

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

PROCLAMATION

**HONORING ROBERT WEBSTER WILLETT FOR HIS EXTRAORDINARY DEDICATION
AND YEARS OF SERVICE TO THE MENDHAM BOROUGH COMMUNITY**

WHEREAS, Robert (Bob) Webster Willett and his wife, Marilyn, have been residents of Mendham Borough for the past 47 years, raising their three children, David, Robbie and Debbie here and educating them through the Mendham Borough schools; and

WHEREAS, Bob served as a former President to the Pastime Club President, one of Mendham's oldest groups having a rich history of community service, and

WHEREAS, he volunteered many years as a coach to many of our community's youth sports teams; and

WHEREAS, Bob Willett served on the Juvenile Conference Committee for Mendham Borough for 36 years, steering our children and young adults away from crime and the court system and on to lives of fulfillment and prosperity; and

WHEREAS, Bob further served the Mendham Area Senior Housing (MASH) community as a driver for 12 years, safely shuttling our seniors on thousands of trips to and from medical appointments, shopping visits and other needed destinations, which helped them live independent life-styles; and

WHEREAS, Bob Willett has impacted the lives of so many Mendham Borough residents, young and old alike, in such a positive way through his extraordinary dedication and years of service to our community.

THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Borough of Mendham, on behalf of our citizens and business community, that we express our sincere appreciation and gratitude to Robert (Bob) Webster Willett for his extraordinary dedication and years of service to the Mendham Borough community and hereby proclaim Tuesday, November 26, 2019 to be "Robert Willett Day" in the Borough of Mendham and wish him and his family good health and prosperity in all their future endeavors.

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #163-2019

**A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT
WITHOUT COMPETITIVE BIDDING TO PAULUS, SOKOLOWSKI AND SARTOR, LLC
FOR ENGINEERING SERVICES IN CONNECTION WITH THE RENEWAL OF
THE NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**

WHEREAS, the Borough of Mendham (the "Borough") requires professional engineering services in connection with the renewal of the New Jersey Pollutant Discharge Elimination System permit; and

WHEREAS, the Borough desires to retain the services of Paulus, Sokolowski and Sartor, LLC to provide these services, in accordance with its proposal dated November 13, 2019; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection.

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

1. The Borough hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Paulus, Sokolowski and Sartor, LLC to provide professional engineering services in connection with the renewal of the New Jersey Pollutant Discharge Elimination System permit, at a cost not to exceed \$13,500.00, in accordance with its proposal dated November 13, 2019.
2. The contract is awarded without competitive bidding as a professional services contract in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$13,500.00 without the prior written approval of the Borough Council.
4. Notice of this action shall be published once in the Borough's official newspaper as required by law.

Dated: November 25, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #164-2019

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT
WITHOUT COMPETITIVE BIDDING TO PAULUS, SOKOLOWSKI AND SARTOR, LLC
FOR CAPITAL/WRF IMPROVEMENTS PHASE 1**

WHEREAS, the Borough of Mendham ("Borough") requires professional engineering services in connection with the Capital/WRF Improvements Phase 1; and

WHEREAS, the Borough desires to retain the services of Paulus, Sokolowski and Sartor, LLC to provide these services, in accordance with its proposal dated November 14, 2019; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection.

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

1. The Borough hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Paulus, Sokolowski and Sartor, LLC to provide professional engineering services in connection with Capital/WRF Improvements Phase 1, at a cost not to exceed \$75,500.00, in accordance with its proposal dated November 14, 2019.
2. The contract is awarded without competitive bidding as a professional services contract in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$75,500.00 without the prior written approval of the Borough Council.
4. Notice of this action shall be published once in the Borough's official newspaper as required by law.

Dated: November 25, 2019

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #165-2019

RESOLUTION AUTHORIZING ACCESS TO WESTFIELD PARK FOR THE CONSTRUCTION OF A PAVILION, ACCEPTANCE OF A PAVILION DONATION, AND THE RENAMING OF WESTFIELD PARK, ALL CONDITIONED UPON THE SATISFACTION OF CERTAIN REQUIREMENTS OF THE BOROUGH

WHEREAS, John Botti, a longtime resident of the Borough of Mendham, has generously offered to construct and donate to the Borough, at his sole expense, a pavilion at Westfield Park (the "Project"); and

WHEREAS, the Borough Engineer has reviewed the architectural plans for the Project and found the Project and the proposed location of the pavilion to be acceptable, but recommends that the plans be submitted for additional review by the Borough of Mendham Historic Preservation Commission and the Mayor and Council; and

WHEREAS, the Morris County Soil Conservation District has approved the site plan for the Project; and

WHEREAS, to Project requires authorization from the Borough for Mr. Botti and his construction crew to access Westfield Park during the construction of the pavilion, which approval is conditioned upon submittal of a certification of insurance to the Borough and the issuance of all appropriate construction permits; and

WHEREAS, the completed Project will require formal acceptance of the donated pavilion by the Borough, which acceptance is conditioned upon a satisfactory final inspection by the Borough's Construction Official and the Borough Engineer; and

WHEREAS, to thank Mr. Botti for his generous donation, the Borough wishes to rename "Westfield Park" to "Botti Park"; and

WHEREAS, the Mayor and Borough Council find that it is in the best interest of the Borough to accept the generous donation to the Borough and to rename Westfield Park.

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

1. The Mayor and Borough Council hereby authorize John Botti and his construction crew to access Westfield Park for the purpose of constructing a pavilion in accordance with the architectural plans reviewed by the Borough Engineer.
2. The pavilion shall be constructed in strict accordance with the architectural plans and site plan approved by the Borough Engineer and Morris County Soil Conservation District, subject to review by the Borough of Mendham Historic Preservation Commission and the Mayor and Borough Council, and subject to applicable permits, approvals and inspections.
3. Upon satisfaction of the construction, approvals and inspections enumerated above, the Mayor and Borough Council hereby authorize and accept with gratitude the donation of the completed pavilion from Mr. Botti.
4. Upon acceptance of the donated pavilion, the Mayor and Borough Council hereby rename "Westfield Park" to "Botti Park."

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #166-2019

RESOLUTION AUTHORIZING EXECUTION OF A 2020-2026 AGREEMENT AND SIDEBAR AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND PBA LOCAL 384

WHEREAS, the current collective negotiation agreement between the Borough of Mendham (the "Borough") and the Mendham Borough PBA Local 384 ("PBA Local 384") will expire on December 31, 2019; and

WHEREAS, the Borough and PBA Local 384 have negotiated a new Agreement for January 1, 2020 to December 31, 2026, and a Sidebar Agreement (collectively "the Agreements"); and

WHEREAS, the Mayor and Council of the Borough of Mendham have reviewed the Agreements; and

WHEREAS, PBA Local 384 has ratified the Agreements

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

1. The Agreement for January 1, 2020 to December 31, 2026 and Sidebar Agreement, as ratified by PBA Local 384, are hereby approved.
2. The Mayor and Clerk are hereby authorized to directed to execute same.
3. This Resolution and the Agreements shall be available for public inspection in the Office of the Borough Clerk.

Dated: November 25, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #167-2019

**RESOLUTION AUTHORIZING THE CANCELLATION OF AN UNEXPENDED BUDGET
APPROPRIATION BALANCE IN THE 2019 GENERAL OPERATING BUDGET**

WHEREAS, under the provisions of N.J.S.A. 40A:4-60, any unexpended balance of an appropriation may, by resolution of the governing body, be canceled prior to the end of the fiscal year by setting forth the title of the appropriation and the amount to be canceled and at the end of the next succeeding fiscal year, all remaining unexpended balances shall forthwith lapse, and no disbursement shall thereafter be made therefrom, except to cover specific contracts or agreements in existence at the close of such succeeding fiscal year; and

WHEREAS, the Chief Financial Officer has confirmed that the appropriation for Salary Adjustments in the 2019 General Operating Budget in the amount of \$100,000.00 remains unexpended and can no longer be utilized; and

WHEREAS, the governing body desires to formally cancel the appropriation for Salary Adjustments in the amount of \$100,000.00 balance so that the unexpended balance may be credited to the Surplus/Current Fund account in the 2019 General Operating Budget.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that the unexpended appropriation for Salary Adjustments in the 2019 General Operating Budget in the amount of \$100,000.00 is no longer needed and the unexpended balance shall be cancelled; and

BE IT FURTHER RESOLVED that the appropriation balance shall be credited to the Surplus/Current Fund account in the 2019 General Operating Budget and the 2019 General Operating Budget of the Borough amended to conform with the provisions of this resolution; and

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward an electronic certified copy of this resolution to the Office of the Director of Local Government Services as provided by law; and

BE IT FURTHER RESOLVED that the amended 2019 General Operating Budget as herein amended shall be on file with the Borough Clerk and available for public inspection.

Dated: November 25, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #168-2019

**RESOLUTION INSERTING AN ITEM OF REVENUE IN THE 2019 BUDGET
[STATE OF NEW JERSEY CLEAN COMMUNITIES GRANT]**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (the "Director") may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item or appropriation for an equal amount.

THEREFORE, BE IT RESOLVED that the Council of the Borough of Mendham hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the adopted 2019 Municipal Budget in the sum of \$2,997.79 which is now available as revenue from a grant received from the State of New Jersey Clean Communities Grant program; and

BE IT FURTHER RESOLVED that the sum of \$2,997.79 be made and the same is hereby appropriated in the budget account under the caption "Operations-Excluded from "CAPS" – Public and Private Programs Offset by Revenues – State of New Jersey Clean Communities"; and

BE IT FURTHER RESOLVED that the insertion of the item of revenue is the result of monies being provided to the municipality pursuant to N.J.S.A. 40A:4-87; and

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward an electronic certified copy of this resolution to the Office of the Director of Local Government Services as required by law.

Dated: November 25, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #169-2019

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR
PROPERTY LOCATED AT 39 WEST MAIN STREET, BLOCK 301, LOT 78**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that both the title company, Title Masters LLC, and the prior mortgage lender, Wells Fargo, had both made the 4th quarter property tax payment for property located at 39 West Main Street, Block 301, Lot 78 resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed that Title Masters LLC paid the 4th quarter property taxes in the amount of \$2,695.88 as part of the refinance closing and that Wells Fargo paid the 4th quarter property taxes in the amount of \$2,695.88 in a bulk payment along with many other property tax payments on November 4, 2019 causing the duplicate payment and;

WHEREAS, the Interim Tax Collector further confirmed that the title company had requested in writing that the duplicate payment for the 4th quarter property should be refunded to the property owner Mile and Lauren Shofe.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the Chief Financial Officer is hereby authorized to process a property tax refund in the amount of \$2,695.88, made payable the property owner Mile and Lauren Shofe, 39 West Main Street, Block 301, Lot 78.

Dated: November 25, 2019

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #170-2019

**RESOLUTION AUTHORIZING THE PAYMENT OF A STIPEND IN THE AMOUNT OF \$3,500
TO THE BOROUGH'S OFFICE OF EMERGENCY MANAGEMENT COORDINATOR
FOR CALENDAR YEAR 2019**

WHEREAS, on January 4, 2019, Gary Lynch was appointed as the Mendham Borough's Office of Emergency Management Coordinator ("OEM Coordinator") to fill the unexpired term of January 1, 2017 to December 31, 2019 created by the resignation of the former OEM Coordinator effective as of January 3, 2019; and

WHEREAS, in connection with serving as Mendham Borough's OEM Coordinator, the Borough wishes to provide Mr. Lynch with a stipend in the amount of \$3,500.00 for calendar year 2019.

THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham that it does hereby authorize the payment of a stipend in the amount of \$3,500.00 to Gary Lynch for serving in the position of Office of Emergency Management Coordinator for calendar year 2019.

Dated: November 25, 2019

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #171-2019

**RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING
WITH MTL REALTY HOLDINGS LLC IN CONNECTION WITH THE PROPERTY
LOCATED AT 16 EAST MAIN STREET (BLOCK 601, LOT 7)**

WHEREAS, by way of a Resolution adopted on November 12, 2019, the Mendham Borough Planning Board approved an application by MTL Realty Holdings, LLC (the "Developer") to construct a building addition and detached garage at 16 East Main Street, which property is designated as Block 601, Lot 7 on the Borough's Official Tax Map; and

WHEREAS, to accommodate the new egress driveway location, the Developer has requested minor changes to the adjoining Borough parking lot; and

WHEREAS, the Borough of Mendham and the Developer have agreed to the essential terms and conditions of the changes and wish to memorialize same in the Memorandum of Agreement attached hereto and made a part of this resolution.

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

1. The Memorandum of Agreement attached hereto, is hereby approved.
2. The Mayor and Clerk are hereby authorized and directed to execute same.
3. This Resolution and Memorandum of Agreement shall be available for public inspection in the Office of the Borough Clerk.

Dated: November 25, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #172-2019

**RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT
WITH THE MENDHAM COOPERATIVE NURSERY SCHOOL**

WHEREAS, the Borough of Mendham (the "Borough") and the Mendham Cooperative Nursery School mutually desire to renew the Lease Agreement for premises designated as a portion of Block 601, Lot 16 on the official tax map of the Borough of Mendham and commonly known as 8 Orchard Street (the "Leased Premises") for the operation of a child care center and other community activities approved by the Borough; and

WHEREAS, the lease period shall be for a term of five (5) years to commence on July 15, 2019 and end on July 14, 2024 and shall be in accordance with all terms and conditions provided in the Lease Agreement approved by the Borough Attorney.

BE IT RESOLVED, by the Council of the Borough of Mendham in the County of Morris and the State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute a Lease Agreement with Mendham Cooperative Nursery School for premises designated as a portion of Block 601, Lot 16 commonly known as 8 Orchard Street for a five (5) year lease period to commence on July 15, 2019 and end on July 14, 2024; and

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

Dated: November 25, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #173-2019

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER TO COMPLY WITH THE MOUNT LAUREL DOCTRINE AND THE FAIR HOUSING ACT OF 1985 FOR THE PRIOR ROUND OF 1987 THROUGH 1999 AND THE THIRD ROUND OF 1999 THROUGH 2025

WHEREAS, the Borough of Mendham (“Borough”) filed a Complaint on or about July 2, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1987, N.J.S.A. 52:27D-301 et seq., in accordance with In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015), and bearing Docket No. MRS-L-1637-15; and

WHEREAS, the Borough was granted immunity by the Court, which has been extended and remains in full force; and

WHEREAS, after negotiations with Fair Share Housing Center (“FSHC”), which has been granted Intervenor status in this matter, the Borough and FSHC have agreed to settle the litigation and present the settlement for review and approval by the Court; and

WHEREAS, the Borough Planner and Borough Attorney have recommended that the Governing Body consider the settlement agreement, attached hereto, which would bring the litigation to a close with an Order from the Court concluding that the Borough is in compliance with its Affordable Housing obligation through July 1, 2025.

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

1. The Mayor is hereby authorized and directed to execute the attached settlement agreement with Fair Share Housing Center, which will provide the Borough with Third Round Substantive Certification, including its immunity protections, through July 1, 2025.
2. A copy of the settlement agreement is on file in the Office of the Borough Clerk.
3. This Resolution shall take effect immediately upon its passage.

Dated: November 25, 2019

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #174-2019

**RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT
WITH V-FEE REALTY INVESTMENTS LLC TO COMPLY WITH THE MOUNT LAUREL DOCTRINE
AND THE FAIR HOUSING ACT OF 1985 FOR THE PRIOR ROUND OF 1987 THROUGH 1999
AND THE THIRD ROUND OF 1999 THROUGH 2025**

WHEREAS, the Borough of Mendham (“Borough”) filed a Complaint on or about July 2, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1987, N.J.S.A. 52:27D-301 et seq., in accordance with In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015), and bearing Docket No. MRS-L-1637-15; and

WHEREAS, the Borough seeks compliance with the Fair Housing Act in order to retain the right to make local zoning decisions regarding the future planning and character of the Borough; and

WHEREAS, the Court retained a Special Master, Dr. Richard Redding, who identified a fair share housing obligation for the Borough and all other municipalities throughout the State seeking such compliance with the Mount Laurel doctrine; and

WHEREAS, recognizing this obligation, the Borough has worked with certain landowners to satisfy its affordable housing obligation for the Third Round of 1999 through 2025.

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

1. The Borough hereby authorizes the attached settlement agreement with V-Fee Realty Investments, LLC (“V-Fee Realty”) with respect to the property designated as Block 801, Lot 20 (“the Property”) on the Borough’s official Tax Map, more commonly referred to as 84-88 East Main Street, which consists of approximately 13.65 acres, to designate the property as an affordable housing site with certain obligations of the Borough and V-Free Realty for development of the Property in accordance with the terms of the settlement agreement. The Property has been occupied by a shopping center and health and racquet club.
2. Fair Share Housing Center (“FSHC”) is an interested party in each one of the ongoing affordable housing cases throughout the State of New Jersey by way of an Order from the New Jersey Supreme Court. In accordance with the agreement reached between the Borough and FSHC, which is on file with the Borough Clerk, in the event the Borough were to include the aforementioned settlement as part of its Third Round plan, FSHC would agree to endorse the Borough’s Third Round plan, recognizing an adjustment to Dr. Redding’s Third Round obligation for the Borough.
3. The settlement is conditioned upon Court approval and does not constitute formal approval by the Borough of an application to develop of the property. However, it does provide for a concept for the property to be designated as an affordable housing site. The settlement also provides for the establishment of overlay zoning meet the Borough’s “unmet need” requirements that cannot otherwise be fulfilled.

4. The Mayor is hereby authorized and directed to execute the aforementioned settlement agreement subject to non-substantial changes that would be consistent with the Borough's affordable housing obligation.
5. This settlement agreement, if approved, does not in any way represent approvals for development of the Project, but does obligate the Borough to endorse the Project as a part of the Third Round affordable housing plan, which if approved by the Court, shall provide the Borough with immunity from builder's remedy challenges through July 1, 2025.
6. A copy of the settlement agreement is on file in the Office of the Borough Clerk.
7. This Resolution shall take effect immediately upon its passage.

Dated: November 25, 2019