

**BOROUGH OF MENDHAM**  
MORRIS COUNTY, NEW JERSEY

**RESOLUTION #043-2021**

**RESOLUTION AWARDING CONTRACT FOR BIOASSAY TESTING SERVICES  
AT THE SEWAGE TREATMENT PLANT TO AMERICAN AQUATIC TESTING, INC.**

**WHEREAS**, the Borough of Mendham requires the services of a certified testing laboratory to perform chronic bioassay testing of effluent from the Borough's Sewage Treatment Plant as required by the New Jersey Department of Environmental Protection for the period March 1, 2021 through February 28, 2022; and

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

<u>LABORATORY</u>	<u>ANNUAL COST</u> <u>ALL REQUIRED TESTS</u>
American Aquatic Testing, Inc.	\$2,600.00

**WHEREAS**, the quotation submitted by American Aquatic Testing, 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 2021; and

**WHEREAS**, the balance of the funding for this contract for fiscal year 2022 is subject to and contingent upon appropriation of sufficient funds.

**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 chronic bioassay testing is hereby awarded to American Aquatic Testing, Inc., 890 North Graham Street, Allentown, PA 18109 for the period March 1, 2021 through February 28, 2022 at a total cost not to exceed \$2,600.00.
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.

Dated: February 10, 2021

**BOROUGH OF MENDHAM**  
MORRIS COUNTY, NEW JERSEY

**RESOLUTION #044-2021**

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PAULUS, SOKOLOWSKI & SARTOR, LLC FOR INTERIM S-3 LICENSED WASTEWATER TREATMENT OPERATOR SERVICES AND C-2 LICENSED COLLECTION SYSTEM OPERATOR SERVICES AT THE BOROUGH'S WATER RECLAMATION FACILITY**

**WHEREAS**, the Acting Superintendent of the Borough of Mendham's Water Reclamation Facility ("WRF") has been unable to take the licensing exam for S-2 Licensed Wastewater Operator and C-2 Licensed Collection System Operator due to delays caused by the ongoing COVID-19 pandemic; and

**WHEREAS**, as a result, the Borough has a need for interim professional services for S-3 Licensed Wastewater Operator Services and C-2 Licensed Collection System Operator Services at the WRF; and

**WHEREAS**, the Borough desires to retain the services of Paulus, Sokolowski and Sartor, LLC ("PS&S") to provide these interim services, in accordance with its proposal dated January 22, 2021; and

**WHEREAS**, in accordance with its proposal, PS&S will remove the C-2 licensed collection system operator services from the scope of service upon a WRF staff member obtaining the required C-2 licensure, and reduce its fee; accordingly, and

**WHEREAS**, the Public Works and Utility Committee has reviewed the proposal, finds it acceptable and recommends approval; and

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

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection.

**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, as follows:

1. The Borough hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with PS&S to provide interim professional services for S-3 Licensed Wastewater Operator Services and C-2 Licensed Collections System Operator Services at the Borough's Water Reclamation Facility, at an hourly rate of \$150.00, not to exceed a total cost of \$154,200, in accordance with its proposal dated January 22, 2021, attached hereto.
2. The contract is awarded without competitive bidding as a professional services contract in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$154,200 for January 1, 2021 through December 31, 2021, without the prior written approval of the Borough Council.
4. Notice of this action shall be published once in the Borough's official newspaper as required by law.
5. A copy of this resolution shall be provided to the Borough's Chief Financial Officer and to PS&S for their information and guidance.

This Resolution shall take effect immediately.

Dated: February 10, 2021

**BOROUGH OF MENDHAM**  
MORRIS COUNTY, NEW JERSEY

**RESOLUTION #045-2021**

**RESOLUTION APPOINTING THE HOUSING PARTNERSHIP AS ADMINISTRATIVE AGENT  
FOR AFFORDABLE HOUSING AND AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT  
WITHOUT COMPETITIVE BIDDING WITH SAME**

**WHEREAS**, the Borough of Mendham's Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and applicable Council on Affordable Housing ("COAH") and Uniform Housing Affordability Controls ("UHAC") regulations; and

**WHEREAS**, the Borough is required to appoint an Administrative Agent to perform duties set forth in the applicable UHAC regulations, including those related to affirmative marketing, household certification, affordability controls, resales and re-rentals, processing requests from unit owners, and enforcement, and other applicable provisions of the Borough Code; and

**WHEREAS**, the Borough wishes to appoint the Housing Partnership of Dover, New Jersey to provide such services, in accordance with its proposal and Professional Services Agreement attached hereto as Exhibit A; and

**WHEREAS**, the Borough Administration, Borough Planner and Borough Attorney have reviewed the proposal and Professional Services Agreement and find them acceptable; and

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

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection.

**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, as follows:

6. The Borough hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with the Housing Partnership to provide professional Administrative Agent services for affordable housing in accordance with, and at rates not to exceed those set forth in, its proposal and Professional Services Agreement attached hereto.
7. The contract is awarded without competitive bidding as a professional services contract in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
8. The fees authorized for this contract shall not exceed those set forth in the attached proposal and Professional Services Agreement, effective February 10, 2021 through February 10, 2022, without the prior written approval of the Borough Council.
9. Notice of this action shall be published once in the Borough's official newspaper as required by law.
10. A copy of this resolution shall be provided to the Borough's Chief Financial Officer and to the Housing Partnership, 2 East Blackwell Street, Suite 12, Dover, NJ 07801, for their information and guidance.

This Resolution shall take effect immediately.

Dated: February 10, 2021

**BOROUGH OF MENDHAM**  
MORRIS COUNTY, NEW JERSEY

**RESOLUTION #046-2021**

**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:

Matters to be discussed: Attorney-Client Privilege Matter –

**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: February 10, 2021