

BOROUGH OF MENDHAM

RESOLUTION #033-2020

RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY PROMOTING SERGEANT JOSEPH PIRILLO TO THE RANK OF LIEUTENANT WITH THE MENDHAM BOROUGH POLICE DEPARTMENT

WHEREAS, the Borough of Mendham received a recommendation from the Borough Chief of Police that it is necessary and appropriate to consider a qualified candidate to hold the position of Lieutenant within the Borough Police Department; and

WHEREAS, pursuant to Section 38-20 of the Borough Code, the Mayor and Council adopted Resolution #133-2019 authorizing testing for candidates be duly noticed and administered on December 2, 2019 and December 6, 2019 by the New Jersey State Association of Chiefs of Police, Inc.; and

WHEREAS, the testing was held, with the Borough Chief of Police certifying the results of same; and

WHEREAS, in accordance with Section 38-20 of the Borough Code, the Mayor and Council find that Sergeant Joseph Pirillo is a qualified and recommended candidate for promotion to Lieutenant at a salary of \$131,521, in accordance with Borough Salary Resolution 181-2019; and

WHEREAS, the Chief Financial Officer of the Borough of Mendham has certified that there are sufficient funds available for the promotion of Sergeant Pirillo to the rank of Lieutenant.

THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, hereby promotes Sergeant Joseph Pirillo to the rank of Lieutenant with the Borough of Mendham Police Department at a salary of \$131,521, in accordance with Borough Salary Resolution 181-2109.

This Resolution shall take effect immediately.

Dated: January 27, 2020

BOROUGH OF MENDHAM

RESOLUTION #034-2020

RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, PROMOTING DETECTIVE CHRIS IRONS TO THE RANK OF SERGEANT WITH THE MENDHAM BOROUGH POLICE DEPARTMENT

WHEREAS, the Borough of Mendham received a recommendation from the Borough Chief of Police that it is necessary and appropriate to consider a qualified candidate to hold the position of Sergeant within the Borough Police Department; and

WHEREAS, pursuant to Section 38-20 of the Borough Code, the Mayor and Council adopted Resolution #133-2019 authorizing testing for candidates be duly noticed and administered on December 2, 2019 and December 6, 2019 by the New Jersey State Association of Chiefs of Police, Inc.; and

WHEREAS, the testing was held, with the Borough Chief of Police certifying the results of same; and

WHEREAS, in accordance with Section 38-20 of the Borough Code, the Mayor and Council find that Detective Chris Irons is a qualified and recommended candidate for promotion to Sergeant, with a salary increase pursuant to the Bargaining Agreement and Rules and Regulations of the Borough of Mendham Police Department; and

WHEREAS, the Chief Financial Officer of the Borough of Mendham has certified that there are sufficient funds available for the promotion of Detective Irons to the rank of Sergeant.

THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Mendham, in the County of Morris and State of New Jersey, hereby promotes Detective Chris Irons to the rank of Sergeant with the Borough of Mendham Police Department at the pay scale and in accordance with the Bargaining Agreement and the Rules and Regulations of the Borough of Mendham Police Department.

This Resolution shall take effect immediately.

Dated: January 27, 2020

BOROUGH OF MENDHAM

RESOLUTION #035-2020

RESOLUTION AUTHORIZING A REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY LOCATED AT 17 DRAKE ROAD, BLOCK 1704, LOT 7

WHEREAS, an appeal of the added assessment for improvements to real property located at 17 Drake Road, Block 1704, Lot 7 on the Tax Map for the Borough of Mendham, was filed in the Morris County Board of Taxation for calendar year 2019; and

WHEREAS, the Interim Tax Collector for the Borough of Mendham advised that the Morris County Board of Taxation had issued a Memorandum of Judgment dated December 19, 2019 for the subject property, decreasing the value of the added assessment for improvements to the subject property to \$37,500, prorated for eight months in calendar year 2019 for the prorated amount of \$25,000; and

WHEREAS, the Interim Tax Collector calculated that as a result of the decreased value of the added assessment, the total tax levy for the subject property decreased in the amount of \$777.47, prorated for eight months for calendar year 2019, resulting in the overpayment of property tax to be refunded.

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 property tax refund in the amount of \$777.47 made payable the property owner Juan C Perez, 17 Drake Road [Block 1704, Lot 7].

Dated: January 27, 2020

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #036-2020

**RESOLUTION APPROVING BRUCE P. HELLIEGEL'S APPOINTMENT
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 a change in the membership status of Bruce P. Helliegel from a Junior member to a Probationary member in the Mendham Hose Company; and

WHEREAS, Bruce P. Helliegel is now 18 years of age and has completed Firefighter I training as a Junior member; and

WHEREAS, upon the completion of serving a six month probationary period, and if acceptable to the Fire Chief and his officers, Bruce P. Helliegel 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 Bruce P. Helliegel's appointment as a Regular Member of 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: January 27, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #037-2020

**RESOLUTION AUTHORIZING THE HIRING AND APPOINTMENT OF STEPHEN MAHONEY
AS A PART TIME BUILDING INSPECTOR**

WHEREAS, the Borough of Mendham has a need to appoint a part-time licensed Building Inspector as provided by state law; and

WHEREAS, after considering all interested and qualified candidates, the Construction Official/Building Sub-code Official and the Borough Administrator have recommended that Stephen Mahoney should be hired to fill the part-time Building Inspector in the Construction Department at the pay rate of \$45.00 per hour for four (4) to six (6) hours per week, with no other benefits, and with an effective starting date of February 1, 2020.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they hereby approve and authorize the hiring of Stephen Mahoney as a part-time Building Inspector in the Construction Department at the pay rate of \$45.00 per hour for four (4) to six (6) hours per week, with no other benefits, and with an effective date of hire February 1, 2020.

Dated: January 27, 2020

BOROUGH OF MENDHAM

RESOLUTION #038-2020

RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO AGREEMENT FOR THE PROVISION OF ELECTRICITY GENERATION SUPPLY SERVICES BETWEEN THE BOROUGH OF MENDHAM AND IDT ENERGY, INC.

WHEREAS, on February 6, 2019, the Borough of Mendham adopted Ordinance #01-2017, declaring its intent to participate in a Government Energy Aggregation Program through the Morris Area Energy Cooperative (“MAEC”), led by Lead Agency Wharton Borough; and

WHEREAS, the Borough thereafter participated in the Lead Agency’s procurement process to obtain a third-party energy supplier; and

WHEREAS, as a result of the procurement process, the Borough entered into an Agreement for Provision of Electricity Generation Supply services for Residential Government Energy Aggregation (the “Agreement”) dated August 22, 2018 with IDT Energy, Inc. for electricity generation supply services beginning March 1, 2019; and

WHEREAS, on December 20, 2019, MAEC participants received an option to extend the term of the Agreement in exchange for a lower rate, as approved by the Lead Agency; and

WHEREAS, the extension would reduce the existing rate of \$0.0886/kWh through September 30, 2020, to \$0.0869/kWh through November 30, 2021; and

WHEREAS, the Administration has recommended that the Borough Council accept the option to extend the Agreement and secure the reduced rate; and

WHEREAS, the Borough has received a proposed Addendum to Agreement for Provision of Energy Supply Services, attached hereto, which has been reviewed by the Borough Attorney and approved as to form.

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

1. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor and Municipal Clerk of the Borough of Mendham are hereby authorized and directed to execute the Addendum to Agreement for Provision of Energy Supply Services attached hereto.
2. A copy of this Resolution shall be available for public inspection in the office of the Municipal Clerk of the Borough of Mendham.

This Resolution shall take effect immediately.

Dated: January 27, 2020

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

ORDINANCE #01-17

**ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY,
ESTABLISHING AN ELECTRIC AND/OR NATURAL
GAS AGGREGATION PROGRAM**

WHEREAS, the State of New Jersey has been engaged in the process to establish a competitive market place through deregulation and restructuring the electric utility market and/or natural gas market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and/or natural gas pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and/or natural gas to residential and non-residential users, thereby increasing the likelihood of lower electric rates and/or natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the Borough of Mendham; and

WHEREAS, the Borough of Mendham hereby finds that it is in the best interest of residential and non-residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric and/or natural gas rates.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

SECTION 1.

1. The Borough of Mendham publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. The Borough of Mendham will utilize approved vendors, Concord Engineering's dba Energy Services and Commercial Utility Consultants, Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third-party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.
3. The Mayor and Borough Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.

SECTION 2. All ordinances of the Borough of Mendham, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

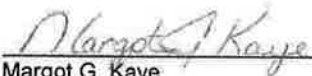
SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: February 6, 2017

Adopted: February 21, 2017

DATED: February 21, 2017

ATTEST:



Margot G. Kaye
Borough Clerk

By: 

Neil Henry, Mayor

Dated December 19, 2019

IDT Energy, Inc.

and

*Borough of Mendham
in the County of Morris, New Jersey*

By and Between

**APPENDUM TO
AGREEMENT FOR PROVISION OF
ENERGY SUPPLY SERVICES**

This ADDENDUM to the AGREEMENT FOR PROVISION OF ENERGY SUPPLY SERVICES made December 19, 2019 ("Agreement") is by and between Borough of Mendham, in the County of Morris, New Jersey, a public body corporate and politic of the State of New Jersey (the "Municipality") and IDT Energy, Inc., a Delaware Corporation (the "Supplier") (License #ESL-0081).

WITNESSETH:

WHEREAS, pursuant to New Jersey's Government Energy Aggregation Act of 2003 (*N.J.S.A. 48:3-92 - N.J.S.A. 48:3-95*) and the New Jersey Board of Public Utilities ("BPU") implementing regulations (*N.J.A.C. 14:4-1 et seq.*), as amended (collectively, the "Act"), the Municipality has determined to undertake a Governmental Energy Aggregation Program (as defined herein) and the Municipality Council has been designated as a Lead Agency (as defined herein) charged with the responsibility for adopting and providing for the implementation of such Governmental Energy Aggregation Program within the geographic boundaries of the Municipality ("Program"); and

WHEREAS, on February 6, 2017, the Municipality's governing body has adopted an ordinance formalizing its intent to commence the Program on behalf of all of the residential energy customers of the Municipality that do not opt-out of the Program in accordance with the Act and all of the non-residential customers that opt-in to the Program pursuant to the Act; and

WHEREAS, the Municipality and its duly appointed Energy Agent (as defined herein) Concord Energy Services ("CES") and Commercial Utility Consultants, Inc. ("CUC") engaged in a procurement process to obtain a third-party supplier of energy, duly licensed by the BPU, to implement the Program; and

WHEREAS, based upon the Supplier's response to the RFP, dated August 2, 2018, and the subsequent assignment dated August 21, 2018, the Municipality has determined that the Supplier possess the minimum acceptable financial, technical and administrative qualifications including, but not limited to, any and all required authorizations to operate within the JCP&L Local Distribution Area, necessary to provide energy supply services, and thereafter designated the Supplier as a qualified vendor; and

WHEREAS, the Municipality after evaluation of all of the proposals submitted by qualified vendors in response to the RFP, has determined that the Supplier's proposal serves the interests of the Municipality and has resolved to award a contract for such services to the Supplier; and

WHEREAS, pursuant to the Program, the Municipality's Council entered into a written contract with Supplier for the provision of Electric Generation Service on behalf of residential and non-residential customers within its geographic boundaries which replaced such customers' current third party electricity supplier on March 1, 2019; and

WHEREAS, on December 19, 2019, the parties agreed to reduce the program rate from \$0.0886/kWh to \$0.0869/kWh beginning from the first meter read after June 1, 2020, through the

balance of the term of the original contract term which ends with the first meter read after September 30, 2020; and

WHEREAS, on December 19, 2019, the parties agreed to extend the initial contract at the reduced rate of \$0.0869/kWh for a fourteen (14) month term beginning from the first meter read after October 1, 2020, through the first meter read after November 30, 2021; and

WHEREAS, the Municipality and the Supplier now desire to extend this Agreement for the supply of energy services all in accordance with the terms and conditions of the Act, the RFP and this Agreement; and

NOW THEREFORE, in consideration of the mutual covenants and obligations set forth herein, the Parties intending to be legally bound, agree to amend the original contract as follows:

SECTION I - TERM OF THE AGREEMENT

2.01 Commencement, Duration of Term and Rate

Beginning with the first meter read on or after June 1, 2020, the program rate ("Contract Price") for the remainder of the original term ("Contract Term") of this Agreement shall be reduced from \$0.0886/kWh to \$0.0869/kWh.

In addition, the term of this Agreement ("Contract Term") shall be extended beginning from the first meter read on or after October 1, 2020, (the "Contract Commencement Date"), and shall continue from that date until the first meter read after November 30, 2021, or until such time that the term of this Agreement is extended or terminated earlier in accordance with the provisions of this Agreement ("Contract Termination Date"). Provision of Electric Generation Services, as defined in *N.J.A.C. 14:4-1.2*, shall be provided for the period commencing on the first meter read following the Contract Commencement Date and ending on the meter read date immediately following the Contract Termination Date.

Beginning June 1, 2020, the contract rate for the term is \$0.0869/kWh. The rate reflects one of the following selected options:

Fixed Price for the term of the contract.

All other terms & provisions in Agreement shall remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Municipality and Supplier have executed this Agreement, intending to be legally bound hereby as of the day and year first above written.

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

ATTEST:

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

[SEAL]

IDT ENERGY, INC.

ATTEST:

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #039-2020

**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 Reserve Budget with an effective date of January 28, 2020:

Account Name	Account Number	Transfer Amount	Transfer Amount
<u>TO</u>			
Tax Assessor	01-2019-0020-0150-2-00416	\$350.00	
Legal	01-2019-0020-0155-2-00029	\$ 1,800.00	
<u>FROM</u>			
Tax Assessor	01-2019-0020-0150-1-00107		\$350.00
Historic Preservation	01-2019-0020-0175-2-00621		\$ 1,800.00
Totals		<u>\$2,150.00</u>	<u>\$2,150.00</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: January 27, 2020