

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #085-2020

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$535,756 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 \$1,875,000, and authorizing the issuance of \$1,404,670 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Mendham, in the County of Morris, New Jersey", finally adopted on November 19, 2012 (#13-12), bond anticipation notes of the Borough in a principal amount not exceeding \$405,756 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. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$140,000, and authorizing the issuance of \$130,000 bonds or notes of the Borough for the acquisition of vehicles by the Borough of Mendham, in the County of Morris, New Jersey", finally adopted on May 8, 2019 (#4-19), bond anticipation notes of the Borough in a principal amount not exceeding \$130,000 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 3. 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 4. 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 5. 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 6. 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 7. This resolution shall take effect immediately.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #086-2020

**RESOLUTION AUTHORIZING THE PASTIME CLUB TO CONDUCT A FIREWORKS DISPLAY AT
BOROUGH PARK ON LABOR DAY, MONDAY, SEPTEMBER 7, 2020
[RAIN DATE SATURDAY, SEPTEMBER 12, 2019]**

WHEREAS, the Pastime Club seeks permission to conduct a fireworks display on Labor Day, Monday, September 7, 2020, with a rain date of Saturday, September 12, 2020 at Borough Park at the conclusion of the carnival festivities; and

WHEREAS, the Pastime Club shall be required to submit the required application and documentation to the Borough of Mendham Bureau of Fire Safety to ensure compliance with all New Jersey Fire Code regulations in order to conduct the fireworks display.

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 7, 2020, with a rain date of September 12, 2020, subject to the following conditions:

1. Approval by the Borough of Mendham Bureau of Fire Safety of the required application and documentation to conduct a fireworks display and certification that all New Jersey Fire Code permits have been issued for the fireworks display, subject to final site inspection and approval by the Borough Fire Official.
2. 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 prior to the conduct of the fireworks display a Hold Harmless agreement in the form to be provided by the Borough Attorney.
3. 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 conduct of the fireworks display.
4. Approval from the Police Chief and the Fire Chief as to the location of the place for storing and displaying the fireworks is required.
5. Shall obtain the required Fire Safety Permit for the Storage or Discharging of Fireworks from our Bureau of Fire Prevention as required by the Uniform Fire Code, N.J.A.C. 5:70-2.7(a) 5.iii.
6. Any shell larger than 4 inch in diameter and fuel (gas) mines of any size are strictly prohibited.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #087-2020

**RESOLUTION APPROVING THE APPOINTMENT OF AIDEN J. GAUTIERI
AS A NEW MEMBER TO THE MENDHAM BOROUGH FIRE DEPARTMENT HOSE COMPANY**

WHEREAS, the Mayor and Council of the Borough of Mendham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, the Officers and Members of the Mendham Independent Hook and Ladder Company have recommended the appointment of Aiden J. Gautieri to the Mendham Hose Company; and

WHEREAS, upon the completion of serving a six-month probationary period, and if acceptable to the Fire Chief and his officers, Aiden J. Gautieri will gain the status of a regular member.

BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that they hereby approve the appointment of Aiden J. Gautieri as a new to the Mendham Hose Company for the Mendham Borough Fire Department, contingent upon the acceptance of the Fire Chief and his officers, and upon his satisfactory completion of the six month probationary period; and

BE IT FURTHER RESOLVED that a certified copy of this resolution, executed by the Mayor and attested to by the Borough Clerk, shall be presented to the Secretary of the Mendham Independent Hook and Ladder Company.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #088-2020

RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, REQUESTING THAT THE COURT REVIEW AND APPROVE THE BOROUGH'S SPENDING PLAN

WHEREAS, the Borough of Mendham will ask the Court to approve its Housing Element and Fair Share Plan; and

WHEREAS, the Borough has adopted a Development Fee Ordinance, which establishes an Affordable Housing Trust Fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or funds collected in connection with the Borough's affordable housing program; and

WHEREAS, a municipality with an Affordable Housing Trust fund should receive approval of a Spending Plan prior to spending any of the funds in its Affordable Housing Trust Fund; and

WHEREAS, the Borough has prepared a Spending Plan consistent with Council on Affordable Housing regulations and the settlement agreement dated December 26, 2019 entered into between the Borough and Fair Share Housing Center.

THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, hereby approves the Spending Plan attached hereto as Exhibit A, and requests that the Court review and approve same, so that it can expend funds in its Affordable Housing Trust Fund.

This Resolution shall take effect immediately.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #089-2020

**RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND
STATE OF NEW JERSEY, ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE BOROUGH**

WHEREAS, the Borough of Mendham entered into a settlement agreement with Fair Share Housing Center to settle its affordable housing declaratory judgment action entitled, In the Matter of the Application of the Borough of Mendham, Docket No. MRS-L-1637-15, which settlement agreement was approved by the Court by Order on Fairness and Preliminary Hearing issued on February 3, 2020, by the Honorable Michael C. Gaus, J.S.C.; and

WHEREAS, as a condition of approval under the settlement agreement, the Borough is required to adopt by resolution, in accordance with applicable Council on Affordable Housing regulations and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26., et seq.), an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation, are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 2, which encompasses the Borough.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, that it does hereby approve and adopt the Affirmative Marketing Plan attached hereto as Exhibit A.

This Resolution shall take effect immediately.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #090-2020

RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ADOPTING AN OPERATING MANUAL FOR THE ADMINISTRATION OF RENTAL ASSISTANCE

WHEREAS, the Borough of Mendham entered into a settlement agreement with Fair Share Housing Center to settle its affordable housing declaratory judgment action entitled, In the Matter of the Application of the Borough of Mendham, Docket No. MRS-L-1637-15, which settlement agreement was approved by the Court by Order on Fairness and Preliminary Hearing issued on February 3, 2020, by the Honorable Michael C. Gaus, J.S.C.; and

WHEREAS, the Borough has prepared a Spending Plan consistent with Council on Affordable Housing regulations and the settlement agreement dated December 26, 2019 entered into between the Borough and Fair Share Housing Center; and

WHEREAS, the Borough adopted the Spending Plan via resolution on June 10, 2020; and

WHEREAS, the Spending Plan commits to spend 30 percent of the Borough's collected development fee revenues, less those funds committed to the Borough's rehabilitation program and other housing activity, toward rental assistance for low- and moderate-income households; and

WHEREAS, the Borough now seeks to adopt the proposed Operating Manual for the Administration of Rental Assistance, which establishes how the affordable housing trust funds committed in the Borough's Spending Plan toward affordability assistance will be spent and how the program will be administered.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, that it does hereby approve and adopt the Operating Manual for the Administration of Rental Assistance, attached hereto as Exhibit A.

This Resolution shall take effect immediately.

[Operating Manual for the Administration of Rental Assistance attached as Exhibit A.]

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #091-2020

RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY ADOPTING AN OPERATING MANUAL FOR THE ADMINISTRATION OF AFFORDABLE RENTAL UNITS

WHEREAS, the Borough of Mendham entered into a settlement agreement with Fair Share Housing Center to settle its affordable housing declaratory judgment action entitled, In the Matter of the Application of the Borough of Mendham, Docket No. MRS-L-1637-15, which settlement agreement was approved by the Court by Order on Fairness and Preliminary Hearing issued on February 3, 2020, by the Honorable Michael C. Gaus, J.S.C.; and

WHEREAS, in accordance with the terms and conditions of the settlement agreement and the applicable Council on Affordable Housing regulations and New Jersey Uniform Housing Affordability Controls, the Borough is required to adopt an operating manual for the administration of affordable rental units to provide guidance to the Borough in administering its affordable housing rental program.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, that it does hereby approve and adopt the Operating Manual for the Administration of the Affordable Rental Units attached hereto as Exhibit A.

This Resolution shall take effect immediately.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #092-2020

RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ADOPTING AN OPERATING MANUAL FOR THE ADMINISTRATION OF THE HOUSING REHABILITATION PROGRAM

WHEREAS, the Borough of Mendham entered into a settlement agreement with Fair Share Housing Center to settle its affordable housing declaratory judgment action entitled, In the Matter of the Application of the Borough of Mendham, Docket No. MRS-L-1637-15, which settlement agreement was approved by the Court by Order on Fairness and Preliminary Hearing issued on February 3, 2020, by the Honorable Michael C. Gaus, J.S.C.; and

WHEREAS, in accordance with the terms and conditions of the settlement agreement and applicable Council on Affordable Housing regulations and New Jersey Uniform Housing Affordability Controls, the Borough is required to adopt a rehabilitation program manual to meet its rehabilitation Third Round affordable housing obligation.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, that it does hereby approve and adopt the Operating Manual for the Administration of the Housing Rehabilitation Program attached hereto as Exhibit A.

This Resolution shall take effect immediately.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #093-2020

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DEAN ROAD IMPROVEMENTS SECTION 2.

BE IT RESOLVED that Council of the Borough of Mendham, County of Morris formally approves the grant application for the above-stated project; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as application ID 00312 from NJDOT SAGE to the New Jersey Department of Transportation on behalf of the Borough of Mendham; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mendham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Dated: June 10, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #094-2020

**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: June 10, 2020