

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #169-2020

**RESOLUTION AUTHORIZING PARTICIPATION IN THE NASPO VALUEPOINT
NATIONAL COOPERATIVE PURCHASING SYSTEM**

WHEREAS, *N.J.S.A. 40A:11-11(5)* authorizes that two or more contracting units may enter into a cooperative purchasing system agreement for the purchase of goods, materials and supplies in efforts to realize substantial cost-savings in the purchase of goods and supplies; and

WHEREAS, New Jersey P.L. 2011, c.139 allows local contracting units to utilize national cooperative contracts as a method of procurement to make the procurement process more efficient and provide cost savings; and

WHEREAS, each year the Borough of Mendham realizes cost savings by purchasing equipment and materials through cooperative pricing systems; and

WHEREAS, the Borough of Mendham desires to participate in the NASPO ValuePoint national cooperative purchasing system ("NASPO").

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that they do hereby authorize participation in NASPO; and

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 this Resolution.

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #170-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 32 WEXFORD DRIVE [BLOCK 1003, LOT 89]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that the property owners overpaid the 2020 4th quarter property tax payment for property located at 32 Wexford Drive [Block 1003, Lot 89] in the amount of \$500.00; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

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 overpayment of property tax in the amount of \$500.00 to the property owner as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
Louis Samara & Carolyn Gilreath 32 Wexford Drive Mendham, NJ 07945	\$500.00

Dated: November 23, 2020

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #171-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY
LOCATED AT 4 PEMBROKE DRIVE [BLOCK 1003, LOT 133]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that both the title company and the mortgage company made the 4th quarter 2020 property tax payment during the property closing for property located at 4 Pembroke Drive [Block 1003, Lot 133] resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

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 overpayment of property tax as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
Dale and Marianne Ives 4 Pembroke Drive Mendham, NJ 07945	\$3,091.46

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #172-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX FOR PROPERTY
LOCATED AT 27 PHOENIX DRIVE [BLOCK 706, LOT 23]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that both the title company and the mortgage company made the 4th quarter 2020 property tax payment at the property closing for property located at 27 Phoenix Drive [Block 706, Lot 23] resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

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 overpayment of property tax as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
Samuel J. and Beth Ann Paone 27 Phoenix Drive Mendham, NJ 07945	\$2,925.82

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #173-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 15 WEST MAIN LLC [BLOCK 301, LOT 39, C 001]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that the 2nd quarter 2020 property tax payment was overbilled for the condominium unit located at 15 West Main LLC [Block 301, Lot 39, C 001] due to the Borough Assessor's reassessment of the conversion of the commercial property into condominium units, resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

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 overpayment of property tax as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
15 West Main LLC 83 South Street Morristown, NJ 07960	\$9,699.00

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #174-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 30 WEXFORD DRIVE [BLOCK 1003, LOT 90]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that the property owner at 30 Wexford Drive [Block 1003, Lot 90] qualified to receive the \$250.00 New Jersey Veteran deduction for calendar year 2020, resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

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 overpayment of property tax as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
James Kotcho 30 Wexford Drive Mendham, NJ 07945	\$250.00

Dated: November 23, 2020

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #175-2020

**RESOLUTION AUTHORIZING REFUND FOR THE OVERPAYMENT OF PROPERTY TAX
FOR PROPERTY LOCATED AT 37 PLEASANT VALLEY ROAD [BLOCK 2201, LOT 16]**

WHEREAS, the Interim Tax Collector for the Borough of Mendham has advised that the property owner at 37 Pleasant Valley Road [Block 2201, Lot 16] qualified to receive the \$250.00 New Jersey Veteran deduction for calendar year 2020, resulting in an overpayment of property taxes; and

WHEREAS, the Interim Tax Collector confirmed the overpayment of the property taxes should be refunded to the property owner.

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 overpayment of property tax as follows:

<u>PROPERTY OWNER</u>	<u>AMOUNT TO BE REFUNDED</u>
Douglas Ford 37 Pleasant Valley Road Mendham, NJ 07945	\$250.00

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #176-2020

**RESOLUTION AUTHORIZING THE CANCELLATION OF AN UNEXPENDED BUDGET APPROPRIATION
BALANCE IN THE 2020 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 2020 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 2020 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 2020 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 2020 General Operating Budget and the 2020 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 2020 General Operating Budget as herein amended shall be on file with the Borough Clerk and available for public inspection.

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #177-2020

**RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET APPROPRIATIONS
IN THE 2020 CURRENT FUND BUDGET PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year or the first three months of the next succeeding fiscal year by an authorizing resolution adopted by not less than a two thirds (2/3) vote of the full membership of the governing body; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in lesser amounts than anticipated: and

WHEREAS, these transfers do not affect the total of the operations budget as originally approved in the 2020 Current Fund Budget.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that, in accordance with N.J.S.A. 40A:4-58, the Chief Financial Officer is hereby authorized to make the following line-item transfers in the 2020 Current Fund Budget with an effective date of November 24, 2020:

Account Name	Account Number	Transfer Amount	Transfer Amount
<u>TO:</u>			
Police	01-2020-0025-0240-1-0120	38,000.00	
Police	01-2020-0025-0240-1-0120	9,000.00	
Fire Prevention	01-2020-0025-0265-1-0625	700.00	
Recycling and Landfill	01-2020-0032-0465-1-0590	1,000.00	
Telephone	01-2020-0031-0440-2-0301	4,600.00	
Natural Gas	01-2020-0031-0446-2-0446	7,000.00	
<u>FROM:</u>			
Streets and Roads	01-2020-0026-0290-1-0150		38,000.00
Financial Administration	01-2020-0020-0130-1-0520		9,000.00
Financial Administration	01-2020-0020-0130-1-0520		700.00
Streets and Roads	01-2020-0026-0290-1-0123		1,000.00
Recreation Services	01-2020-0028-0370-2-0382		4,600.00
Recreation Services	01-2020-0028-0370-2-0382		7,000.00
<u>TOTAL:</u>		<u>60,300.00</u>	<u>60,300.00</u>

And

BE IT FURTHER RESOLVED that the Borough Clerk shall provide a certified copy of this resolution to the Administrator and to the Chief Financial Officer.

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #178-2020

**RESOLUTION EXTENDING CONTRACTS WITH BLUE DIAMOND DISPOSAL, INC.
FOR CURBSIDE COLLECTION OF SINGLE STREAM RECYCLABLES AND DISPOSAL OF SOLID WASTE TYPE 13
FROM DECEMBER 31, 2020 THROUGH JANUARY 31, 2021**

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and pursuant to Resolution #185-17 adopted on November 16, 2017 and Resolution #076-2020 adopted on May 13, 2020, the Borough of Mendham awarded contracts to Blue Diamond Disposal, Inc. ("Blue Diamond") for the curbside collection of single stream recyclables and the curbside collection and disposal of Solid Waste Type 13 ("bulky waste"), with both contracts ending on December 31, 2020; and

WHEREAS, the Borough wishes to extend both contracts with Blue Diamond for one month, from December 31, 2020 through January 31, 2021, in an amount not to exceed the current rate of \$14,750.00 for recycling and bulky waste, while the Borough finalizes the bid process to procure these services; and

WHEREAS, per correspondence dated November 18, 2020, Blue Diamond has agreed to the proposed contract extensions; and

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

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

1. The Borough hereby renews the contract with Blue Diamond Disposal, Inc. for the curbside collection of single stream recyclables and bulky waste for the current contract price not to exceed \$14,750.00, for the period of December 31, 2020 through January 31, 2021.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute said contracts.
3. This Resolution and contracts shall be available for public inspection in the office of the Borough Clerk.

This Resolution shall take effect immediately.

Dated: November 23, 2020

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #179-2020

**RESOLUTION OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS AND
STATE OF NEW JERSEY, APPOINTING AN ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING**

WHEREAS, the Borough of Mendham's Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and applicable Council on Affordable Housing ("COAH") and Uniform Housing Affordability Controls ("UHAC") regulations; and

WHEREAS, the Borough is required to appoint an Administrative Agent to perform duties set forth in the applicable UHAC regulations, including those related to affirmative marketing, household certification, affordability controls, resales and re-rentals, processing requests from unit owners, and enforcement, and other applicable provisions of the Borough Code; and

WHEREAS, the Borough wishes to appoint _____ to provide such services, in accordance with the Order Entering Final Judgment of Compliance and Repose for the Borough of Mendham, filed by the Court on October 21, 2020.

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 _____ is hereby appointed as Administrative Agent for the Borough of Mendham.

This Resolution shall take effect immediately.

Dated: November 23, 2020

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #180-2020

**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:

1. Attorney-Client Privilege: Crown Castle tax appeal settlement

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: November 23, 2020