

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #115-2022

**RESOLUTION AUTHORIZING THE PURCHASE OF A ENVIROSIGHT JETSCAN CAMERA SYSTEM
AND A ENVIROSIGHT QUICKVIEW CAMERA SYSTEM THROUGH THE SOURCEWELL
COOPERATIVE PURCHASING PROGRAM**

WHEREAS, in accordance with N.J.S.A 40A:11-12 of the Local Public Contracts Law, public bids are not required when the purchase of goods or services is made through a cooperative purchasing program; and

WHEREAS, Mendham Borough realizes cost savings by purchasing services, equipment and materials through the Sourcewell Cooperative Purchasing Program; and

WHEREAS, the Borough is in need to purchase a EnviroSight Jetscan and EnviroSight Quickview Camera System for Sanitary and Storm Sewer maintenance and has obtained a pricing quote from Jet Vac Equipment, LLC in Rockaway, NJ in the amount not to exceed \$33,526.69 through the Sourcewell Cooperative Purchasing Program, Contract #120721-EVS, attached hereto and made part of this resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are currently available for the purpose of the sanitary and storm sewer maintenance camera systems.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that the Acting Superintendent of the Mendham Borough Water Reclamation Facility is hereby authorized to purchase a EnviroSight Jetscan Camera System and a EnviroSight Quickview Camera System as provided in the herein referenced pricing quote, in the amount not to exceed \$33,526.69, through the Sourcewell Cooperative Purchasing Program; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of the resolution.

This resolution shall take effect immediately.

Dated: September 14, 2022

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #116-2022

**RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE CONSTRUCTION OF A DPW
OPEN FRONT STORAGE BUILDING**

WHEREAS, the Borough of Mendham (“Borough”) solicited bids for the construction of a DPW Open Front Storage Building; and

WHEREAS, two sealed bids were received and opened on August 25, 2022, in accordance with the advertised date for acceptance of bids; and

WHEREAS, the bids received were from Dutchman Contracting, LLC in the amount of \$117,724.00 and De Sapio Construction, Inc. in the amount of \$223,860.00; and

WHEREAS, the bids were reviewed by the Borough Engineer, who determined that the lowest apparent bid from Dutchman Contracting, LLC satisfied the technical specifications; and

WHEREAS, the Borough Attorney reviewed the bids and determined that the Consent of Surety provided by Dutchman Contracting, LLC contained a non-waivable, material defect, rendering the bid nonresponsive; and

WHEREAS, the Borough determined that the bid from De Sapio Construction, Inc. exceeded the budgeted amount for the project; and

WHEREAS, the Borough wishes to reject all bids pursuant to N.J.S.A. 40A:11-13.2 of the Local Public Contracts Law and rebid the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey that all bids received for the construction of a DPW Open Front Storage Building are hereby rejected for the reasons stated in this Resolution, and that the Borough is authorized to rebid the project.

This resolution shall take effect immediately.

Dated: September 14, 2022

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #117-2022

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT TO PROVIDE THE SERVICES OF A SPECIAL LAW ENFORCEMENT OFFICER CLASS II/CLASS III FOR PURPOSES OF SCHOOL SECURITY AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2022-2023 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 II/Class III (“SLEO II/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 Board of Education of the West Morris Regional High School District (the “Board of Education”) desire to enter into an Interlocal Services Agreement (the “Agreement”) with regard to providing the services of a SLEO II/III for purposes of school security at the West Morris Mendham High School for the 2022-2023 school year; and

WHEREAS, the SLEO II/III shall be an hourly, part-time, “at will” employee of the Borough, subject to the rules and regulations of the Mendham Borough Police Department, and shall be under the direction and supervision of the Chief of Police; and

WHEREAS, the Board shall reimburse the Borough for all costs relating to the hiring, training, outfitting and employment of the SLEO II/III; and

WHEREAS, the Board and the Borough have memorialized their agreement for the SLEO III in an Interlocal Services Agreement, a copy of which is attached hereto and made part of this resolution.

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 Interlocal Services Agreement between the Borough of Mendham and the Board of Education of the West Morris Regional High School District to enter into an Interlocal Services Agreement (the “Agreement”) with regard to providing the services of a SLEO II/III for purposes of school security at the West Morris Mendham High School for the 2022-2023 school year; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Board of Education of the West Morris Regional High School District; 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: September 14, 2022

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #118-2022

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND THE BOARD OF EDUCATION OF THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT FOR THE HIRING OF A SCHOOL RESOURCE OFFICER TO WORK AT THE WEST MORRIS MENDHAM HIGH SCHOOL FOR THE 2022-2023 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 Borough of Mendham (the "Borough") and the Board of Education of the West Morris Regional High School District (the "Board of Education") desire to enter into an Shared Service Agreement (the "Agreement") for the hiring of a School Resource Officer ("SRO") to work at the West Morris Mendham High School for the 2022-2023 school year; and

WHEREAS, the SRO shall be an employee of the Borough, subject to the rules and regulations of the Mendham Borough Police Department, entitled to all of the benefits of an employee of the Borough and shall report directly to the Chief of Police; and

WHEREAS, the Board of Education shall pay the sum of \$67,979.00 to the Borough as a contribution to the salary of the SRO for school fiscal year 2022-2023 in quarterly payments as provided for in the Agreement; and

WHEREAS, the Board of Education and the Borough have memorialized their agreement for the SRO in a Shared Service Agreement, a copy of which is attached hereto and made part of this Resolution.

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 Service Agreement between the Borough of Mendham and the Board of Education of the West Morris Regional High School District for the hiring of a School Resource Officer to work at the West Morris Mendham High School for the 2022-2023 school year; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Board of Education of the West Morris Regional High School District; and

BE IT FURTHER RESOLVED that 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: September 14, 2022

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #119-2022

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT
WITHOUT COMPETITIVE BIDDING TO J. CALDWELL & ASSOCIATES, LLC
TO PROVIDE TEMPORARY ZONING CODE OFFICIAL SERVICES**

WHEREAS, the Borough of Mendham (“Borough”) has a need for temporary zoning code official services to assist the Borough with zoning permit application for zoning compliance; and

WHEREAS, the Borough wishes to authorize J. Caldwell & Associates, LLC to provide these professional consulting services in accordance with its proposal dated August 23, 2022, with a total amount not to exceed \$18,500; and

WHEREAS, the Borough’s Council Personnel and Finance Committees have reviewed the Professional Services Contract; and

WHEREAS, zoning compliance is part of the Construction Department budget and there is no budgetary impact; 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.

NOW, 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 J. Caldwell & Associates, LLC to provide temporary code official services, with a total not to exceed \$18,500, in accordance with its proposal dated August 23, 2022.
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 \$18,500 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 J. Caldwell & Associates, LLC, for their information and guidance.

This Resolution shall take effect immediately.

Dated: September 14, 2022

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #120-2022

**RESOLUTION APPROVING THE APPOINTMENT OF PETER J. ROONEY III AS A
JUNIOR MEMBER OF THE MENDHAM BOROUGH FIRE DEPARTMENT**

WHEREAS, the Mayor and Council of the Borough of Mendham recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, Peter J. Rooney III has expressed interest in becoming a Junior Firefighter with the Mendham Borough Fire Department and has submitted an application to the Fire Chief; and

WHEREAS, the Officers and Members of the Mendham Independent Hook and Ladder Company have accepted his application and have recommended the appointment of Peter J. Rooney III to the membership rolls of the Mendham Hose Company as a Junior Member.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that they hereby approve the appointment of Peter J. Rooney III as a Junior Member to the Mendham Borough Fire Department, Mendham Hose Company; and

BE IT FURTHER RESOLVED that a certified copy of this resolution, executed by the Mayor and attested to by the Borough Clerk, shall be presented to the Secretary of the Mendham Borough Fire Department.

This resolution shall take effect immediately.

Dated: September 14, 2022

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #121-2022

**RESOLUTION APPOINTING ROBERT ROSENDALE AS
INTERIM CODE ENFORCEMENT OFFICER**

WHEREAS, the Borough of Mendham has a need to appoint an Interim Code Enforcement Officer;

WHEREAS, the Personnel Committee Chair and Administrator recommend that Rob Rosendale, who currently serves as the Borough Construction Official be appointed the Interim Code Enforcement Officer; and

WHEREAS, Code Enforcement is part of the Construction Department budget and there is no budgetary impact; and

WHEREAS, Mr. Rosendale has agreed to the appointment and additional responsibilities as Code Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they hereby appoint Rob Rosendale to serve as the Interim Code Enforcement Officer.

This resolution shall take effect immediately.

Dated: September 14, 2022

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #122-2022

A RESOLUTION PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12b

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into an Executive (Closed) Session during a public meeting to discuss certain matters such as:

- (1) Matters required by law to be confidential: Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) Matters involving individual privacy: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned.
- (4) Matters pertaining to a collective bargaining agreement: Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters relating to the purchase, lease, acquisition of real property or investment of public funds: Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters of public protection: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) Matters relating to litigation, negotiations and attorney-client privilege: Any matter of

pending or anticipated litigation or contract negotiation other than in (4) above in which the Borough is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.

- (8) Matters relating to the employment relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) Deliberations after public hearing. Deliberations by the Borough occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party.

And,

WHEREAS, the Mayor and Council have determined that it is necessary to go into an Executive Closed Session to discuss certain matters relating to items as permitted by N.J.S.A. 10:4-12b.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:
Matters to be discussed: Real Property.

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.

This resolution shall take effect immediately.

Dated: September 14, 2022