

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

**RESOLUTION #158-2019**

**RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET RESERVE APPROPRIATIONS  
IN THE 2019 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year or the first three months of the next succeeding fiscal year by an authorizing resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body; and

**WHEREAS**, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated: and

**WHEREAS**, these transfers do not affect the total of the operations budget as originally approved in the 2019 Current Fund Budget.

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Mendham that, in accordance with N.J.S.A. 40A:4-58, the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2019 Current Fund Budget with an effective date of November 14, 2019:

Account Name	Account Number	Transfer Amount	Transfer Amount
<u>TO</u>			
Recreation	01-2019-0028-0370-2-00596	\$100,000.00	
Legal	01-2019-0020-0155-2-00029	\$ 12,000.00	
Engineering	01-2019-0020-0165-2-00540	\$ 3,000.00	
<u>FROM</u>			
Hospitalization	01-2019-0023-0220-2-00037		\$100,000.00
Planning Board	01-2019-0021-0180-2-00029		\$ 8,000.00
Roads	01-2019-0026-0290-1-00123		\$ 4,000.00
Board of Adjustment	01-2019-0021-0185-2-00540		\$ 3,000.00
Totals		<u>\$115,000.00</u>	<u>\$115,000.00</u>

And

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall provide a certified copy of this resolution to the Administrator and to the Chief Financial Officer.

Dated: November 13, 2019

**BOROUGH OF MENDHAM**

MORRIS COUNTY, NEW JERSEY

**RESOLUTION #159-2019**

**RESOLUTION AUTHORIZING RELEASE OF A DEVELOPER BOND, CASH DEPOSIT  
AND ESCROW POSTED IN CONNECTION WITH THE PROPERTY LOCATED AT  
15 WEST MAIN STREET (BLOCK 301, LOT 39)**

**WHEREAS**, in conjunction with the development of the property located at 15 West Main Street, designated as Block 301, Lot 39 on the Borough's official tax map, 15 West Main Street, LLC ("the Developer") was required to post certain bonds and escrows; and

**WHEREAS**, the Developer, by way of correspondence dated October 8, 2019, has requested that the performance bond, cash deposit and escrow balance be released; and

**WHEREAS**, the Borough Engineer has inspected the improvements and found that all work completed is in substantial compliance with the requirements of the approved site plan; and

**WHEREAS**, the Borough Engineer, by way of correspondence dated October 3, 2019, expressed no objection to the release of Performance Bond #9217414 in the amount of \$269,836.92, a cash deposit in the amount of \$29,983.70 and the escrow balance in the amount of \$14,848.24, subject to the Developer posting a two-year maintenance bond in the amount of \$3,225.00 for the public improvements related to the sanitary sewer relocation.

**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 performance bond, cash deposit, and escrow are hereby released, conditioned upon the Developer posting a two-year maintenance bond in the amount of \$3,225.00 for the public improvements related to the sanitary sewer relocation.

1. Performance Bond #9217414 in the amount of \$269,836.92.
2. A cash deposit in the amount of \$29,983.70.
3. The escrow balance in the amount of \$14,848.24.

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

This Resolution shall take effect immediately.

Dated: November 13, 2019

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

**RESOLUTION #160-2019**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION  
FOR CERTIFICATION FOR TREE CITY USA® DESIGNATION**

**WHEREAS**, the Arbor Day Foundation's Tree City USA® program recognizes communities across the country for their excellence in urban forestry management; and

**WHEREAS**, the Tree City USA® program provides direction, assistance, and national recognition to communities by supporting the framework for a sustainable urban forest; and

**WHEREAS**, the Borough of Mendham has actively been engaged in the planting and maintenance of trees along Borough streets, public rights-of-ways, municipal open spaces, as well as being stewards of the health and safety of the Borough's "green infrastructure"; and

**WHEREAS**, in addition to planting and maintaining Borough trees, volunteers take time out of their busy schedules to work on projects such as community outreach, education, reviewing residents' tree concerns and identifying planting locations for new trees; and

**WHEREAS**, the Borough of Mendham is desirous of submitting an Application for Certification in the Arbor Day Foundation's Tree City USA® program, having achieved the standards set forth by the Arbor Day Foundation.

**BE IT RESOLVED**, by the Council of the Borough of Mendham that they hereby authorize the Mayor to execute an Application for Certification for Tree City USA® Designation with the Arbor Day Foundation; and

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

Dated: November 13, 2019

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

**RESOLUTION #161-2019**

**RESOLUTION AWARDING A CONTRACT TO YOUR WAY CONSTRUCTION, INC.  
FOR THE ORCHARD STREET PARK TENNIS COURTS IMPROVEMENT PROJECT**

**WHEREAS**, pursuant to authorization by the Council of the Borough of Mendham, the Borough received sealed competitive bids for the Orchard Street Park Tennis Courts Improvement Project (“the Project”); and

**WHEREAS**, three (3) sealed bids were received and opened on August 29, 2019, in accordance with the advertised date for acceptance of bids; and

**WHEREAS**, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest responsive, responsible bidder; and

**WHEREAS**, the Borough Engineer reviewed the three bids and determined that the bid received by Your Way Construction, Inc., in the amount of \$265,596.70, was the lowest apparent bid and satisfied the Project’s bid specifications; and

**WHEREAS**, the Borough Attorney reviewed the bid from Your Way Construction, Inc. and found it to be substantially in proper form and in compliance with the Local Public Contracts Law; and

**WHEREAS**, at the request of the Borough, Your Way Construction, Inc. agreed to extend their bid to allow the Borough additional time to consider the Project; and

**WHEREAS**, the Borough is now ready to move forward with the Project and award the contract; and

**WHEREAS**, the Borough’s Chief Financial Officer has certified that sufficient funds exist for the Project.

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

1. The Borough Council hereby awards a contract to Your Way Construction, Inc. of Irvington, New Jersey for the Tennis Courts Improvement Project in an amount not to exceed \$265,596.70, in accordance with the bid proposal.
2. The Mayor and Clerk are hereby authorized and directed to execute said contract.
3. This resolution and contract shall be available for public inspection in the Office of the Borough Clerk.

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

Dated: November 13, 2019

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

**RESOLUTION #162-2019**

**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.

**NOW, 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: Botti Pavilion

**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.