

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #122-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY
LOCATED AT 4 COLEVILLE DRIVE [BLOCK 1401, LOT 59]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that both the property owner and the mortgage company made the 3rd quarter property tax payment for property located at 4 Coleville Drive [Block 1401, Lot 59] in the amount of \$4,079.57 resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the Chief Financial Officer is hereby authorized to process a refund for the overpayment of property tax in the amount of \$4,079.57 to the property owner as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
Steven Warcola 4 Coleville Drive Mendham, NJ 07945	\$4,079.57

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #123-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY
LOCATED AT 24 FLORIE FARM ROAD [BLOCK 901, LOT 13]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that both the title company and the mortgage company made the 3rd quarter property tax payment for property located at 24 Florie Farm Road [Block 901, Lot 13] in the amount of \$3,507.10 resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the title company.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the Chief Financial Officer is hereby authorized to process a refund for the overpayment of property tax in the amount of \$3,507.10 to the title company as follows:

<u>TITLE COMPANY</u>	<u>AMOUNT TO BE REFUNDED</u>
First American Title Insurance Company 50 Millstone Road Building 200, Suite 150 West Windsor, NJ 08520	\$3,507.10

Dated: September 9, 2020

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #124-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY
LOCATED AT 15 COVENTRY ROAD [BLOCK 1401, LOT 40]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that both the title company and the mortgage company made the 2nd quarter property tax payment for property located at 15 Coventry Road [Block 1401, Lot 40] in the amount of \$4,637.25 resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the Chief Financial Officer is hereby authorized to process a refund for the overpayment of property tax in the amount of \$4,637.25 to the property owner as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
Jeffrey & Brianne Tuthill 15 Coventry Road Mendham, NJ 07945	\$4,637.25

Dated: September 9, 2020

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #125-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY
LOCATED AT 50 LOWERY LANE [BLOCK 1602, LOT 3]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that payment of property taxes was paid in error by CoreLogic due to an incorrect municipality and block/lot for property located at 50 Lowery Lane [Block 1602, Lot 30] for the 2nd and 3rd tax quarters in the amount of \$10,888.06 resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the Chief Financial Officer is hereby authorized to process a refund for the overpayment of property tax in the amount of \$10,888.06 to the property owner as follows:

<u>COMPANY</u>	<u>AMOUNT TO BE REFUNDED</u>
CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019	\$10,888.06

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #126-2020

RESOLUTION AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #2018-3

WHEREAS, property located at 1 Hampshire Drive, Block 804, Lot 5 was subject to Tax Sale on November 30, 2018 for delinquent 2017 sewer charges; and

WHEREAS, the tax sale lien on the property was sold at the Tax Sale and Tax Sale Certificate #2018-3 was issued to the lienholder Park Finance II LLC; and

WHEREAS, the lienholder paid a premium in the amount of \$1,300.00 to the Borough of Mendham at the time of 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 \$3,046.76 in addition to the premium amount to be refunded; and

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 full satisfaction of the redemption of Tax Sale Certificate #2018-3 on Block 804, Lot 5 to the lienholder as follows:

<u>LIENHOLDER</u>	<u>TOTAL AMOUNT TO BE REFUNDED</u>
Park Finance II LLC	\$4,346.76
PO Box 109	
Cedar Knolls, NJ 07927	

This Resolution shall take effect immediately.

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #127-2020

RESOLUTION APPROVING THE SANITARY SEWER CONNECTION APPLICATION FOR SIX MAIN STREET MENDHAM LLC WITH CONDITIONS, REGARDING THE PROPERTY LOCATED AT 6 EAST MAIN STREET, BLOCK 601, LOT 3

WHEREAS, Six Main Street Mendham LLC has applied for a sanitary sewer connection permit in connection with its approved Board of Adjustment application for preliminary and final site plan approval with C and D variances to convert the main building and two accessory structures into a mixed-use development with three principal structures containing two commercial spaces and seven residential apartments at property located at 6 East Main Street, Block 601, Lot 3; and

WHEREAS, the requested use of the space will result in an increase of 785 GPD in the existing sewerage flow generated by the use of the subject property; and

WHEREAS, there is a fee of \$12,560.00 to purchase 785 GPD of additional sanitary sewer flow based on the price of \$16 per gallon; and

WHEREAS, the Borough Engineer, Paul Ferriero, P.E., has reviewed the application, and has recommended the approval of the connection; and

WHEREAS, based upon the information submitted by the applicants under date of October 23, 2019, the application meets the requirements of Chapter 168 of the Borough Code.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the aforesaid application is approved, subject to the following conditions of approval: Compliance with all applicable subsections of Chapter 168 of the Borough Code and all conditions of the resolution of the Board of Adjustment; and

BE IT FURTHER RESOLVED that the approval of the sanitary sewer connection application is based upon the representations made by the applicant, as well as the information contained in the sanitary sewer connection application; and

BE IT FURTHER RESOLVED that the allocation of 785 GPD of additional sanitary sewer flow shall be effective only upon approval from the Board of Adjustment; and

BE IT FURTHER RESOLVED that the approval is conditioned upon all plumbing on the premises to comply with all existing provisions of the Plumbing Code; and

BE IT FURTHER RESOLVED that prior to any occupancy of the facility for the proposed use, the applicant must contact the Borough Plumbing Official to schedule an inspection prior to a certificate of occupancy to verify that the compliant fixtures are in place; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately, but the approval hereby granted shall be subject to revocation if the flow standard as projected is exceeded in actual use or if the Applicant were to violate the applicable sections of the Borough Code; and

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

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #128-2020

**RESOLUTION APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE
2020-2021 LICENSING TERM**

WHEREAS, the holders of liquor licenses in the Borough of Mendham have filed renewal applications with the Division of Alcoholic Beverage Control and with the Mendham Borough Clerk for the 2020-2021 licensing term; and

WHEREAS, the Borough Clerk has confirmed that all license renewal applications have been completed in all respects, that the New Jersey Division of Taxation has issued Tax Clearance Certificates as required for each of the licensees, and that all applicable fees have been paid and satisfied; and

WHEREAS, the Borough Clerk further confirmed that public health inspections were duly conducted at each of the licensed premises in accordance with N.J.S.A. 33:1-24 and provisions of Chapter 12 of the New Jersey State Sanitary Code concerning the operation and maintenance of Retail Food Establishments and there were no reported matters of concern; and

WHEREAS, the Mendham Borough Police Department conducted inspections of each of the licensed premises and records in accordance with N.J.S.A 33:1-35 and N.J.A.C 13:2-7.10 and reported that there were no items of concern; and

WHEREAS, the Borough Clerk has confirmed that no objections were filed, either written or in person, with respect to the renewal of any of the herein referenced liquor licenses.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they are satisfied that all requirements have been met and hereby approve the renewal of each of the following liquor licenses for the 2020-2021 licensing term:

PLENARY RETAIL CONSUMPTION LICENSES

1418-33-001-002 Black Horse Tavern & Pub, LLC [t/a The Black Horse Tavern & Pub]
1418-33-003-008 MacKenzie's, LLC [t/a Piattino Bistro]

PLENARY RETAIL DISTRIBUTION LICENSES

1418-44-002-003 Moonshine Boys, LLC [t/a Village Wine & Liquors]

CLUB LICENSES

1418-31-004-001 Pastime Club, Inc.
1418-31-005-003 Roxiticus Golf Club

And,

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to file a certified copy of this Resolution with the Director of the Division of Alcoholic Beverage Control and is further authorized to issue an annual liquor license for the 2020-2021 licensing term on the form and certificate approved by the Alcoholic Beverage Control Commission in the State of New Jersey for each of the herein-approved licenses.

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #129-2020

**RESOLUTION INSERTING AN ITEM OF REVENUE IN THE 2020 BUDGET
[STATE OF NEW JERSEY CLEAN COMMUNITIES GRANT]**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (the "Director") may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item or appropriation for an equal amount.

THEREFORE, BE IT RESOLVED that the Council of the Borough of Mendham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the adopted 2020 Municipal Budget in the sum of \$1,817.39 which is now available as revenue from a grant received from the State of New Jersey Clean Communities Grant program; and

BE IT FURTHER RESOLVED that the sum of \$1,817.39 be made and the same is hereby appropriated in the budget account under the caption "Operations-Excluded from "CAPS" – Public and Private Programs Offset by Revenues – State of New Jersey Clean Communities"; and

BE IT FURTHER RESOLVED that the insertion of the item of revenue is the result of monies being provided to the municipality pursuant to N.J.S.A. 40A:4-87; and

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward an electronic certified copy of this resolution to the Office of the Director of Local Government Services as required by law.

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #130-2020

**RESOLUTION AUTHORIZING THE RELEASE OF ENGINEERING INSPECTION ESCROW FEES
AND CASH BONDS**

WHEREAS, the Borough Engineer required the posting of engineering inspection escrow fees and/or cash bonds in connection with land development/road opening/driveway applications as required by ordinances of the Borough of Mendham; and

WHEREAS, the Borough Engineer has reviewed the status of these various applications and has recommended that the balances remaining in the engineering inspection escrow fee account, as well as cash bonds on deposit together with accrued interest, be returned to the applicants.

THEREFORE, 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 amounts be returned to the following applicants:

<u>APPLICANT</u>	<u>AMOUNT OF REFUND</u>
1. Martha F. & Robert L. Brady Driveway Permit 147 Talmage Road Block 2101, Lot 4.02	\$250.00 Engineering Escrow
2. Joseph C. & Deborah A. D’Urso 14 Hillcrest Avenue Block 602, Lot 15	\$329.00 Engineering Escrow Lot Development Permit
3. Holly K. Falzarano Lot Development Permit 86 Mountain Avenue Block 101, Lot 8	\$154.00 Engineering Escrow
4. Longeri Construction, Inc. (Robert Previdi Property) Lot Development Permit 480 Bernardsville Road Block 2301, Lot 10	\$462.15 Engineering Escrow
5. Anthony Patullo Lot Development Permit 164 Talmage Road Block 1401, Lot 58	\$126.03 Engineering Escrow
6. Quality Custom Homes (Kim Deskovick Property) Lot Development Permit 70 Spring Hill Road Block 2401, Lot 27	\$ 55.52 Engineering Escrow
7. Thomas Tignor Lot Development Permit 30 Maple Avenue Block 404, Lot 20	\$104.25 Engineering Escrow
8. Michael F. Tufariello (Brian Graham Property) Lot Development Permit 77 Dean Road Block 706, Lot 8	\$269.00 Engineering Escrow
9. Gerard Lam Driveway/Road Opening 48 Maple Avenue Block 404, Lot 6	\$250.00 Engineering Escrow
10. John Hanson Driveway Permit 28 Franklin Road Block 1703, Lot 14	\$500.00 Engineering Escrow \$500.00 Cash Bond

11. Samuel Redick
Road Opening Permit
55 Talmage Road
Block 2001, Lot 15

\$350.00 Cash Bond

This Resolution shall take effect immediately.

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #131-2020

**RESOLUTION APPROVING THE APPOINTMENT OF BRIAN J. MOSCIONI
AS A REGULAR MEMBER TO THE MENDHAM BOROUGH FIRE DEPARTMENT**

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 Brian J. Moscioni as a new member of the Mendham Hose Company; and

WHEREAS, upon the completion of serving a six-month probationary period, and if acceptable by the Fire Chief and his officers, Brian J. Moscioni will gain the status as a Regular Member.

BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that they hereby approve the appointment of Brian J. Moscioni as a new member of the Mendham Hose Company for the Mendham Borough Fire Department and upon satisfactory completion of serving a six month probationary period, and if acceptable by the Fire Chief and his officers, Brian J. Moscioni will gain the status as a Regular Member; 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: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #132-2020

**RESOLUTION AUTHORIZING AND ACCEPTING THE GIFT OF THE BOTTI FIELDS PAVILION
TO THE BOROUGH OF MENDHAM**

WHEREAS, N.J.S.A. 40A:5-29 authorizes a municipality to accept bequests, legacies and gifts made to a local municipal unit; and

WHEREAS, John “Jack” Botti and his wife, Jacelyn, has offered to gift the new Botti Fields Pavilion to the Borough for the use and enjoyment of the community; and

WHEREAS, the Mayor and Council wish to authorize the acceptance the gift and thank the Botti’s for their generosity.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that they hereby accept the gift of the Botti Fields Pavilion from the Jack and Jacklyn Botti; and

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

Dated: September 9, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #133-2020

**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. Contract Matter: Solid Waste Collection Bid Proposals

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: September 9, 2020