

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #02-2023

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,
AMENDING CHAPTER 35 OF THE BOROUGH CODE TO CLARIFY THE OPEN SPACE TRUST FUND
AND FUNDING REQUIREMENTS**

WHEREAS, the Finance Committee of the Borough of Mendham has reviewed, and recommended amending, § 35-7 of the Borough to clarify that the Open Space Trust Fund is an independent, dedicated trust fund that is not part of other Borough Funds, and is funded by a separate, dedicated Open Space tax levy; and

WHEREAS, the Mayor and Borough Council desire to adopt the Finance Committee's recommendation and amend the Borough Code.

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

SECTION 1. Chapter 35, Open Space, Recreation and Farmland, and Historic Preservation Committee, § 35-7, Funding, is hereby amended to read as follows:

§ 35-7 Funding.

- A. There is hereby established the "Open Space Trust Fund" (hereinafter the 'Trust Fund'). A separate bank account shall be opened and maintained for this purpose. Funds from the Trust Fund may, as directed by the Borough Council, be utilized to acquire vacant land, as well as land which has improvements upon it at the time of acquisition where the purpose of the acquisition is for recreation and conservation purposes, for farmland preservation or for historic preservation purposes. In the event that the Borough Council shall find it appropriate to apportion the cost of acquisition between land and improvements, it may do so and charge the Trust Fund for the approximate value that it deems appropriate relative to land and the Borough's capital account for the value that it determines shall be attributed to improvements. The Trust Fund may also, as directed by the Borough Council, be used for the development and/or maintenance of lands acquired for recreation or conservation purposes, for the historic preservation or acquisition of historic properties, structures, facilities, sites, areas or objects and/or for the payment of debt service on indebtedness issued or incurred by the borough for any of the above purposes except for the maintenance of lands acquired for recreation and conservation purposes.

- B. The Trust Fund shall be funded through the dedication to the fund of an amount not to exceed \$0.02 per \$100 of assessed valuation of each annual tax levy. The Trust Fund shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Trust Fund may be utilized for the acquisition of land or development rights in land or as a down payment for the issuance of bonds for the same purpose or for any other purpose established herein at the discretion of the Borough Council. Any and all interest accruing shall remain in the Trust Fund and may be utilized for the above-described purposes.

SECTION 2. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

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Introduced: March 27, 2023
Public Hearing: April 12, 2023
Adopted: April 12, 2023

ATTEST

BOROUGH OF MENDHAM

Carolynn Budd, Borough Clerk

Christine Serrano Glassner, Mayor

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Ordinance adopted by the Council of the Borough of Mendham at a duly noticed regular meeting held on April 12, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this ordinance.

Carolynn Budd, RMC, CMR
Borough Clerk

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #03-2023

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,
AMENDING CHAPTER 155, PROPERTY MAINTENANCE, TO REQUIRE LEAD PAINT TESTING
AS MANDATED BY P.L. 2021, C.182**

WHEREAS, N.J.S.A. 52:27D-437.1 established the Lead Hazard Control Assistance Act lead-based testing program for residential rental properties; and

WHEREAS, N.J.S.A. 52:27D-437.16 now requires all municipalities to inspect every single-family rental, two-family rental and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, the Mayor and Council of the Borough of Mendham have determined that it is in the best interest of the Borough to amend the Borough Code to require such inspections to conform with State law.

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. Chapter 155, Property Maintenance, of the Borough Code is hereby amended to establish Section 155-16, Inspections, Lead-Based Paint, to read as follows:

§ 155-16 Lead-Based Paint Inspections

- A. Definitions. The following term shall have the meanings indicated below pursuant to N.J.S.A. 52:27D-437.16 as may be amended and which is incorporated by reference.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

TENANT TURNOVER

the time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

B. Inspections by Borough.

The Construction Code Official shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough at tenant turnover for lead-based paint hazards or by July 22, 2024, whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification. The owner of any such rental dwelling shall not permit any tenant turnover without first complying with this section. The Borough shall charge the dwelling owner or landlord, and the dwelling owner or landlord shall pay the Borough in advance of any inspection, a fee as set forth in § 102-1 of the Borough Code, for each unit inspected to cover the cost of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this section.

C. Option for Owner/Landlord to Hire Lead Evaluation Contractor.

The dwelling owner or landlord may directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 155-16B, instead of the Borough conducting the inspection. In the event that a dwelling owner or landlord directly hires such a lead evaluation contractor, the term "Construction Code Official" shall also mean and include such lead evaluation contractor for purposes of this section, except for the purposes of § 155-16M.

D. Consultation with Local Health Board.

The Construction Code Official with the duty to inspect single-family, two-family, and multiple rental dwellings pursuant to this section may consult with the local health board, the New Jersey Department of Health, or the Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

E. Exceptions for Inspections.

Notwithstanding any language in § 155-16B to the contrary, a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- (1) has been certified to be free of lead-based paint;
- (2) was constructed during or after 1978;

- (3) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1, et seq.);
- (4) is a single-family or two-family seasonal rental dwelling that is rented for less than six months duration each year by tenants that do not have consecutive lease renewals;
or
- (5) has a valid lead-safe certification issued in accordance with this section.

F. Remediation.

If the Construction Code Official finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to § 155-16B, then the owner of the dwelling unit shall remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods, approved in accordance with the provisions of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1 et al.). Upon the remediation of the lead-based paint hazard, the Construction Code Official shall conduct an additional inspection of the unit to certify that the hazard no longer exists. The Construction Code Official shall charge an additional fee as set forth in § 102-1 of the Borough Code for such inspection.

G. Lead-Safe Certification.

If the Construction Code Official finds that no lead-based paint hazards exist in a dwelling unit upon conducting an inspection pursuant to § 155-16B, or following remediation of a lead-based paint hazard pursuant to § 155-16F, then the Construction Code Official shall certify the dwelling unit as lead-safe on a form prescribed by the Department of Community Affairs as provided for in regulations or guidance promulgated pursuant to N.J.S.A. 52:27D-437.20. The lead-safe certification provided to the property owner by Construction Code Official pursuant to this section shall be valid for two years.

H. Production of Lead-Safe Certification.

Beginning on July 22, 2024, property owners shall:

- (1) Provide evidence of a valid lead-safe certification obtained pursuant to this section as well as evidence of the most recent tenant turnover at the time of the cyclical inspection carried out under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A1, et seq.), unless not required to have had an inspection by the Construction Code Official pursuant to paragraph (1), (2), or (3) of § 155-16E;

- (2) Provide evidence of a valid lead-safe certification obtained pursuant to this section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by the Construction Code Official pursuant to paragraphs (1), (2), (3), and (4) of § 155-16E, and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease; and
- (3) Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants, if the inspection was conducted during a period of tenancy, unless not required to have had an inspection by the Construction Code Official pursuant to paragraphs (1), (2), (3), and (4) of § 155-16E.

I. Notification to Commissioner of Department of Community Affairs.

If the Construction Code Official finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this section, then the Construction Code Official shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D- 437.8).

J. Inspection of Two- or Three-Dwelling Units.

If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three-dwelling units, then the Construction Code Official shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The Construction Code Official may charge an additional fee as set forth in § 102-1 of the Borough Code each additional inspection.

K. Fees.

In addition to the fees charged for inspection of rental housing, the Borough shall assess an additional fee of \$20.00 per unit inspected by the Construction Code Official for the purposes of, and as required by the Lead Hazard Control Assistance Act (N.J.S.A.52:27D437.1, et seq., as may be amended from time to time) concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs already has assessed an additional inspection fee of \$20.00 pursuant to the provisions of N.J.S.A. 52:27D-437.10. In a common interest community, any inspection fee charged pursuant to this section shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit. The fees collected pursuant to this section shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to N.J.S.A. 52:27D-437.4, as required by law.

L. Inspections as a Result of Testing of Children of Six Years of Age or Younger.

- (1) If less than three percent (3%) of children tested in the Borough, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the New Jersey Department of Health pursuant to N.J.S.A. 26:2-137.6, or according to other data deemed appropriate by the commissioner (as such term is used in and for the purposes of N.J.S.A. 52:27D-437.16), then the Construction Code Official may inspect a dwelling located therein for lead-based paint hazards through visual assessment.
- (2) If at least three percent (3%) of children tested, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the New Jersey Department of Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or according to other data deemed appropriate by the commissioner, then the Construction Code Official shall inspect a dwelling located therein through dust wipe sampling.

M. Penalties.

The Borough and the Construction Code Official shall be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with N.J.S.A. 52:27D-437.16 or this section. If the Borough or the Construction Code Official determines that a property owner has failed to comply with a provision of N.J.S.A. 52:27D-437.16 et seq. or this section regarding a rental dwelling unit owned by the property owner, the property owner shall first be given thirty (30) days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 2. Chapter 102, Fees and Rates, § 102-1, Schedule of fees and rates, of the Borough Code is hereby amended to add the following language, which may be amended from time to time:

Chapter 155, Property Maintenance

§ 155-16B	Initial lead-based paint inspection	\$75
§ 155-16F	Post-remediation lead-based paint inspection	\$50
§ 155-16J	Lead-based paint inspection for each additional two- or three-dwelling unit	\$50

SECTION 3. Ordinances, resolutions, regulations or parts of ordinances, resolutions, and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

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Introduced: March 27, 2023
Public Hearing: April 12, 2023
Adopted: April 12, 2023

ATTEST

BOROUGH OF MENDHAM

Carolynn Budd, Borough Clerk

Christine Serrano Glassner, Mayor

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Ordinance adopted by the Council of the Borough of Mendham at a duly noticed regular meeting held on April 12, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this ordinance.

Carolynn Budd, RMC, CMR
Borough Clerk

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #04-2023

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK FOR CALENDAR YEAR 2023 (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 2023 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% increase in the budget for said year, amounting to \$75,160.94 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.

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 2023 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 \$263,063.29 and that the CY 2023 municipal budget for the Borough of Mendham be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any 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 recognizes that the cap bank established from the levy cap may also be utilized in any of the next three 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.

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Introduced: March 27, 2023
Public Hearing: April 12, 2023
Adopted: April 12, 2023

ATTEST

BOROUGH OF MENDHAM

Carolynn Budd, Borough Clerk

Christine Serrano Glassner, Mayor

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Ordinance adopted by the Council of the Borough of Mendham at a duly noticed regular meeting held on April 12, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this ordinance.

Carolynn Budd, RMC, CMR
Borough Clerk

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #05-2023

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN
IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND
APPROPRIATING \$1,171,790 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Borough of Mendham, New Jersey, and there is hereby appropriated therefor the sum of \$1,171,790, to the extent of \$90,336, from moneys available in the Current Fund of the Borough, to the extent of \$253,664, from the proceeds of a grant received from the American Rescue Plan of 2021, to the extent of \$279,410, from the proceeds of a grant received or expected to be received from the Morris County Historic Preservation Trust Fund, to the extent of \$348,565, from the proceeds of a grant received or expected to be received from the New Jersey Historic Trust, and, to the extent of \$199,815, from the proceeds of a grant received or expected to be received from the New Jersey Department of Transportation.

Section 2. The improvements hereby authorized and the several purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance are as follows:

- (a) the improvement of various roads and curbs in and by the Borough (\$254,000, to the extent of \$253,664, from the American Rescue Plan and to the extent of \$336 from funds available in the Current Fund);
- (b) the improvement of Phoenix Drive and Knollwood Drive in and by the Borough (\$280,815, to the extent of \$199,815, from the NJDOT grant and to the extent of \$90,000, from funds available in the Current Fund); and
- (c) the renovation of the Phoenix House by the structural improvements thereof (\$627,975, to the extent of \$279,410 from the Morris County Historical Preservation Trust Fund, and, to the extent of \$348,565, from the New Jersey Historic Trust), together with for all the aforesaid all paving, curbing, drainage improvements, milling, Belgium blocks, engineering, equipment, site work, structures, appurtenances, work, materials and other expenses necessary therefor or incidental thereto, all as shown on and in accordance with the plans

and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final passage as provided by law.

#

Introduced: March 27, 2023
Public Hearing: April 12, 2023
Adopted: April 12, 2023

ATTEST

BOROUGH OF MENDHAM

Carolynn Budd, Borough Clerk

Christine Serrano Glassner, Mayor

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Ordinance adopted by the Council of the Borough of Mendham at a duly noticed regular meeting held on April 12, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this ordinance.

Carolynn Budd, RMC, CMR
Borough Clerk

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #06-2023

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SANITARY SEWERAGE SYSTEM IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$165,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Borough of Mendham, New Jersey, and there is hereby appropriated therefor the sum of \$165,000 from moneys available in the Sewer Capital Improvement Fund of the Borough.

Section 2. The improvements hereby authorized and the purposes for which said appropriation is made are as follows:

- (a) the upgrade of the Franklin Street Pump Station (\$100,000); and
- (b) the acquisition of new and additional equipment, including a bobcat brush attachment (\$40,000), and confined space entry equipment (\$25,000), and together with all studies, designs, surveys, equipment, appurtenances, attachments, work, materials, and other expenses necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final passage as provided by law.

#

Introduced: March 27, 2023
Public Hearing: April 12, 2023
Adopted: April 12, 2023

ATTEST

BOROUGH OF MENDHAM

Carolynn Budd, Borough Clerk

Christine Serrano Glassner, Mayor

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Ordinance adopted by the Council of the Borough of Mendham at a duly noticed regular meeting held on April 12, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this ordinance.

Carolynn Budd, RMC, CMR
Borough Clerk

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #07-2023

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE TRUCK BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$1,020,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

BE IT ORDAINED 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. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Mendham, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,020,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$100,000 as the down payment for said improvement or purpose required by law and now available in the Current Fund of the Borough for down payment or for capital improvement purposes and including also \$70,000 from Fire Truck Reserve of the Borough.

Section 2. For the financing of said improvement or purpose, including for the purpose of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$1,020,000 appropriation not provided for by application hereunder of said down payment and Fire Truck Reserve, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$850,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$850,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition by purchase of new and additional firefighting equipment for the preservation of life and property in the Borough, consisting of one (1) rescue and pumper truck for use by the Fire Department of the Borough, including all equipment, appurtenances, accessories and attachments necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

- (b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$850,000.
- (c) The estimated cost of said purpose is \$1,020,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$100,000 down payment for said purpose and the said \$70,000 from Fire Truck Reserve of the Borough.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$850,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer") provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such

determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after.

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Introduced: March 27, 2023
Public Hearing: April 12, 2023
Adopted: April 12, 2023

ATTEST

BOROUGH OF MENDHAM

Carolynn Budd, Borough Clerk

Christine Serrano Glassner, Mayor

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Ordinance adopted by the Council of the Borough of Mendham at a duly noticed regular meeting held on April 12, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this ordinance.

Carolynn Budd, RMC, CMR
Borough Clerk

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #08-2023

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,
AMENDING CHAPTER 102 OF THE BOROUGH CODE TO AMEND CERTAIN SEWER AND RENTAL
CERTIFICATE OF HABITABILITY FEES**

WHEREAS, there is a need by the Borough of Mendham to amend certain fees in the Borough Code, consisting of the Sewer Connection Fee and Rental Certificate of Habitability Fees; and

WHEREAS, N.J.S.A. 40A:26A-11 mandated the Borough's Sewer Connection Fee to be calculated annually; and

WHEREAS, the 2023 Sewer Connection Fee calculation has been completed by Nisivoccia LLP as required by N.J.S.A. 40:26A-11; and

WHEREAS, the Finance Committee and Water Reclamation Department Acting Superintendent have reviewed the 2023 Sewer Service Connection Fee and find it acceptable; and

WHEREAS, the prior 2022 Sewer Connection Fee was \$10,775.00 per EDU; and

WHEREAS, the 2023 Sewer Connection Fee shall be \$10,810.00 per EDU; and

WHEREAS, the administrative cost to process an Initial or Renewal of a Rental Certificate of Habitability is the same; and

WHEREAS, the current Renewal of a Rental Certificate of Habitability fee is \$75.00; and

WHEREAS, the 2023 Renewal of Rental Certificate of Habitability fee shall be \$150.00, the same as an Initial Rental Certificate of Habitability; and

WHEREAS, accordingly, the Borough Council wishes to amend Chapter 102, Fees and Rate of the Borough Code to incorporate these changes.

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

SECTION 1. Chapter 102, Fees and Rates, § 102-1, Schedule of fees and rates, § 168-54, Sewer system connection fees, of the Borough Code is hereby repealed and replaced with the following language:

Chapter/Section	Service	Fee
§ 168-54	Sewage System, Service Connection - Residential/commercial/multi-family	\$10,810.00 per EDU (N.J.S.A. 40A:26A-11)

SECTION 2. Chapter 102, Fees and Rates, § 102-1, Schedule of fees and rates, is hereby amended to add the following language:

Chapter/Section	Service	Fee
§ 161-4	Rental Dwelling Units, Registration Certificate, Rental Habitability Registration	\$150.00 per unit per year

SECTION 2. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

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Introduced: March 27, 2023
 Public Hearing: April 12, 2023
 Adopted: April 12, 2023

ATTEST

BOROUGH OF MENDHAM

 Carolynn Budd, Borough Clerk

 Christine Serrano Glassner, Mayor

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Ordinance adopted by the Council of the Borough of Mendham at a duly noticed regular meeting held on April 12, 2023, after a public hearing was held and all interested persons were given an opportunity to be heard on this ordinance.

 Carolynn Budd, RMC, CMR
 Borough Clerk