

**MARCH 15, 2018
8:00 PM
MEETING OF THE MAYOR AND COUNCIL**

REVISED AGENDA

MEETING CALLED TO ORDER

INVOCATION AND FLAG SALUTE

MAYOR'S OPENING STATEMENT:

Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the Observer Tribune and the Daily Record, and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ROLL CALL Mayor Henry
Councilman Andrews
Councilman Badal
Councilwoman Glassner
Councilman Sharkey
Councilman Witczak
Council President Andrus

CONSENT AGENDA ITEMS

1. **MINUTES** – March 1, 2018 Regular Meeting
2. **BANNER REQUEST** - Mendham HS Graduation Committee – Tricky Tray fundraiser
3. **TOUR DE SUMMER CAMPS NJ** – Inaugural cycling fundraiser requesting permission to pass through the Borough of Mendham subject to providing insurance, police and appropriate signage.
4. **ANNUAL TAX COLLECTOR'S REPORT** – approval pursuant to NJSA 54:4-91 of the 2017 year-end report and January 2018 monthly report

DISCUSSION ITEMS

1. OEM Storm Recap
2. High School Safety Plan

ACTION TO BE TAKEN

ORDINANCE

03-2018 An Ordinance of the Borough of Mendham to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

*Introduction/No Public Input/Published in the Daily Record 3/20/2018
2nd Reading/Public Hearing/Final Adoption 4/05/2018*

BUDGET RESOLUTION

55A-2018 Introduction of the 2018 Budget
No public input on introduction
*Budget Synopsis Published in the Daily Record 3/20/2018
Public Hearing and Final Adoption: 8:00pm 4/19/2018*
Full copies of the 2018 Budget are available in the Municipal Clerk's Office and posted on the Borough's website

OTHER RESOLUTIONS

- 56-2018** Authorizing Release of Performance Guarantee and Cash Deposit for the Roxiticus Clubhouse Expansion Block 2601, Lot 3
- 57-2018** Resolution Authorizing the Reading of the Budget by Title Only
- 58-2018** Resolution to Authorize On Premise 50/50 Raffle for the Chester/Mendham Little League
- 59-2018** A Resolution Providing for the Transfer of Appropriation Reserves

**MARCH 15, 2018
8:00 PM
MEETING OF THE MAYOR AND COUNCIL**

AGENDA

- 60-2018** Resolution to Amend the Temporary Budget
- 61-2018** Resolution to Amend the Temporary Sewer Utility Budget
- 62-2018** Resolution Appointing a Substitute Crossing Guard
- 63-2018** Resolution to Amend 52-2018 Authorizing a Refund of Property Taxes to Wells Fargo
- 64-2018** A Resolution Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust By Rider For Self-Insurance Program Trust Fund Pursuant To N.J.S.A. 40a:10-1 Et Seq.
- 65-2018** A Resolution Requesting Approval of the Director Of The Division Of Local Government Services to Establish a Dedicated Trust By Rider For Accumulated Absences Liability Trust Fund Pursuant To N.J.A.C 5:30-15
- 66-2018** A Resolution of the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey Pursuant to N.J.S.A. 40A:11-6 Ratifying the Award of an Emergency Contract Without Competitive Bidding as an Exception to the Bidding Statutes

ADMINISTRATOR'S REPORT

COUNCIL MEMBERS' REPORTS

OLD AND NEW BUSINESS

ATTORNEY'S ITEMS

MAYOR'S ITEMS

PUBLIC COMMENT -AUDIENCE PARTICIPATION

Please stand, approach the microphone, state your name and your address for the record, and briefly state your comments to the Mayor and Borough Council

APPROVAL OF THE VOUCHERS

ADJOURNMENT

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 55A-2018**

Introduction of the 2018 Budget - SEE HARD COPY

I, Mimi M. Marlor, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Borough Mayor and Council, held this 15th day of March, 2018. It will be taken up for a second reading, public hearing, and final passage at a meeting to be held on the 19th of April, 2018 at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ at which time any person interested therein will be given an opportunity to be heard.

Mimi M. Marlor, RMC, Municipal Clerk

ATTEST:

BOROUGH OF MENDHAM

Mimi M. Marlor, RMC, Borough Clerk

Neil J. Henry Jr., Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 56-2018**

AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND CASH DEPOSIT FOR THE ROXITICUS CLUBHOUSE EXPANSION BLOCK 2601, LOT 3

WHEREAS, the Borough of Mendham did enter into site work with Harrington Construction Co., Inc. for the project known as Roxiticus Clubhouse Expansion; and

WHEREAS, Harrington Construction Co., Inc. has requested their Performance Guarantee be returned; and

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

WHEREAS, the Borough Engineer's recommendation is to return the Performance Guarantee in the amount of \$493,192.80, and 10% cash deposit in the amount of \$54,799.20, and

WHEREAS, the Borough Engineer does not require the posting of a Maintenance Bond.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Governing Body of the Borough of Mendham that the Performance Guarantee in the amount of \$493,192.80, and 10% cash deposit in the amount of \$54,799.20 plus accrued interest be refunded to Harrington Construction Company, Inc., 50 Parker Road, Chester, New Jersey 07930.

This Resolution shall take effect immediately.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 57-2018**

RESOLUTION AUTHORIZING THE READING OF THE BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8, as amended by L.2015, c. 95, § 14, 2015, provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, and providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection, and has been made available to each person upon request; and

WHEREAS, these two conditions have been met.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, that the 2018 Municipal Budget be read by title only.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 58-2018**

**RESOLUTION TO AUTHORIZE ON PREMISE 50/50 RAFFLE FOR THE
CHESTER MENDHAM LITTLE LEAGUE**

WHEREAS, application for an on premise 50/50 Raffle License has been filed on behalf of the Chester Mendham Little League requesting a raffle license for a drawing to be held on April 7, 2018 at Double Day Park of Mendham, NJ; and

WHEREAS, the application form has been completed and reviewed by the Municipal Clerk.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Mendham, in the County of Morris that an on premise 50/50 Raffle License shall be issued to the Chester Mendham Little League for the purpose specified within the application.

IT IS FURTHER RESOLVED that this license is issued with the understanding that applicable State Statutes and Local Ordinances shall be complied with.

This Resolution shall take effect immediately.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 59-2018**

**A RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATION
RESERVES**

WHEREAS, there appears to be insufficient funds in the following 2017 reserve accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of that year: Police O/E and Fire O/E; and

WHEREAS, there appears to be a surplus in the following accounts (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of the Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund, or Interest and Debt Redemption Charges) over and above the demand deemed to be necessary for the balance of 2017: Police S/W and Emergency Management O/E;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A: 4-58, part of the Surplus in the accounts heretofore mentioned is hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as having insufficient funds; and

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized and directed to make the following transfer of appropriation reserves:

<u>FROM:</u>		<u>TO:</u>	
Police S/W	3,000.00	Police O/E	3,000.00
Emergency Mngt. O/E	2,000.00	Fire O/E	2,000.00

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 60-2018**

RESOLUTION TO AMEND THE TEMPORARY BUDGET

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

WHEREAS, an emergent condition has arisen with respect to a delay in the adoption of the official budget for 2018 and no adequate provision has been made in the 2018 temporary appropriations for expenditures for the month of April, and N.J.S. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2018 pursuant to the provision of Chapter 97, P.L. 1951 (N.J.S. 40A: 4-20) including this resolution total \$534,036.00;

NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all the members therefore affirmatively concurring) that in accordance with the provision of N.J.S.A. 40A: 4-20:

1. An emergency appropriation be and the same is hereby made for the 2018 temporary budget in the amount of \$534,036.00.
2. That said emergency temporary appropriations will be provided for in the 2018 budget.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

The following are the emergency temporary appropriations by account:

1. Administrative and Executive	
Salaries and Wages	11,000.00
Other Expenses	5,000.00
2. Financial Administration	
Salaries and Wages	7,000.00
Other Expenses	2,000.00
3. Tax Assessor	
Salaries and Wages	4,000.00
Other Expenses	2,000.00
4. Tax Collector	
Salaries and Wages	2,000.00
Other Expenses	1,000.00
5. Buildings and Grounds	
Other Expenses	8,000.00
6. Planning Board	
Other Expenses	1,000.00
6. Engineering	
Other Expenses	3,000.00
8. Board of Adjustment	
Other Expenses	1,000.00
9. Police	
Salaries and Wages	85,000.00

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 60-2018**

Other Expenses	7,000.00
10. Monitor Well Testing	
Other Expenses	2,000.00
11. Roads	
Salaries and Wages	45,000.00
Other Expenses	15,000.00
12. Board of Health	
Salaries and Wages	500.00
Other Expenses	2,000.00
13. Parks	
Other Expenses	8,000.00
14. Fire	
Other Expenses	5,000.00
15. Building Inspection	
Salaries and Wages	6,000.00
Other Expenses	2,000.00
16. Recycling	
Salaries and Wages	3,000.00
Other Expenses	22,000.00
17. Environmental	
Other Expenses	500.00
18. Animal Control	
Other Expenses	1,000.00
19. Recreation	
Salaries and Wages	2,000.00
Other Expenses	3,000.00
20. Street Lighting	
Other Expenses	3,000.00
21. Shade Tree	
Other Expenses	2,000.00
22. Legal Expenses	
Other Expenses	4,000.00
23. Library	
Other Expenses	18,000.00
24. Fire Hydrants	
Other Expenses	1,000.00
25. Contingent	
Other Expenses	300.00
26. Hospitalization	
Other Expenses	80,000.00

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 60-2018**

27. Workmen's Compensation		
Other Expenses		1,000.00
29. Other Insurance		
Other Expenses		1,000.00
30. Social Security		
Other Expenses		20,000.00
31. Long Term Disability		
Other Expenses		2,000.00
32. Mayor and Council		
Other Expenses		5,000.00
33. Municipal Clerk		
Salaries and Wages		9,000.00
34. Computerized Data Processing		
Other Expenses		5,000.00
35. Historic Preservation		
Other Expenses		500.00
36. Aid to Volunteer Ambulance Co.		
Other Expenses		3,736.00
37. Electricity		
Other Expenses		4,000.00
38. Telephone		
Other Expenses		5,000.00
39. Water		
Other Expenses		1,000.00
40. Natural Gas		
Other Expenses		4,000.00
41. Gasoline		
Other Expenses		20,000.00
42. Emergency Management		
Other Expenses		3,000.00
43. County Radio Contract		
Other Expenses		65,000.00
44. Fire Related Services		
Salaries and Wages		3,000.00
Other Expenses		1,500.00
45. Senior Transportation		
Other Expenses		3,000.00
46. Audit		10,000.00
46. Zoning		
Salaries and Wages		2,000.00
Other Expenses		1,000.00

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 60-2018**

Total 534,036.00

PERS Pension 158,883.00
PFRS Pension 337,836.00

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 61-2018**

RESOLUTION TO AMEND THE TEMPORARY SEWER UTILITY BUDGET

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

WHEREAS, an emergent condition has arisen with respect to a delay in the adoption of the official Sewer Utility Budget for 2018 and no adequate provision has been made in the 2018 temporary Sewer Utility appropriations for expenditures for the month of April, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2018 pursuant to the provision of Chapter 97, P.L. 1951 (N.J.S. 40A:4-20) including this resolution totals \$161,152.00,

NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all the members therefore affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency appropriation be and the same is hereby made for the 2018 Temporary Sewer Utility Budget in the amount of \$161,152.00.
2. That said emergency temporary appropriations will be provided for in the 2018 Sewer Utility Budget.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

The following are the emergency temporary appropriations by account:

Sewer Utility

Salaries and Wages	55,000.00
Other Expenses	99,152.00
Statutory Expenditures	<u>7,000.00</u>
	161,152.00

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 62 -2018**

RESOLUTION APPOINTING A SUBSTITUTE CROSSING GUARD

BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, and State of New Jersey, that the following appointment is made as follows:

<u>Class 3-PUBLIC SAFETY</u>	<u>SALARY</u>
Crossing Guard (Substitute)	
Sue Eagan-Corona	\$ 19.80/Hr.

BE IT FURTHER RESOLVED that this appointment is made with the understanding that there is a one-year probationary period from the effective date of employment.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 63-2018**

**A RESOLUTION AMENDING 52-2018 AUTHORIZING A REFUND OF
PROPERTY TAXES TO WELLS FARGO**

WHEREAS, overpayments were received for the 1st quarter of 2018 for regular property taxes on the following properties in Mendham Borough:

<u>Block/Lot</u>	<u>Property Location</u>	<u>Refund</u>	
BLOCK	LOT	ADDRESS	AMOUNT
1401	1	77 E Main St	2,520.82
2001	4	30 Hilltop Rd	3,000.00

WHEREAS, payments were received from property owners in 2017 as prepayment, resulting in overpayments when the mortgage company paid; and

WHEREAS, it has been determined that the overpayment should be refunded to the mortgage company; and

WHEREAS, the tax collector has requested that the overpayments be returned.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, that the Borough Treasurer issue a check in the amount listed above and to the parties listed below for refund of the property tax overpayment.

Wells Fargo
Real Estate Tax Service
4101 Wireman Blvd.
Bldg. 203, 2nd Floor
San Antonio, TX 78251

\$5,520.82

I hereby certify that the above amount is correct.

Karen L. Ferrone, Tax Collector

DATED: March 1, 2018

Neil J. Henry, Mayor

ATTEST

Mimi M. Marlor
Borough Clerk

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 64-2018**

**A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE
DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A
DEDICATED TRUST BY RIDER FOR SELF-INSURANCE PROGRAM TRUST
FUND PURSUANT TO N.J.S.A. 40A:10-1 et seq.**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimate in advance; and

WHEREAS, N.J.S.A. 40A:10-1 et seq., allows municipalities to appropriate and reserve amounts for costs incurred for a Dedicated Trust by Rider for a Self-Insurance Program Trust Fund; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Mendham, County of Morris, and State of New Jersey as follows:

1. The governing body of the Borough of Mendham hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for a Dedicated Trust by Rider for Self-Insurance Program Reserve Trust Fund Pursuant to N.J.S.A. 40A:10-1 et seq.
2. The Municipal Clerk of the Borough of Mendham is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 65-2018**

**A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE
DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A
DEDICATED TRUST BY RIDER FOR ACCUMULATED ABSENCES
LIABILITY TRUST FUND PURSUANT TO N.J.A.C 5:30-15**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimate in advance; and

WHEREAS, N.J.A.C 5:30-15., allows municipalities to appropriate and reserve amounts for costs incurred for a Dedicated Trust by Rider for an Accumulated Absences Liability Trust Fund; and

WHEREAS, N.J.A.C 5:30-15 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Mendham, County of Morris, and State of New Jersey as follows:

1. The governing body of the Borough of Mendham hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for a Dedicated Trust by Rider for Accumulated Absences Liability Reserve Trust Fund Pursuant to N.J.A.C 5:30-15.
2. The Municipal Clerk of the Borough of Mendham is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 66-2018**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,
PURSUANT TO N.J.S.A. 40A:11-6 RATIFYING THE AWARD OF AN
EMERGENCY CONTRACT WITHOUT COMPETITIVE BIDDING AS AN
EXCEPTION TO THE BIDDING STATUTES**

WHEREAS, an emergency has arisen at the Mendham Borough Sewer Plant wherein the main force main into the plant has failed and must be repaired immediately; and

WHEREAS, an apparent hydraulic restriction was recently discovered in the main force main at the Borough Sewer Plant which carries all sewage materials into the Sewer Plant; and

WHEREAS, this restriction creates an emergency situation as the main force main as no materials can be processed due to the blockage, creating an actual and imminent danger to public health, safety, welfare and sanitation; and

WHEREAS, the Sewer Plant Engineer has advised the Borough through the Chair of the Public Works/Utilities Committee that, as a matter of public health, safety and welfare, there is an emergent need to repair the main force main; and

WHEREAS, this blockage was not a reasonably foreseeable occurrence; and

WHEREAS, quotations will be sought from companies qualified to perform the emergency repairs to the main force main according to the Sewer Plant Engineer's specifications; and

WHEREAS, the contract will be awarded to the company that provides the most responsive and responsible quote for the immediate repair of the main force main and which meets the State of New Jersey contractual requirements to perform work in the Borough of Mendham; and

WHEREAS, the contract for emergency work shall be in an amount not exceed \$120,000; and

WHEREAS, the Chief Finance Officer has identified an appropriate capital ordinance in which adequate funds are available to certify and encumber the funds for said purchase.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mendham, County of Morris and State of New Jersey, that the Borough Sewer Plant Engineer and Borough Administrator are authorized to solicit quotations and award a contract without competitive bidding to a qualified company for the emergency repair of the main force main at the Mendham Borough Sewer Plant in an amount not to exceed \$120,000; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon final passage.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 15th day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 67-2018**

**A RESOLUTION PROVIDING FOR AN EXECUTIVE SESSION NOT OPEN TO THE
PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF 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 a closed session during a public meeting to discuss certain matters as follows:

(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 has determined that it is necessary to go into a 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 Borough Council of the Borough of Mendham that it will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the open public session:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 67-2018**

1. Matters of public protection – N.J.S.A 10:4-12b(6)

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

I, MIMI M. MARLOR, Borough Clerk of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Regular Meeting of the Borough of Mendham, held this 1st day of March, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

Roll Call
Aye: Andrews, Badal, Glassner, Sharkey, Witezak
Nay:
Abstain:
Absent: Andrus

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

ORDINANCE 03-2018

**AN ORDINANCE OF THE BOROUGH OF MENDHAM TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the governing body of the Borough of Mendham in the County of Morris finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 1.0% increase in the budget for said year, amounting to \$61,470.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Borough of Mendham, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Mendham shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$215,146.88, and that the CY 2018 municipal budget for the Borough of Mendham be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:

BOROUGH OF MENDHAM

Mimi M. Marlor, RMC, Borough Clerk

Neil J. Henry, Mayor

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

ORDINANCE 03-2018

CERTIFICATION

The foregoing ordinance was introduced at a regular meeting of the Borough of Mendham Mayor and Council held on the 15th day of March 2018 and will be considered for final passage and adoption at a meeting to be held on the 5th day of April, 2018 at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ at which time any person interested therein will be given an opportunity to be heard.

Mimi M. Marlor, RMC, Borough Clerk