

WHEREAS, the Tax Court judgment reduced the assessed value of the property for tax year 2019; and

WHEREAS, the interim Tax Collector has calculated that the reduced the assessed value of the property creates an overpayment of the 2019 tax account, as well as a decrease in the total tax levy for 2019 in the following amount:

<u>BLOCK/LOT</u>	<u>PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
2601 / 2.06	23 Balbrook Drive	2019: \$4,087.29

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, and State of New Jersey that the Treasurer is authorized to process a refund in the amount of \$4,087.29 as herein referenced to:

Jennifer R Jacobus Esq. Attorney
For Vince, Wayne & Joan
201 Littleton Road, 1st Floor
Morris Plains, NJ 07950

I hereby certify that the above amount is correct.

Judith O'Brien, Interim Tax Collector

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #111-2020

**RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 27 BALBROOK DRIVE [BLOCK 2601, LOT 2.07]**

WHEREAS, an appeal of the 2019 real property tax assessment for property located at 27 Balbrook Drive [Block 2601, Lot 2.07] was filed in the State of New Jersey Tax Court; and

WHEREAS, the Tax Court judgment reduced the assessed value of the property for tax year 2019; and

WHEREAS, the Interim Tax Collector has calculated that the reduced the assessed value of the property creates an overpayment of the 2019 tax account, as well as a decrease in the total tax levy for 2019 in the following amount:

<u>BLOCK/LOT</u>	<u>PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
2601 / 2.07	27 Balbrook Drive	2019: \$4,267.77

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, and State of New Jersey that the Treasurer is authorized to process a refund in the amount of \$4,267.77 as herein referenced to:

Jennifer R Jacobus Esq. Attorney
For Vince, Wayne & Joan
201 Littleton Road, 1st Floor
Morris Plains, NJ 07950

I hereby certify that the above amount is correct.

Judith O'Brien, Interim Tax Collector

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #112-2020

**RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 270 MOUNTAINSIDE ROAD [BLOCK 101, LOT 20]**

WHEREAS, an appeal of the 2019 real property tax assessment for property located at 270 Mountainside Road [Block 101, Lot 20] was filed in the State of New Jersey Tax Court; and

WHEREAS, the Tax Court judgment reduced the assessed value of the property for tax year 2019; and

WHEREAS, the Interim Tax Collector has calculated that the reduced the assessed value of the property creates an overpayment of the 2019 tax account, as well as a decrease in the total tax levy for 2019 in the following amount:

<u>BLOCK/LOT</u>	<u>PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
101 / 20	270 Mountainside Road	2019: \$2,249.25

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, and State of New Jersey that the Treasurer is authorized to process a refund in the amount of \$2,249.25 as herein referenced to:

Jennifer R Jacobus Esq. Attorney
For Stephen Jolley
201 Littleton Road, 1st Floor
Morris Plains, NJ 07950

I hereby certify that the above amount is correct.

Judith O'Brien, Interim Tax Collector

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #113-2020

**RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 18 KERBY LANE [BLOCK 2201, LOT 10.08]**

WHEREAS, an appeal of the 2017, 2018 and 2019 real property tax assessment for property located at 18 Kerby Lane [Block 2201, Lot 10.08] was filed in the State of New Jersey Tax Court; and

WHEREAS, the Tax Court judgment reduced the assessed value of the property for tax years 2017, 2018 and 2019; and

WHEREAS, the Interim Tax Collector has calculated that the reduced the assessed value of the property creates an overpayment of the tax account for the years 2017, 2018 and 2019, as well as a decrease in the total tax levy for the years 2017, 2018 and 2019 in the following amounts:

<u>BLOCK/LOT</u>	<u>PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
2201 / 10.08	18 Kerby Lane	2017: \$1,353.46
		2018: \$2,480.80
		2019: <u>\$4,763.64</u>
		TOTAL: <u>\$8,597.90</u>

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, and State of New Jersey that the Treasurer is authorized to process a refund in the amount of \$2,249.25 as herein referenced to:

Jennifer R Jacobus Esq. Attorney
For Margaret Falk
201 Littleton Road, 1st Floor
Morris Plains, NJ 07950

I hereby certify that the above amount is correct.

Judith O'Brien, Interim Tax Collector

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #114-2020

**RESOLUTION AMENDING THE ANNUAL MEETING SCHEDULE FOR MAYOR AND COUNCIL
MEETINGS FOR CALENDAR YEAR 2020**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., requires every public body to designate and publish its Annual Meeting Schedule at least once each year, within seven (7) days following the annual reorganization meeting; and

WHEREAS, by Resolution #006-2020 adopted at the January 3, 2020 Reorganization Meeting, the Mayor and Council set forth its Annual Meeting Schedule for calendar year 2020; and

WHEREAS, there is a need to add an extra regular meeting to the 2020 Annual Meeting Schedule, with such meeting to be held on Wednesday, August 11, 2020.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that the 2020 Annual Meeting Schedule is hereby amended to include a regular meeting on Wednesday, August 11, 2020 at 8:00PM, at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey; and

BE IT FURTHER RESOLVED, that in accordance with the Open Public Meetings Act, the Borough Clerk shall publish notice of the August 11, 2020 regular meeting of the Mayor and Council of the Borough of Mendham in the official newspapers of the Borough, post such notice in the Phoenix House, and file the notice in the Office of the Borough Clerk.

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #114-2020

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$370,500 BOND ANTICIPATION NOTES OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Borough of Mendham, in the County of Morris (the "Borough") entitled: "Bond ordinance appropriating \$390,000, and authorizing the issuance of \$370,500 bonds or notes of the Borough, for the acquisition of equipment by the Borough of Mendham, in the County of Morris, New Jersey", finally adopted on June 10, 2020 (#05-20), bond anticipation notes of the Borough in a principal amount not exceeding \$370,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 3. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 5. All actions heretofore taken by officials and professionals of the Borough relating to the sale and award of the notes are hereby ratified, confirmed, adopted and approved.

Section 6. This resolution shall take effect immediately.

Dated: July 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #116-2020

**A RESOLUTION PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC
PURSUANT TO 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 an Executive (Closed) Session during a public meeting to discuss certain matters such as:

- (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 have determined that it is necessary to go into an Executive Closed Session to discuss certain matters relating to items as permitted by N.J.S.A. 10:4-12b.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:

1. Attorney/Client Privilege: Affordable Housing Update

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Mendham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

Dated: July 27, 2020