

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

PROCLAMATION OF CONDOLENCE

REMEMBERING AND HONORING THE PUBLIC SERVICE LEGACY OF NEW JERSEY STATE SENATOR ANTHONY R. BUCCO

WHEREAS, the sudden passing of New Jersey State Senator Anthony R. Bucco is a profound loss to the Mendham Borough community, friends, colleagues, and all who knew him; and

WHEREAS, Senator Bucco was a lifelong resident in the Town of Boonton, Morris County and served on Boonton's Board of Alderman from 1978 through 1983 and went on to become Boonton's Mayor from 1984 through 1989; and

WHEREAS, from 1989 through 1992, Senator Bucco served the people of Morris County as a member of the Morris County Board of Chosen Freeholders, and further served on the steering committee of the Morris County Economic Development Commission; and

WHEREAS, in 1995, he was elected to the New Jersey Assembly and then in 1998, elected to the New Jersey State Senate representing over 215,000 constituents in the 25th Legislative District, including the people, families and businesses in Mendham Borough; and

WHEREAS, while in the New Jersey Senate, Senator Bucco introduced many bills on behalf of his constituents, including "Terry's Law" and the Safe Haven Protection Act, which were signed into law, and rose into many leadership positions in the State Senate, including at the time of his passing, as Chair of the Republican Conference.

WHEREAS, during his 40 years of public service, Senator Bucco was a true friend, passionate leader and forceful advocate for educational, social and economic opportunities for families and businesses alike throughout the state, the 25th Legislative District, and in our community.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham on behalf of all of citizens and businesses in the Mendham Borough community, that we express our heartfelt sympathy and condolences on the great loss of our departed friend, colleague and compassionate public servant Senator Anthony R. Bucco. He will be truly missed, and

BE IT FURTHER RESOLVED that this proclamation of condolence be offered to Senator Bucco's family as our community's expression of deepest sympathy.

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

PROCLAMATION OF CONDOLENCE

**REMEMBERING AND HONORING WILLIAM DEBUVITZ
FOR HIS YEARS OF VOLUNTEER SERVICE TO THE BOROUGH OF MENDHAM**

WHEREAS, the sudden passing of William Debuwitz, a Mendham Borough neighbor, friend, and colleague is a profound loss to our community; and

WHEREAS, William Debuwitz was admired for his willingness to lend a hand whenever needed and for fostering community pride; and

WHEREAS, William Debuwitz was a long-standing member of the Mendham Borough Open Space Advisory Committee and a member of the newly created Environmental, Open Space, Shade Tree Committee ("ECOOST") where he helped to plan and oversee the planting, maintenance and preservation of shade tree throughout the Borough; and

WHEREAS, William Debuwitz will be remembered for his positive outlook and for his years of devoted service to the Mendham community in helping to preserve its natural resources and to acquire valuable open space throughout the Borough for the enjoyment of present and future generations; and

WHEREAS, William Debuwitz had worked as a volunteer above and beyond the usual dedication of Borough volunteers. He will be truly missed.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that this proclamation of condolence be offered to William Debuwitz's family as our community's heartfelt expression of sympathy on the passing of our neighbor, friend, colleague and a devoted volunteer in our community and with grateful thanks for his contributions to our Mendham Borough.

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #137-2019

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM
APPOINTING A MUNICIPAL COURT JUDGE, PROSECUTOR AND PUBLIC DEFENDER TO
THE WASHINGTON TOWNSHIP AND MENDHAM BOROUGH SHARED MUNICIPAL COURT**

WHEREAS, the Borough of Mendham (the "Borough") has entered into a Shared Services Agreement for Municipal Court Services (the "Agreement") between the Borough and Washington Township (the "Township") for the sharing of facilities, personnel and resources by the Washington Township Municipal Court as authorized by N.J.S.A. 2B:12-1.C; and

WHEREAS, pursuant to the Agreement the Borough and the Township have agreed to initially appoint the same Municipal Court Judge, Public Defender and a Prosecutor and that the compensation of such personnel shall be included in the shared operating expenses as provided for in the Agreement; and

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, that the following appointments are hereby made:

Honorable Frank P. Leanza
Judge, Mendham Borough Municipal Court
Effective as of October 1, 2019 for a three year term.

Maryanne O'Donnell McCoy
Prosecutor, Mendham Borough Municipal Court
Effective as of October 1, 2019 for a one year term.

John P. Velez
Public Defender, Mendham Borough Municipal Court
Effective as of October 1, 2019 for a one year term.

BE IT FURTHER RESOLVED, 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: September 23, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #138-2019

**RESOLUTION APPROVING THE SANITARY SEWER CONNECTION APPLICATION OF
STUDIO FITNESS LLC DBA ORANGETHEORY FITNESS
REGARDING PROPERTY LOCATED AT 84 EAST MAIN STREET, BLOCK 801, LOT 20**

WHEREAS, Studio Fitness LLC dba Orangetheory Fitness has applied for sanitary sewer connection approval in connection with its application for a Change of Use to permit the occupancy of a fitness studio in space formerly occupied by a frame store, hair salon and fitness studio at property located at 84 East Main Street, Block 801, Lot 20; and

WHEREAS, the requested use of the space complies with the flow restrictions contained in the Borough Ordinance and thus will not result in an increase in the projected sewerage flow generated by the use of the subject property; and

WHEREAS, the Borough Engineer, Paul Ferriero, P.E. has reviewed the application and has recommended the approval of the connection; and

WHEREAS, based upon the information submitted by the applicant under date of September 5, 2019, the application meets the requirements of Chapter 168 of the Borough Code.

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 aforesaid application be approved, subject to the following conditions of approval: compliance with all applicable subsections of Chapter 168 of the Borough Code and Change of Use approval; and

BE IT FURTHER RESOLVED that the approval of the sanitary sewer connection application is based upon the representations made by the applicant as well as the information contained in the sanitary sewer connection application; and

BE IT FURTHER RESOLVED that the approval is conditioned upon all plumbing on the premises to comply with all existing provisions of the Plumbing Code.

BE IT FURTHER RESOLVED that prior to any occupancy of the facility for the proposed use, the applicant must contact the Borough Plumbing Official to schedule an inspection within sixty (60) days of the issuance of a Certificate of Occupancy to verify that the compliance fixtures are in place.

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

Dated: September 11, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #139-2019

RESOLUTION AUTHORIZING JAMES R. WANCHO, P.E. OF PAULUS, SOKOLOWSKI AND SARTOR, LLC TO PREPARE CONTRACT SPECIFICATIONS AND BID DOCUMENTS IN CONNECTION WITH PHASE I, CCTV INSPECTION PROGRAM, OF THE CAPITAL IMPROVEMENT PLAN FOR THE BOROUGH OF MENDHAM WATER RECLAMATION FACILITY

WHEREAS, by Resolution #27-2019 dated January 4, 2019, the Borough of Mendham awarded a professional services contract to James R. Wancho, P.E. with the firm of Paulus, Sokolowski, and Sartor, LLC ("PS&S") for consulting engineering services to the Water Reclamation Facility ("WRF") without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

WHEREAS, PS&S submitted a CAP Plan Report to the NJDEP identifying how flows will be reduced to alleviate the capacity concerns and further indicated in the CAP Plan Report that the Borough was in the planning stages of implementing a closed circuit television ("CCTV") inspection program to identify piping defects in the collection system that could be contributing excessive flow to the WRF; and

WHEREAS, in accordance with the Scope of Services proposal dated August 9, 2019 submitted by PS&S, and consistent with the requirements of the New Jersey Infrastructure Bank financing program, PS&S will prepare contract specifications and bid documents in connection with Phase I, CCTV Inspection Program, of the Capital Improvement Plan for the WRF

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that James R. Wancho, P.E. with the firm of Paulus, Sokolowski, and Sartor, LLC is hereby authorized to prepare contract specifications and bid documents in accordance with the Scope of Services proposal dated August 9, 2019, and consistent with the requirements of the New Jersey Infrastructure Bank financing program, for Phase I, CCTV Inspection Program, of the Capital Improvement Plan for the WRF; and

BE IT FURTHER RESOLVED that this Resolution shall be subject to the Chief Financial Officer certifying to the availability of funds; and

BE IT FURTHER RESOLVED, 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: September 23, 2019

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #140-2019

RESOLUTION AUTHORIZING THE PUBLIC SALE OF BOROUGH PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH GOVDEALS.COM PUBLIC ONLINE AUCTION

WHEREAS, the Borough of Mendham is the owner of certain property which is no longer needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes municipalities to sell public property that is no longer needed for public use at a public sale to the highest bidder as surplus property; and

WHEREAS, the Governing Body desires to sell the surplus property as referenced herein in "as is" condition without expressed or implied warranties.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham hereby authorize the sale of Borough property no longer needed for public use through GovDeals.com public online auction [State Contract A-70967/T2581]; and

BE IT FURTHER RESOLVED, that the public auction shall be conducted through GovDeals.com public online auction pursuant N.J.S.A. 40A:11-36 and Local Finance Notice 2008-9 of the New Jersey Department of Community Affairs, Division of Local Government Services, and in accordance with the terms and conditions of State Contract A-70967/T2581. (The terms and conditions of the agreement entered into with GovDeals is available online at www.govdeals.com and is also available in the Borough Clerk's office.); and

BE IT FURTHER RESOLVED, that the sale of surplus property to be sold in "as is" condition without expressed or implied warranties is as follows:

<u>ITEM</u>	<u>STARTING BID</u>
1998 Chevrolet S-10 Pickup Truck VIN #1GCCT14XXWK263451 Mileage 108,272	Starting Bid \$250
2004 Ford Crown Victoria VIN #2FAFP71W94X131426 Mileage 106,041	Starting Bid \$250
2002 61" Scag Riding Mower (For Parts Only) Turf Tiger STT61-A-27KA, Serial Number 7742328	Starting Bid \$50
Lot of 4 Bicycles Bridgestone (Man), Schwinn (Woman), Granite Peak (Man), Trek (Man)	Starting Bid \$20
Lot of 10 Vertical Filing Cabinets Various Colors and Sizes,	Starting Bid \$20
Lot of Police Patrol Car Lights, Sirens and Radio Equipment & parts	Starting Bid \$20

Lot of Various Office Electronics
Keyboards, Monitors, Mice, Calculators, Speakers,
Cassette Deck, Air Purifier, Hand Help Vacuum

Starting Bid \$20

Lot of 2 Brother Typewriters
Models SX-4000 and ML-300

Starting Bid \$10

Lot of 2 HP Printers and HP Toners

Starting Bid \$15

And,

BE IT FURTHER RESOLVED, that the Borough of Mendham reserves the right to accept or reject any bid submitted; and

BE IT FURTHER RESOLVED, that the successful bidder(s) shall be required to pay the full amount of the sale, execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property, and shall be required to make arrangements for the pick-up of sold property from the Borough of Mendham within 10 business days of the auction; and

BE IT FURTHER RESOLVED, the Borough Clerk shall publish a legal advertisement in the official newspapers informing the public as to the nature of items being sold and how to obtain more information on the sale as required by N.J.S.A. 40A:11-36; 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: September 23, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #141-2019

**RESOLUTION AUTHORIZING THE REFUND OF AN OVERPAYMENT OF PROPERTY TAX
17 PROSPECT STREET [BLOCK 1903, LOT 2]**

WHEREAS, an appeal of the years 2016, 2017, and 2018 real property tax assessment on the following property was filed in the Tax Court of New Jersey for property located at 17 Prospect Street [Block 1903, Lot 2]; and

WHEREAS, the Tax Court of New Jersey issued a judgment decreasing the assessed value of the referenced property for the years 2016, 2017, and 2018; and

WHEREAS, Judith O'Brien, Mendham Borough's Interim Tax Collector, has advised that a refund for the property tax overpayment is to be made as follows:

<u>BLOCK/LOT</u>	<u>OWNERS/PROPERTY</u>	<u>TAX YEAR</u>	<u>OVERPAYMENT AMOUNT</u>
1903 / 2	Claudia Sabine	2016 -	\$1,321.00
	17 Prospect Street	2017 -	\$1,363.00
	Mendham NJ 07945	<u>2018 -</u>	<u>\$1,382.00</u>
		TOTAL	\$4,066.00

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that they hereby authorize the Borough Tax Collector to process a refund for the overpayment of property taxes as herein referenced.

Dated: September 23, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #142-2019

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
WINCHESTER COMMUNICATION LLC FOR THE PURCHASE AND INSTALLATION OF
EQUIPMENT AND ACCESSORIES FOR TWO NEW POLICE VEHICLES**

WHEREAS, the Police Chief solicited proposals from qualified contractors for the purchase and installation of equipment and accessories for two new police vehicles; and

WHEREAS, three quotations were received and Winchester Communications LLC, 82 Oakdale Road, Chester, New Jersey submitted the lowest responsible quotation in the amount of \$19,825.00; and

WHEREAS, the value of this contract will exceed 15% of the bid threshold, but will be less than the bid threshold of \$40,000.00 and, therefore, may be awarded by soliciting competitive quotes without advertising for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Police Chief recommends that an award of the contract be made to Winchester Communications LLC; and

WHEREAS, the Chief Financial Officer has certified that funds are currently available for the purpose of awarding this contract.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they hereby authorize the award of the contract to Winchester Communications LLC in the amount of \$18,825.00 for the purchase and installation of equipment and accessories for two police vehicles in accordance with the specifications upon which quotations were received and accepted; and

BE IT FURTHER RESOLVED that subject to the provisions of the Pay-to-Play law, N.J.S.A. 19:44A-20.26, the Business Entity Disclosure Certification and Political Contribution Disclosure Form shall be placed on file with this resolution.

BE IT FURTHER RESOLVED, 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: September 23, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #143-2019

**RESOLUTION AUTHORIZING THE HIRING OF JUDITH BENVENUTI AS A
CLASS 3 – PUBLIC SAFETY CROSSING GUARD IN THE MENDHAM BOROUGH POLICE DEPARTMENT**

WHEREAS, the Mendham Borough Police Department has a need to hire a Class 3 – Public Safety Crossing Guard and has solicited applications from interested candidates; and

WHEREAS, after considering all interested and qualified candidates and upon conducting a background investigation the Police Chief recommends hiring Judith Benvenuti; and

WHEREAS, Judith Benvenuti has successfully completed all training as School Crossing Guard at the Morris County Public Safety Training Academy as a crossing guard.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they hereby authorize the hiring of Judith Benvenuti as a Class 3 - Public Safety Crossing Guard in the Mendham Borough Police Department at the hourly pay rate of \$21.01 and with an effective starting date as of September 24, 2019.

BE IT FURTHER RESOLVED, 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: September 23, 2019

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #144-2019

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$5,075,000 SEWER BONDS, OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, the Borough of Mendham, in the County of Morris (the "Local Unit"), New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project (the "Project"), as defined in each of that certain Loan Agreement (the "Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "Bank") and that certain Loan Agreement (the "Fund Loan Agreement" and, together with the Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Infrastructure Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Bank (the "Bank Loan") and the State (the "Fund Loan" and, together with the Bank Loan, the "Loans") pursuant to the Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Sewer Bond, Series 2020A, to the State (the "Fund Loan Bond") and Sewer Bond, Series 2020B, to the Bank (the "Bank Loan Bond" and, together with the Fund Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, the Local Unit Bonds have been authorized pursuant to a bond ordinance of the Local Unit adopted on September 23, 2019, entitled: "Bond ordinance providing for the improvement of the sewerage system in and by the Borough of Mendham, in the County of Morris, New Jersey, appropriating \$5,075,000 therefor and authorizing the issuance of \$5,075,000 bonds or notes of the Borough for financing part of such appropriation" (the "Bond Ordinance"); and

WHEREAS, the Bank and the State have expressed their desire to close in escrow the making of one or more Loans, the issuance of one or more Local Unit Bonds and the execution and delivery of one or more Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Bank, the State, the escrow agent named therein and the Local Unit; and

WHEREAS, N.J.S.A. §40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Bank Loan Bond and the Fund Loan Bond to the Bank and the State, respectively, without any public offering, and N.J.S.A. §58:11B-9(a) allows for the sale of the Bank Loan Bond to the Bank without any public offering, all under the terms and conditions set forth in the following resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Award of the Local Unit Bonds. In accordance with N.J.S.A. §40A:2-27(a) (2) of the Local Bond Law and N.J.S.A. §58:11B-9(a), the Local Unit hereby sells and awards its (a) Bank Loan Bond to the Bank in accordance with the provisions of this resolution and (b) Fund Loan Bond to the State in accordance with the provisions of this resolution.

Section 2. Basic Terms of the Local Unit Bonds; Delegation of Power to Make Certain Determinations. The chief financial officer of the Local Unit or the treasurer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Bank and the State under the Loan Agreements and the terms and conditions of this resolution, the following items with respect to the Bank Loan Bond and the Fund Loan Bond:

(a) The aggregate principal amount of the Bank Loan Bond to be issued and the aggregate principal amount of the Fund Loan Bond to be issued, which amounts in the aggregate shall not exceed \$5,075,000;

(b) The maturity or maturities and annual and semi-annual principal installments of the Local Unit Bonds, which maturity or maturities shall not exceed thirty (30) years from the date of the Local Unit Bonds;

(c) The date or dates of the Local Unit Bonds;

(d) The interest rates of the Local Unit Bonds, provided that the effective interest rate of the Bank Loan Bond does not exceed seven per centum (7%) and that the interest rate on the Fund Loan Bond is zero per centum (0%);

(e) The purchase price for the Local Unit Bonds;

(f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities; and

(g) Such other matters with respect to the Local Unit Bonds as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof including (1) adjusting the title of the Local Unit Bonds to reflect the issuance thereof in a calendar year other than 2020 and (2) issuing each Local Unit Bond in the form of multiple bonds from time to time if the project is funded in more than one installment by the Program and (3) combining the issuance of the Local Unit Bonds with the issuance of other bonds of the Local Unit authorized or to be authorized to be issued for other purposes.

Section 3. Determinations Conclusive. Any determination made by the Chief Financial Officer pursuant to the terms of this resolution shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) of this resolution.

Section 4. Further Terms of the Local Units Bonds. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

(a) The Fund Loan Bond shall be issued in a single denomination and shall be numbered RA-1, or as may otherwise be determined by the Chief Financial Officer. The Bank Loan Bond shall be issued in a single denomination and shall be numbered RB-1, or as may otherwise be determined by the Chief Financial Officer;

(b) The Local Unit Bonds shall be issued in fully registered form (convertible to bearer as therein provided) and shall (unless converted to bearer) be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America;

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, imprinted, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk or Deputy Local Unit Clerk (the "Local Unit Clerk"); and

(d) In order to distinguish the Local Unit Bonds from other bonds of the Local Unit, the Local Unit Bonds shall have such letters and/or numbers incorporated in their titles as shall be determined by the Chief Financial Officer.

Section 5. Forms of the Local Unit Bonds. The Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. Authorized Parties. The law firm of Hawkins Delafield & Wood LLP, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Bank and the State for the Program, to arrange for same. The Local Unit auditor and financial advisor, if any, are hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer, the Local Unit Administrator and the Local Unit Clerk (each, an "Authorized Official") are hereby severally authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. Report to the Local Unit. The Chief Financial Officer is hereby directed to report in writing to this Council at the next meeting of this Council next following the closing with respect to the Local Unit Bonds as to the terms of the Local Unit Bonds authorized to be determined by the Chief Financial Officer pursuant to and in accordance with the provisions of this resolution.

Section 8. Delivery of the Local Unit Bonds. Each Authorized Official is hereby authorized to execute any certificate or document necessary or desirable in connection with the sale of the Local Unit Bonds and is hereby further authorized to deliver same to the Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. Execution of Agreements. The Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by an Authorized Official (other than the Local Unit Clerk) in substantially the forms required and traditionally used by the Bank and the State (which forms are available from the Bank and the State), with such changes as such Authorized Official, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (the "Local Unit Consultants") and after further consultation with the Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants" and, together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by an Authorized Official (other than the Local Unit Clerk). The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Official and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 10. Authorized Actions. The Authorized Officials are hereby further severally authorized to (i) execute and deliver and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the Local Unit Bonds and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officials deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 11. Multiple Document Sets. Notwithstanding any other provision of this resolution to the contrary, if in connection with the participation of the Local Unit in the Program, the State and the Bank require that the Local Unit execute more than one set of documents, the provisions of this resolution shall be deemed to apply to the Local Unit Bonds and the Financing Documents related to each set of documents; provided, however, that in no event may the aggregate principal amount of all Local Unit Bonds issued and delivered pursuant to the provisions of this resolution be in excess of the amount referred to in Section 2(a) hereof.

Section 12. Interim Financing. In anticipation of the issuance of the Local Unit Bonds, the Local Unit hereby authorizes, if necessary or desirable, the issuance, sale and award of a bond anticipation note or notes, or other obligation or obligations (the "Note") pursuant to the Bank's Construction Loan Program. The Note shall be substantially in the form provided by the Bank. The execution and delivery of the Note shall be in the same manner as herein prescribed with respect to the Local Unit Bonds. An Authorized Official is hereby authorized to determine, pursuant to the terms and conditions established by the Bank under its Construction Loan Program and the terms and conditions of this resolution, the following items with respect to the Note: (a) the aggregate principal amount of the Note to be issued, which amount shall not exceed \$5,075,000; (b) notwithstanding any provisions of the Bond Ordinance or of N.J.S.A. 40A:2-8 to the contrary and as authorized by the provisions of N.J.S.A. 58:11B-9(e), the maturity of the Note, which shall be no later than three (3) years after the date of issuance thereof or such longer period of time as may be permitted under the rules of the Bank's Construction Loan Program; (c) the date of the Note; (d) the interest rate or rates of the Note (including different interest rates applicable to different drawdowns on the Note), which shall not exceed three percent (3%) per annum; (e) the purchase price for the Note; and (f) such other matters with respect to the Note as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof, including, without limitation (i) combining the issuance of the Note with the issuance of other notes of the Local Unit authorized or to be authorized to be issued for other purposes and (ii) issuing the Note in the form of multiple notes from time to time if the project is funded in more than one installment by the Bank. The Authorized Officials are hereby further severally authorized to manually execute and deliver and the Local Unit Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Note and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each

such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Section 13. Capitalized Terms. All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

Section 14. Prior Action. All action taken to date by the officers, employees and agents of the Local Unit with respect to the Local Unit Bonds and the Note hereby are approved, ratified, adopted and confirmed.

Section 15. Effective Date. This resolution shall take effect immediately.

Dated: September 23, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #145-2019

**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: Affordable Housing Update

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.