

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 68-2018**

**RESOLUTION TO AUTHORIZE OFF PREMISE 50/50 RAFFLE FOR THE
PASTIME CLUB, INC.**

WHEREAS, application for an off premise 50/50 Raffle License has been filed on behalf of the Pastime Club, Inc., requesting a raffle license for a drawing to be held September 3, 2018 at the Mendham Borough Park, 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 off premise 50/50 Raffle License shall be issued to the Pastime Club, Inc. 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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 69-2018**

**RESOLUTION TO AUTHORIZE A WHEELS AND GAMES RAFFLE LICENSE
FOR THE PASTIME CLUB, INC.**

WHEREAS, application for a Wheels and Games Raffle License has been filed on behalf of the Pastime Club, Inc., requesting a raffle license for an event to be held August 31, 2018 through September 3, 2018 at the Mendham Borough Park, 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 a Wheels and Games Raffle License shall be issued to the Pastime Club, Inc. 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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**MENDHAM BOROUGH
MORRIS COUNTY, NEW JERSEY
RESOLUTION 70-2018**

**RESOLUTION OF THE BOROUGH OF MENDHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY, OPPOSING DEPARTMENT OF
AGRICULTURE BEEKEEPING REGULATIONS**

WHEREAS, the New Jersey Department of Agriculture has published new beekeeping regulations in the New Jersey Register which implement widespread revisions to the existing beekeeping laws; and

WHEREAS, at a time when municipalities and their citizens are trying to protect beekeeping, the proposed regulations reveal that the Department of Agriculture is working against the act of beekeeping; and

WHEREAS, the proposed regulations that restrict bee colony density by prohibiting new hives on residential lots of less than one-quarter of an acre, and placing a two-hive limit on one-quarter to five-acre residential lots, are the ones most opposed by local beekeepers; and

WHEREAS, the regulations also restrict hive location in that all hives must be located a minimum of 10 feet from any property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet away from any public place, including playgrounds, sports fields, schools, or churches, unless permission is granted for educational or research purposes; and

WHEREAS, the regulations require beekeepers to build a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is located parallel to the property line and extending 10 feet beyond the colony in each direction; and

WHEREAS, the regulations require beekeepers to provide all hives with access to "adequate sources of water" defined as a water source that can never be dry; that supplies at least one gallon per day per colony; and that is located no more than 25 feet from the hives and on the same property as the hives; and

WHEREAS, the hive limitations and other proposals, such as the requirement of a six-foot high barrier around hives that are too close to neighbors' properties and mandated participation in continuing education courses, may be the result of an overreaction by the Department of Agriculture to one bad beekeeper; and

WHEREAS, these new regulations ignore key best management practices for beekeeping and would be difficult for the vast majority of New Jersey municipalities to enforce; and

WHEREAS, if these new regulations are adopted, beekeepers in the Borough of Mendham will immediately be in violation of the new regulations; and

WHEREAS, the Borough agrees with the President of the New Jersey Beekeepers Association, who does not recommend the adoption of the proposed regulations for the following reasons: (1) the rationale behind these rules is poorly supported and seems to be based more on fear than on fact; (2) the proposed regulations create distinct problems and contain redundancies that are problematic; (3) the proposed rules will be difficult to fairly enforce and are largely inconsistent with honey bee biology; and (4) the proposed regulations will likely cause more harm than good to New Jersey's citizens.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, that the Borough wishes to go on record with the New Jersey Department of Agriculture that the Borough is opposed to the new beekeeping regulations which would have a detrimental effect on beekeeping in the Borough as well as throughout New Jersey, and the Borough urges the New Jersey State League of Municipalities to work toward creating legislation with straightforward regulations based on fact,

**MENDHAM BOROUGH
MORRIS COUNTY, NEW JERSEY
RESOLUTION 70-2018**

science, and best management beekeeping practices that will protect both beekeepers and non-beekeepers within the State of New Jersey; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and to all Morris County municipalities urging them to oppose the adoption of the new beekeeping regulations proposed by the New Jersey Department of Agriculture.

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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 71-2018**

**RESOLUTION RECOGNIZING MAXIMILLIAN K. SHEPARD'S
APPOINTMENT TO THE MENDHAM HOSE COMPANY #1 AS A JUNIOR
MEMBER**

WHEREAS, application for Junior Membership to the Mendham Independent Hook and Ladder Co., Inc. was made by Maximillian K. Shepard; and

WHEREAS, the application form has been accepted by the Chief and his officers for a six month probationary period; and

WHEREAS, upon completion of the probationary period the member will be reviewed and approved for regular membership.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Mendham, in the County of Morris that Maximillian K. Shepard be recognized for his appointment as a Junior Member of the Mendham Independent Hook and Ladder Co., Inc.; and

IT IS FURTHER RESOLVED that a copy of this resolution, executed by the Mayor and attested by the Registered Municipal Clerk be presented to Maximillian K. Shepard.

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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 72-2018**

**RESOLUTION AUTHORIZING A PRIVATE FIREWORKS DISPLAY AT
ROXITICUS GOLF CLUB**

WHEREAS, Celebration Fireworks, Inc. of Slatington, PA has made application to the Borough of Mendham under N.J.S.A. 21:3-1 et seq. to provide a private fireworks display at Roxiticus Golf Club, 179 Bliss Road, Mendham, NJ on Saturday, June 2, 2018 with a rain date of June 3, 2018; and

WHEREAS, Celebration Fireworks, Inc. has provided satisfactory documentation in accordance with this request to insure notification of the appropriate authorities; and

WHEREAS, Celebration Fireworks, Inc. has provided documentation to assure adherence to sound risk management principles as recommended by the Municipal Excess Liability including a Certificate of Insurance naming the Borough of Mendham as an additional insured; and

WHEREAS, the Borough of Mendham Bureau of Fire Safety has reviewed the above-mentioned application for a private fireworks display and certifies that all New Jersey Fire Code permits may be issued for said fireworks display subject to the final site inspection and approval by the Borough Fire Official; and

WHEREAS, the Borough Fire Official strictly prohibits any shell larger than 4 inch in diameter and fuel (gas) mines of any size.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Mendham, that authorization is hereby granted to the Roxiticus Golf Club to conduct a Fireworks Display on the night of June 2, 2018, with a rain date of June 3, 2018 subject to the following conditions:

1. The persons conducting the fireworks display and all other persons involved shall hold the Borough of Mendham harmless from any liability in connection with said display and shall execute and deliver to the Borough Clerk a Hold Harmless agreement in the form to be provided by the Borough.
2. Pursuant to N.J.S.A. 21:3-5, a certificate of insurance evidencing public liability insurance of not less than \$1,000,000/\$2,000,000 with a \$2,000,000 umbrella liability policy limit and listing the Borough of Mendham as a named insured shall be supplied to the Borough Clerk prior to issuance of this consent.
3. Approval from the Police Chief and the Fire Chief as to the location of the place for storing and displaying the fireworks is required.
4. Receipt and approval of the aforesaid certificate of insurance, approvals and Hold Harmless Agreement by the Borough Attorney is received.
5. Required to obtain a Fire Safety Permit for the Storage or Discharging of Fireworks from our Bureau of Fire Prevention as required by the Uniform Fire Code, N.J.A.C.5:70-2.7(a)5.iii.

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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST:

Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 73-2018**

**RESOLUTION OF THE BOROUGH OF MENDHAM
AUTHORIZING THE SETTLEMENT OF CERTAIN
TAX APPEALS**

WHEREAS, Resolution 73-2018 was adopted to authorize a settlement of the tax appeal litigation entitled 29 E Main Realty LLC v. Mendham Borough.

WHEREAS, this Resolution shall supersede that resolution of approval of the Council of the Borough of Mendham.

WHEREAS, an appeal of the 2017 real property tax assessment of the following property has been filed in the Tax Court of New Jersey; and

| PROPERTY OWNER | BLOCK | LOT | ADDRESS |
|-----------------------|--------------|------------|------------------|
| 29 E Main Realty LLC | 1501 | 13 | 29 E Main Street |

WHEREAS, the Tax Assessor is of the opinion that it is in the best interest of the Borough to settle these appeals.

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

1. The settlement of the following tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

| PROPERTY OWNER | YEAR | ORIGINAL ASSESSMENT | PROPOSED SETTLEMENT |
|-----------------------|-------------|----------------------------|----------------------------|
| 29 E Main Realty LLC | 2017 | \$1,900,000 | \$1,150,000 |

2. All municipal officials are hereby authorized to take whatever actions may

be necessary to implement the terms of this Resolution.

3. The Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this resolution.

4. 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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 74-2018**

**RESOLUTION AUTHORIZING THE CANCELLATION OF CAPITAL
IMPROVEMENT BALANCES**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, that the following unexpended and dedicated balances of General Capital Appropriations be cancelled:

| ORD # | DATED AUTHORIZED | PROJECT DESCRIPTION | AMOUNT CANCELLED | |
|-------|------------------|----------------------|------------------|----------|
| | | | Funded | Unfunded |
| | | | | |
| 03-11 | 06/06/11 | Various Improvements | 3,821.66 | |
| 10-12 | 10/01/12 | Various Improvements | 12,105.28 | |

A copy of this resolution shall be provided to the Borough's Chief Financial Officer for their information and guidance.

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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 75-2018**

**RESOLUTION TO AUTHORIZE ON PREMISE 50/50 RAFFLE FOR THE
FRIENDS OF THE SHELTER, INC.**

WHEREAS, application for an on premise 50/50 Raffle License has been filed on behalf of the Friends of the Shelter, Inc. requesting a raffle license for a drawing to be held on May 5, 2018 at the Roxiticus Golf Club, 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 Friends of the Shelter, Inc. 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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
RESOLUTION 76-2018**

**RESOLUTION TO AUTHORIZE ON PREMISE MERCHANDISE RAFFLE FOR
THE FRIENDS OF THE SHELTER, INC.**

WHEREAS, application for an on premise Merchandise Raffle License has been filed on behalf of the Friends of the Shelter, Inc. requesting a raffle license for a drawing to be held on May 5, 2018 at the Roxiticus Golf Club, 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 Merchandise Raffle License shall be issued to the Friends of the Shelter, Inc. 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 5th day of April, 2018.

Mimi M. Marlor, RMC, Borough Clerk

ATTEST: _____
Mimi M. Marlor, RMC

Neil J. Henry, Mayor

**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