

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #109-2021

**RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND STATE OF
NEW JERSEY, PROMOTING PATROLMAN LEE BARNES TO THE RANK OF SERGEANT
WITH THE MENDHAM BOROUGH POLICE DEPARTMENT**

WHEREAS, there exists a Sergeant position vacancy within the Mendham Borough Police Department; and

WHEREAS, on September 11, 2019, the Mayor and Council adopted Resolution #133-2019, which authorized written and oral examinations for the title of Sergeant pursuant to Chapter 38, Section 20 of the Borough Code; and

WHEREAS, the testing was held, with the Mendham Borough Chief of Police certifying the results of same; and

WHEREAS, the Chief of Police has recommended the promotion of Patrolman Lee Barnes to the rank of Sergeant within the Borough Police Department; and

WHEREAS, the Chief Financial Officer of the Borough of Mendham has certified that there are sufficient funds available for this position in the municipal budget; and

WHEREAS, in accordance with the promotional policy codified in the Borough Code under Chapter 38, Section 20, the Mayor and Council find that Patrolman Lee Barnes is qualified for promotion to the rank of Sergeant with the Mendham Borough Police Department.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, that Patrolman Lee Barnes is hereby promoted to the rank of Sergeant with the Borough of Mendham Police Department at the pay scale in accordance with the Bargaining Agreement in effect, to be pro-rated for this calendar year, and in accordance with the Rules and Regulations of the Borough of Mendham Police Department.

This Resolution shall take effect immediately.

Dated: July 26, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #106-2021

**RESOLUTION AWARDING A CONTRACT TO DUTCHMAN CONTRACTING, LLC
FOR THE CONSTRUCTION OF A DEPARTMENT OF PUBLIC WORKS VEHICLE STORAGE GARAGE**

WHEREAS, the Borough of Mendham solicited bids for the construction of a Department of Public Works vehicle storage garage; and

WHEREAS, four (4) sealed bids were received and opened on June 16, 2021, in accordance with the advertised date for acceptance of bids; and

WHEREAS, the Borough Engineer has reviewed the bids for technical compliance with the bid specifications and determined that the lowest apparent bid is from Dutchman Contracting, LLC, in the total amount of \$544,744.00, consisting of a \$496,114.00 base bid and \$48,630.00 alternate bid; and

WHEREAS, the Borough Administrator/QPA duly reviewed the bids for completeness and determined that the bid from Dutchman Contracting, LLC is the only bid submitted that is within the project's budgeted amount of \$550,000.00; and

WHEREAS, the Borough Attorney has reviewed the bid from Dutchman Contracting, LLC and determined that it is legally responsive and substantially in compliance with the Local Public Contract Law, N.J.S.A. 40A:11-1 et seq., rendering Dutchman Contracting, LLC the lowest responsive, responsible bidder; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available for this contract.

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

1. The Borough Council hereby awards a contract to Dutchman Contracting, LLC for construction of a DPW vehicle storage garage in the total amount not to exceed \$544,744.00, consisting of a \$496,114.00 base bid and \$48,630.00 alternate bid, in accordance with its bid proposal.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute said contract.
3. This Resolution and contract shall be available for public inspection in the office of the Borough Clerk.

This Resolution shall take effect immediately.

Dated: June 28, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #110-2021

**RESOLUTION AUTHORIZING MEMBERSHIP RENEWAL AND EXECUTION OF AN AGREEMENT
WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL
FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026**

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Mendham desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. The Mayor is hereby authorized to execute an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Municipal Clerk is hereby directed to forward a copy of this Resolution, together with an executed Agreement to Randolph Township as Lead Agency of the MCCPC.
3. All appropriate officials and employees are authorized and directed to perform all required acts to affect the purpose of this Resolution.

This Resolution shall take effect immediately upon final passage according to law.

Dated: July 26, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #111-2021

**RESOLUTION AUTHORIZING THE REFUND OF A PROPERTY TAX PAYMENT
MADE IN ERROR FOR PROPERTY LOCATED AT 36 WEST MAIN STREET [BLOCK 1901, LOT 39]**

WHEREAS, the Tax Collector for the Borough of Mendham has advised that a 2nd quarter 2021 property tax payment was processed for property located at 36 West Main Street [Block 1901, Lot 39] which was made in error to Mendham Borough for a Mendham Township property with the same street address and that a refund should be made in the amount of \$3,312.29.

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 refund for the property tax payment received in error by Mendham Borough as follows:

<u>REFUND MADE TO</u>	<u>AMOUNT TO BE REFUNDED</u>
Corelogic Tax Services Attn: Refund Department PO Box 9202 Coppell TX 75019	\$3,312.29

Dated: July 26, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #112-2021

**RESOLUTION CERTIFYING RECEIPT AND REVIEW
OF THE ANNUAL AUDIT REPORT FOR THE YEAR 2020**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by the Borough's Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6 and copies have been distributed and received by each member of the governing body; and

WHEREAS, the members of the governing body have personally reviewed the Annual Report of Audit, and specifically, as a minimum, the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto and made part of this Resolution; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they have complied with N.J.S.A. 40A:5-4 and N.J.A.C. 5:30-6.5 and do hereby direct the Borough Clerk to submit a certified copy of this Resolution and the required affidavit, attached hereto and made a part of this Resolution, to the Local Finance Board to show evidence of said compliance.

Dated: July 26, 2021

[Form of Group Affidavit attached]

**CERTIFICATION OF THE GOVERNING BODY
2020 ANNUAL AUDIT
GROUP AFFIDAVIT FORM**

STATE OF NEW JERSEY :
: SS
COUNTY OF MORRIS :

We, members of the governing body of the ***Borough of Mendham*** in the **County of Morris**, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the governing body of the ***Borough of Mendham*** in the **County of Morris**;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Borough Clerk pursuant to N.J.S.A. 40A:5-6 for Calendar Year 2020;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Christine Serrano-Glassner, Mayor	(L.S.)
Brad Badal, Council President	(L.S.)
John W. Andrews, Council Member	(L.S.)
Steve Andrew, Council Member	(L.S.)
James R. Kelly, Council Member	(L.S.)
Mary Sue Martin, Council Member	(L.S.)
Brennan Reilly, Council Member	(L.S.)

NO PHOTO COPIES OF SIGNATURES

Sworn to and subscribed before me
this ____ day of _____ 2021

Robin R. Kline, MAS, RMC, CMR
Municipal Clerk

The Municipal Clerk shall set forth here the reason(s) for the absence of signature of any members of the governing body:

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #113-2021

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT
COMPETITIVE BIDDING TO PAULUS, SOKOLOWSKI AND SARTOR, LLC FOR SEWER COLLECTION
SYSTEM REHABILITATION - CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES**

WHEREAS, the Borough of Mendham (“Borough”) requires professional engineering services in connection with the Sewer Collection System Rehabilitation – Construction Administration and Inspection Services; 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 July 19, 2021; 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 Sewer Collection System Rehabilitation – Construction Administration and Inspection Services, at a cost not to exceed \$134,145.00, in accordance with its proposal dated July 19, 2021.
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 \$134,145.00 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.
5. A copy of this resolution shall be provided to the Borough’s Chief Financial Officer and to Paulus, Sokolowski and Sartor, LLC, for their information and guidance.

This resolution shall take effect immediately.

Dated: July 26, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #114-2021

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$370,500 BOND ANTICIPATION NOTES OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

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

Section 1. Pursuant to a bond ordinance of the Borough of Mendham, in the County of Morris (the "Borough") entitled: "Bond ordinance appropriating \$390,000, and authorizing the issuance of \$370,500 bonds or notes of the Borough, for the acquisition of equipment by the Borough of Mendham, in the County of Morris, New Jersey", finally adopted on June 10, 2020 (#05-20), bond anticipation notes of the Borough in a principal amount not exceeding \$370,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer 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 and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. 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 hereunder 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 3. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 5. All actions heretofore taken by officials and professionals of the Borough relating to the sale and award of the notes are hereby ratified, confirmed, adopted and approved.

Section 6. This resolution shall take effect immediately.

Ordinance Detail

<u>Number</u>	<u>Adoption Date</u>	<u>Current Amount</u>	<u>Initial Issuance Date and Amount</u>	<u>Current Paydown</u>	<u>Aggregate Paydown</u>
05-2020	6/10/20	\$370,500	09/04/20 - \$370,500	\$0	\$0

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #115-2021

**RESOLUTION AUTHORIZING A REFUND OF \$1,500 TO MOIRA CUMELLA IN CONNECTION WITH
D1 VARIANCE APPLICATION BOA #04-20 FOR 20 HALSTEAD ROAD (BLOCK 705, LOT 13)**

WHEREAS, Moira Cumella and Alexandra Martinez applied to the Borough of Mendham Board of Adjustment for a D1 Variance in connection with interior modifications at 20 Halstead Road (Block 705, Lot 13); and

WHEREAS, at a duly noticed public hearing held before the Board on September 1, 2020 regarding BOA #04-20, Ms. Martinez testified that in contrast to the information provided in the application, the modification would involve only the kitchen and that no additional living space would be created; and

WHEREAS, based on the testimony, the Board determined that no D1 Variance would be required and by motion, remanded the application to the Zoning Officer for consideration; and

WHEREAS, Ms. Cumella thereafter agreed to accept a partial refund of her application fee in the amount of \$1,500.00.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, and State of New Jersey, that the Borough hereby authorizes payment of a refund in the amount of \$1,500.00 to Moira Cumella in connection with BOA #04-20.

This Resolution shall take effect immediately.

Dated: July 26, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #116-2021

RESOLUTION AUTHORIZING A PRIVATE FIREWORKS DISPLAY AT ROXITICUS GOLF CLUB

WHEREAS, pursuant to N.J.S.A. 21:3-1 et seq., Celebration Fireworks, Inc. of Slatington, Pennsylvania has made application to the Borough of Mendham to provide a private fireworks display at Roxiticus Golf Club, 179 Bliss Road, Mendham on Saturday, September 18, 2021, with a rain date of Sunday, September 19, 2021; and

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

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham, that authorization is hereby granted to the Roxiticus Golf Club to conduct a Fireworks Display on the night of Saturday, September 18, 2021, with a rain date of Sunday, September 19, 2021, subject to the following conditions:

1. Pursuant to N.J.S.A. 21:3-5, a certificate of insurance evidencing public liability insurance of not less than \$1,000,000/\$2,000,000 with a \$2,000,000 umbrella liability policy limit and listing the Borough of Mendham as a named insured shall be supplied to the Borough Clerk prior to issuance of this consent.
2. Roxiticus Golf Club is required to obtain a Fire Safety Permit for the Storage or Discharging of Fireworks from our Bureau of Fire Prevention as required by the Uniform Fire Code, N.J.A.C.5:70-2.7(a) 5.iii.
3. The persons conducting the fireworks display and all other persons involved shall hold the Borough of Mendham harmless from any liability in connection with said display.
4. Approval from the Police Chief and the Fire Chief as to the location of the place for storing and displaying the fireworks is required.
5. Roxiticus Golf Club shall arrange for the Mendham Borough Fire Department to be on site for the fireworks display.
6. Any shell larger than 4 inch in diameter and fuel (gas) mines of any size are strictly prohibited.

Dated: July 26, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #117-2021

**RESOLUTION OF THE BOROUGH OF MENDHAM OF INTENT TO APPROPRIATE
AN ACTUAL NET FUNDING MATCH SHORTFALL IN CONNECTION WITH A GRANT APPLICATION
TO THE NEW JERSEY HISTORIC TRUST PRESERVE NEW JERSEY PROGRAM
FOR A 2021 GRANT FOR STRUCTURAL UPGRADES TO THE BOROUGH-OWNED PHOENIX HOUSE**

WHEREAS, the Borough of Mendham ("Borough") is the owner of the c.1820 Phoenix House, located at 2 West Main Street in the Borough; and

WHEREAS, the Borough was offered the opportunity to apply for a 2021 Grant from the Morris County Historic Preservation Trust Fund grant program ("County Grant Program"); and

WHEREAS, the Borough submitted the application in accordance with Resolution #052-2021, adopted on March 10, 2021, which application requested \$348,565.00, to be matched by the Borough, for a total project estimated cost of \$697,130.00; and

WHEREAS, the Borough also submitted an application in accordance with Resolution #085-2021, adopted on May 12, 2021, to the New Jersey Historic Trust Preserve New Jersey grant program ("State Grant Program") for the same construction work; and

WHEREAS, the County Grant Program ultimately funded only \$279,410.00 of the requested amount, which does not equal the 50% match requirement for the State Grant Program; and

WHEREAS, the State Grant Program requires the Borough to confirm, that in the event of above funding sources prove inadequate, it will fund the difference through additional grant money or the Borough Open Space Fund if the Borough does not receive additional grant money from the County Grant Program in 2022.

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

1. The Borough does hereby agree to appropriate an actual net funding shortfall through additional grant money or the Borough Open Space Fund in connection with a grant application to the New Jersey Historic Trust Preserve New Jersey Program for a 2021 grant for structural upgrades to the Borough-owned Phoenix House.
2. The Mayor and Borough Clerk, together with all other appropriate officers, employees, professionals and staff of the Borough are hereby authorized and directed to take all steps necessary to effectuate the purpose of this resolution.

This resolution shall take effect immediately.

Dated: July 26, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #118-2021

**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.

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:

Matter to be discussed: 1. Attorney-Client Privilege Matter – Land Use

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.

Dated: July 26, 2021