

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #100-2023

**RESOLUTION AUTHORIZING THE PASTIME CLUB TO CONDUCT A FIREWORKS DISPLAY AT
BOROUGH PARK ON LABOR DAY, MONDAY, SEPTEMBER 4, 2023
(RAIN DATE SATURDAY, SEPTEMBER 9, 2023)**

WHEREAS, the Pastime Club seeks permission to conduct a fireworks display on Labor Day, Monday, September 4, 2023, with a rain date of Saturday, September 9, 2023 at Borough Park at the conclusion of the carnival festivities; and

WHEREAS, the Borough of Mendham Bureau of Fire Safety has reviewed the application for a 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, Garden State Fireworks 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.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham, in the County of Morris and the State of New Jersey do hereby authorize the Pastime Club to conduct a fireworks display on the night of September 4, 2023, with a rain date of September 9, 2023, subject to the following conditions:

1. Approval by the Borough of Mendham Bureau of Fire Safety of the required application and documentation to conduct a fireworks display and certification that all New Jersey Fire Code permits have been issued for the fireworks display, subject to final site inspection and approval by the Borough Fire Official.
2. 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.
3. 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 conduct of the fireworks display.
4. Shall obtain the required 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.

This resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #101-2023

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN
THE BOROUGH OF MENDHAM AND THE MENDHAM BOROUGH BOARD OF EDUCATION TO
PROVIDE THE SERVICES OF A CLASS III SPECIAL LAW ENFORCEMENT OFFICER FOR PURPOSES
OF SCHOOL SECURITY FOR THE MENDHAM BOROUGH SCHOOL DISTRICT
FOR THE 2023-2024 SCHOOL YEAR**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the State of New Jersey has created a new class of special police officer, known as a Special Law Enforcement Officer Class III (“SLEO III”), solely for the purpose of school security, as set forth in N.J.S.A. 40A:14-146.10 et seq.; and

WHEREAS, the Borough of Mendham (the “Borough”) and the Mendham Borough Board of Education (the “Board of Education”) wish to enter into an Shared Services Agreement (the “Agreement”) with regard to providing the services of a SLEO III for purposes of school security for the Mendham Borough School District for the period beginning August 14, 2023 and ending June 10, 2024; and

WHEREAS, the SLEO III shall be an employee of the Borough, subject to the rules and regulations of the Mendham Borough Police Department and shall report directly to the Chief of Police and shall provide services to the Board of Education for 35 hours per week while school is in session; and

WHEREAS, the Board of Education shall pay the sum of \$47,620.00 (\$1,000.00 Administrative Fee, \$46,620.00 Salary) to the Borough as a contribution to the salary of the SLEO III for school fiscal year 2023-2024 in accordance with the terms of the Shared Services Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham that the Mayor and Borough Clerk are hereby authorized to execute the Shared Services Agreement between the Borough of Mendham and the Mendham Borough Board of Education (the “Agreement”) with regard to providing the services of a SLEO III for purposes of school security for the Mendham Borough School District for the 2023-2024 school year; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Mendham Borough Board of Education; and

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

This resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #102-2023

**RESOLUTION AUTHORIZING THE APPOINTMENT OF WATER RECLAMATION DEPARTMENT
ACTING SUPERINTENDENT BRIAN VALLIERE TO THE POSITION OF WATER RECLAMATION
SUPERINTENDENT, EFFECTIVE JULY 1, 2023**

WHEREAS, the Borough of Mendham has a need to appoint a Superintendent of Water Reclamation pursuant to §50-2 of the Borough Code, due the retirement of the former Superintendent, effective February 29, 2020; and

WHEREAS, the Personnel Committee has reviewed the qualifications of Acting Superintendent Brian Valliere and have recommended his appointment to Water Reclamation Superintendent; and

WHEREAS, Brian Valliere has obtained his S-2 Sewer Treatment Plant Operator License and C-2 Collection System License and is the Licensed Collection System Operator in charge; and completed training for the S-3 Operator License; and

WHEREAS, as Acting Superintendent he has distinguished himself as an exemplary manager both managing the Water Reclamation Department operations and the \$5,000,000.00 I-Bank Plant and Collection System Improvements Project, the Mayor desired to appoint Brian Valliere to the position of Water Reclamation Superintendent, effective July 1, 2023; and

WHEREAS, the Borough Council does hereby consent to this appointment.

NOW, 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. Brian Valliere is hereby appointed to the position of Water Reclamation Superintendent, effective July 1, 2023, in accordance with §50-2 of the Borough Code.
2. Brian Valliere shall perform the duties of the Superintendent and shall become the licensed operator in charge of the Water Reclamation Facility as defined by N.J.A.C. 7:10A as soon as practicable.

This Resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #103-2023

**RESOLUTION APPOINTING LAUREN MCBRIDE AS DEPUTY BOROUGH CLERK
EFFECTIVE JUNE 26, 2023**

WHEREAS, the Borough of Mendham requires a Deputy Borough Clerk and desires to appoint Lauren McBride to the position of Deputy Borough Clerk effective July 1, 2023, in accordance with N.J.S.A. 40A:9-135 and Section 4-21 of the Borough Code; and

WHEREAS, Lauren McBride has completed and received the required certificates for the training courses necessary for the State of New Jersey Municipal Clerk Certificate Examination; and

WHEREAS, Lauren McBride completed the examination on April 19, 2023; and

WHEREAS, in accordance N.J.S.A. 40A:9-135, the required certificates of completion for the training courses for Municipal Clerk are sufficient for appointment as the Deputy Borough Clerk; and

WHEREAS, the Deputy Borough Clerk shall perform such administrative, clerical and other duties as shall be assigned to said office by the Borough Administrator and governing body of the Borough; and

WHEREAS, in the absence of the Borough Clerk the Deputy Clerk shall perform all powers and duties of the Borough Clerk.

NOW, 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. Lauren McBride is hereby appointed to the position of Deputy Borough Clerk effective July 1, 2023.

This resolution shall take effect

immediately. Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #104-2023

RESOLUTION TO AMEND RESOLUTION #126-2022 PROVIDING FOR SALARIES AND HOURLY WAGE RATES TO BE PAID TO BOROUGH-APPOINTED OFFICIALS AND EMPLOYEES IN 2023

WHEREAS, the Borough of Mendham Personnel Committee has reviewed the salaries and hourly wage rates of the Borough-appointed officials and employees and recommends the following compensation be provided for 2023 for all such individuals; and

WHEREAS, The Borough of Mendham hereby amends Resolution #126-2022 “Providing for Salaries & Hourly Wage Rates to be Paid to Borough Appointed Officials and Employees in 2023” to include a Deputy Borough Clerk/Deputy Registrar of Vital Records Position at an annual salary of \$2,800.00 and adjust the salary for Superintendent of Water Reclamation (Sewer) Department from \$0 to \$120,000.00 per annum.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham, County of Morris, and State of New Jersey, that the following salaries and hourly wage rates are established for the year 2023 unless otherwise noted. Salaries shown as a per annum sum for employees hired or warranted a step increase in 2023 shall be prorated from the start date of employment or step increase.

| Budget Category/Positions | Steps Ordinance #11-2022 | 2023 Salary/Hourly Wage Rate | Per Annum/ Hour |
|--|--------------------------|------------------------------|-----------------|
| | Steps PBA Contract | | |
| 20 GENERAL GOVERNMENT | | | |
| Mayor | | \$ 5,000.00 | per annum |
| Council Members | | \$ 4,000.00 | per annum |
| Administrator | | \$ 157,000.00 | per annum |
| Executive Administrative Assistant Administrator/ Personnel Coordinator | | \$ 77,267.64 | per annum |
| Clerical/Intern Part-Time | | \$ 14.00 - 25.00 | per hour |
| Borough Clerk/Registrar of Vital Statistics | | \$ 77,267.64 | per annum |
| Deputy Borough Clerk/Deputy Registrar of Vital Statistics | | \$ 2,800.00 | per annum |
| Chief Financial Officer/Borough Treasurer | | \$ 117,875.00 | per annum |
| Finance/Payroll/Utility Billing/Tax Clerk/Administrative Assistant Board of Health | | \$ 62,525.00 | per annum |
| Tax Collector/Tax Search Officer | | \$ 32,410.50 | per annum |
| Tax Assessor | | \$ 29,274.00 | per annum |

| | | | |
|--|------------|------------------|-----------|
| 21 LAND USE ADMINISTRATION | | | |
| Planning & Land Use Coordinator/Administrative Assistant Tax Assessor & Engineer/Website & Public Information Coordinator | | \$ 77,267.64 | per annum |
| 22 UNIFORM CONSTRUCTION CODE/CODE ENFORCEMENT | | | |
| Construction Official/Building Sub-Code Official/Inspector/Code Enforcement Officer/Rental Inspector | | \$ 110,000.00 | per annum |
| Technical Assistant Construction Officer | | \$ 32.33 | per hour |
| Fire Sub-Code Official/Inspector | | \$ 47.05 | per hour |
| Plumbing Sub Code Official/Inspector/Mechanical Inspector | | \$ 41.82 | per hour |
| Electrical Sub-Code Official/Inspector | | \$ 42.87 | per hour |
| Substitute Plumbing Inspector | | \$ 36.59 | per hour |
| Substitute Electrical Inspector | | \$ 39.99 | per hour |
| Interim Zoning Official | | \$ 35,000.00 | per annum |
| 25 PUBLIC SAFETY | | | |
| Administrative Assistant | | \$ 63,775.50 | per annum |
| Administrative Assistant/Records Clerk | | \$ 25.00 | per hour |
| Chief of Police | | \$ 151,597.50 | per annum |
| Crossing Guards | | \$ 22.85 | per hour |
| Lieutenant | | \$ 140,255.31 | per annum |
| Matrons | | \$ 20.66 | per hour |
| Patrol Officer | Step 4 A-1 | \$ 81,067.00 | per annum |
| Patrol Officer | Step 5 A-1 | \$ 87,069.00 | per annum |
| Patrol Officer | Step 6 A-1 | \$ 93,069.00 | per annum |
| Patrol Officer | Step 6 A | \$ 125,539.00 | per annum |
| Sergeant | Sgt+1 A | \$ 133,611.00 | per annum |
| Sergeant | Sgt+2 A | \$ 138,403.00 | per annum |
| Special Law Enforcement Officer (SLEO) II & III | | \$ 35.00 - 45.00 | per hour |
| School Resource Officer (SRO) | Step 6 A | \$ 125,539.00 | per annum |
| Fire Inspector | | \$ 25.63 | per hour |
| Fire Official/Marshal | | \$ 37.51 | per hour |
| 26 PUBLIC WORKS | | | |
| Administrative Assistant DPW/OEM/FEMA Recycling/Clean Communities Coordinator | | \$ 57,912.50 | per annum |
| Assistant Superintendent | | \$ 87,754.90 | per annum |
| Laborer/Driver/Operator | Step 7 | \$ 61,895.64 | per annum |
| Laborer/Driver/Operator | Step 3 | \$ 51,695.64 | per annum |
| Laborer/Driver/Operator | Step 2 | \$ 49,145.64 | per annum |
| Laborer/Driver/Operator Part-Time/Seasonal | | \$ 14.00 - 40.00 | per hour |
| Mechanic | Step 10 | \$ 69,545.64 | per annum |

| | | | |
|--|--------------|------------------|-----------|
| Superintendent | | \$ 137,303.88 | per annum |
| Supervisor | Step 10 Supv | \$ 72,095.64 | per annum |
| 28 RECREATION | | | |
| Recreation Program Director | | \$ 33,089.64 | per annum |
| 10 RECREATION TRUST FUND | | | |
| Camp Counselor I | | \$ 12.70 | per hour |
| Camp Counselor II | | \$ 13.08 | per hour |
| Camp Counselor III | | \$ 13.50 | per hour |
| Camp Head Counselor I | | \$ 13.92 | per hour |
| Camp Head Counselor II | | \$ 14.33 | per hour |
| Camp Head Counselor III | | \$ 14.75 | per hour |
| Camp Substitute Head Counselor I | | \$ 13.50 | per hour |
| Camp Substitute Head Counselor II | | \$ 13.92 | per hour |
| Camp Substitute Director I | | \$ 14.67 | per hour |
| Camp Substitute Director II | | \$ 15.08 | per hour |
| Camp Art Director | | \$ 1,910.00 | per annum |
| Camp Assistant Director | | \$ 2,750.00 | per annum |
| Camp Medical Director | | \$ 3,980.00 | per annum |
| Camp Director | | \$ 5,650.00 | per annum |
| 15 OPEN SPACE TRUST FUND | | | |
| Laborer/Driver/Operator A | Step 2 | \$ 49,145.64 | per annum |
| 05 UTILITY - SEWER (WATER RECLAMATION) | | | |
| Assistant Superintendent/Acting Superintendent | | \$ 92,042.00 | per annum |
| Superintendent | | \$ 120,000.00 | per annum |
| Attendant | Step 3 | \$ 54,245.64 | per annum |
| Operator S2 & C2 | Step 9 | \$ 66,995.64 | per annum |
| Operator S 1& C1 | Step 8 | \$ 64,445.64 | per annum |
| Back-up Operator in Charge C2 | | \$ 1,000.00 | per annum |
| Laborer Part-Time/Seasonal | | \$ 14.00 - 40.00 | per hour |
| | | | |

This resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #105-2023

**RESOLUTION APPROVING THE RESERVATION OF ALLOCATED SANITARY SEWER CAPACITY
APPLICATION OF V-FEE MENDHAM APARTMENTS, LLC REGARDING THE PROPERTY LOCATED
AT 84-90 EAST MAIN STREET, BLOCK 801, LOT 20**

WHEREAS, V-Fee Mendham Apartments has applied for the Reservation of Allocated Sanitary Sewer Capacity per §168-47 in connection with its proposal to connect a multi-family residential building consisting of 75 units located at 84-90 East Main Street, Block 801, Lot 20; and

WHEREAS, the requested use will result in an increase in the projected sewerage flow generated by the use of the subject property of 12,734 gallons per day; and

WHEREAS, the increase in flow results in an allocation fee of \$16.00/gpd for a total allocation fee of \$203,744.00; and

WHEREAS, the Borough Engineer, has reviewed the application, and has recommended the approval; and

WHEREAS, based upon the information submitted by the applicant under date of December 6, 2022, the Borough Engineer has determined that this application meets the requirements of Chapter 168 of the Borough Code.

NOW, 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 Land Use Board approval, if required; and

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

BE IT FURTHER RESOLVED that an Application for Sanitary Sewer Service Connections is also required per §168-2; and

BE IT FURTHER RESOLVED that this application is approved only to the extent of, and conditioned up, consistency with the terms of the settlement agreement dated December 23, 2019 between the Borough and V-Fee Realty Investments, LLC and the Order Entering Final Judgment of Compliance and Repose filed on October 21, 2020 in the case entitled, In the Matter

of the Application of the Borough of Mendham for a Determination of Mount Laurel Compliance, Docket No. MRS-L-1637-15; and

BE IT FURTHER RESOLVED that the approval of the application is conditioned upon all plumbing on the premises to comply with all existing provisions of the Plumbing Code related to the Sanitary Sewer Service Connections; and

BE IT FURTHER RESOLVED that the approval of the application is conditioned upon payment of the allocation fee of \$203,744.00 in accordance with ordinance; and

BE IT FURTHER RESOLVED that the approval of the application is conditioned upon future payment of the services connection fees based on the cost per EDU at the time of building permit; and

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 prior to a certificate of occupancy to verify that the compliant fixtures are in place; and

BE IT FURTHER RESOLVED that this shall not constitute an endorsement or approval with respect to the pending Joint Land Use Board application.

This Resolution shall take effect immediately, but the approval hereby granted shall be subject to revocation if the flow standard as projected is exceeded in actual use or if the Applicant were to violate the applicable sections of the Borough Code.

This resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #106-2023

RESOLUTION AUTHORIZING THE USE OF THE AFFORDABLE HOUSING TRUST FUND FOR AN AFFORDABLE HOUSING SITE FEASIBILITY STUDY OF MENDHAM AREA SENIOR HOUSING (“MASH”) AND OTHER SITES WITHIN THE BOROUGH FOR POTENTIAL PROJECTS

WHEREAS, the Borough of Mendham owns and leases the land on which Mendham Area Senior Housing “MASH” is located; and

WHEREAS, there may be an opportunity to provide additional 100% designated affordable housing units on the MASH site; and

WHEREAS, the MASH Corporation Board of Trustees agrees to cooperate with the Borough of Mendham to identify potential locations for an affordable housing project at the MASH site; and

WHEREAS, MASH Corporation Board of Trustees passed on April 26, 2023 Resolution #10-2023 supporting a feasibility study; and

WHEREAS, the Mayor and Council of the Borough of Mendham desires to create additional 100% affordable housing projects within the Borough that is consistent with the scale and scope of the community; and

WHEREAS, the Borough of Mendham has a court approved Spending Plan dated May 2020 which permits affordable housing trust funds to be made available to fund a feasibility study as an administrative expense; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, in the County of Morris and State of New Jersey, authorizes utilizing the Affordable Housing Trust Fund for an Affordable Housing Site Feasibility Study to identify potential locations for a 100% affordable housing project at the MASH site and potential sites within the Borough, in accordance with its court-approved spending plan.

This Resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #107-2023

**RESOLUTION AUTHORIZING A MORRIS COUNTY TRAIL CONSTRUCTION
GRANT APPLICATION**

WHEREAS, the Morris County Board of Chosen Freeholders authorized the creation of the Trail Construction Grant Program (hereinafter “Program”) to provide funding to any of its 39 municipalities for recreational trail construction projects; and

WHEREAS, the Program is funded through the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund and requires a 20% match from applicants through a financial contribution or in-kind services; and

WHEREAS, the Borough of Mendham is submitting a grant to the Morris County Trail Construction Grant Program in the amount of up to \$70,000 for a project entitled Patriot’s Path Improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mendham, in the County of Morris and State of New Jersey do hereby authorize the preparation and submission of a Morris County Trail Construction Grant Application; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Mendham authorize the expenditure of the required 20% match for this grant through in-kind services; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Mendham acknowledge the grant program will operate on a reimbursement basis only and agree to provide full advance funding to complete the proposed project.

This Resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #108-2023

**RESOLUTION ESTABLISHING A VENDOR CERTIFICATION (CLAIMANT SIGNATURE)
AND ELECTRONIC FUNDS TRANSFER POLICY**

WHEREAS, the Local Finance Board of the Department of Community Affairs adopted regulatory amendments to provide municipalities greater flexibility in implementing N.J.S.A. 40A:5-16.5, which generally prohibits payment to a claimant/vendor without a certification from the claimant/vendor that the bill or demand is correct; and

WHEREAS, the Borough MSI Accounting System provides for invoices for all goods and services to be attached to the purchase order and the department head or designee must certify the goods and services are received before approval of request for payment and;

WHEREAS, such flexibility was needed because in certain circumstances, it is impracticable to obtain a vendor/claimant certification prior to authorizing payment; and

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 now provide that a certification may be executed by a method other than a traditional “wet” signature; and

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 also permit payment to a vendor in advance of delivery of materials or services for certain purposes without a certification, in addition to those purposes set forth in N.J.S.A. 40A:5-16.1, -16.2 and -16.3; and

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 also permit a local unit to not require a claimant certification where standard electronic funds transfer (EFT) technologies are used, and N.J.A.C. 5:30-9A-4 establishes standards for ETF without a certification where a vendor does not provide same as part of its normal course of business or where the local unit deems a certification not necessary and appropriate; and

WHEREAS, N.J.A.C. 5:30-9A authorizes a local unit to adopt a policy by resolution that permits specifically named officers/employees to use EFT without obtaining a certification, consistent with the bid requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Finance Committee of Council has reviewed and recommended that Chief Financial Officer be authorized pursuant to N.J.A.C. 5:30-9A to use EFT, and that pursuant to N.J.A.C. 5:31-4.1 the Borough establish a policy that the Administration shall have discretion in determining whether a certification is required; and

WHEREAS, the Borough Administration and Finance Committee have reviewed the policy and find it acceptable; and

WHEREAS, the Mayor and Borough Council desire to establish such polices by this resolution.

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

1. In accordance with N.J.A.C. 5:30-9A, Chief Financial Officer is hereby authorized to use standard electronic funds transfer (EFT) technologies for electronic funds transfers, consistent with the bid requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
2. In accordance with N.J.A.C. 5:31-4.1(a)(3), the Borough CFO is authorized to not require a vendor or claimant certification if said vendor or claimant does not provide, as part of its normal course of business, a certification from an individual with knowledge of the transaction that a bill or demand is correct.
3. In accordance with N.J.A.C. 5:31-4.1(a)(3), the Borough CFO shall have the discretion to require vendor or claimant certification as the authority deems necessary and appropriate except as stated in NJAC 5:30-9A6(d)

This resolution shall take effect immediately.

Dated: June 26, 2023

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #109-2023

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT
COMPETITIVE BIDDING TO ACTION DATA SERVICES FOR
PAYROLL AND ACCOUNTING SERVICES**

WHEREAS, the Borough of Mendham has a need to acquire professional Payroll and Accounting services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is six (6) months; and

WHEREAS, Action Data Services has submitted a proposal indicating that it will provide Payroll and Accounting services in an amount not to exceed \$17,500; and

WHEREAS, Action Data Services has completed and submitted a Business Entity Disclosure Certification which certifies that Action Data Services has not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit Action Data Services from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council of the Borough of Mendham desire to award the contract to Action Data Services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham as follows:

1. The Borough Council hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Action Data Services of Fairfield, New Jersey for Payroll and Accounting services for the six (6) month period running from July 1, 2023 through December 31, 2023.
2. This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to

practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The Business Entity Disclosure Certification, and the Determination of Value shall be placed on file with this resolution.
4. This Resolution is subject to the Chief Financial Officer certifying to the availability of funds in the amount as set forth in N.J.A.C. 5:30-5.5.
5. A Notice of this action shall be published once in the official newspaper as required by law.

This Resolution shall take effect immediately.

Dated: June 26, 2023