

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #142-2021

**RESOLUTION AUTHORIZING THE HIRING AND APPOINTMENT OF ANTHONY JOHNSTON
AS A FULL-TIME EMPLOYEE IN THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works has a need to hire a full-time employee for a Laborer/Driver/Operator position due to a recent resignation; and

WHEREAS, after considering all interested and qualified candidates, the Superintendent of Public Works has recommended that Anthony Johnston be hired as a full-time Laborer/Driver/Operator in the Department of Public Works with an effective starting date of November 15, 2021 and at the annual salary of \$40,000.00 to be pro-rated for calendar year 2021.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that Anthony Johnston is hereby appointed to the full-time position of Laborer/Driver/Operator in the Department of Public Works with an effective starting date of November 15, 2021 and shall be compensated at an annual salary of \$40,000.00 to be pro-rated for calendar year 2021, and shall be eligible for those benefits afforded to all regular full-time employees as set forth in the Borough's Personnel Policy and Procedure Manual.

Dated: November 10, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #143-2021

RESOLUTION CANCELLING OUTSTANDING CHECKS

WHEREAS, there exists certain outstanding checks from Borough bank accounts that have remained outstanding for over six months; and

WHEREAS, it is necessary to formally cancel said checks so that the unnecessary balances may be returned to the fund balance of the respective funds.

WHEREAS, the Chief Financial Officer has identified several checks as outstanding and has recommended that the following outstanding checks be voided and the funds returned to the cash account of the applicable fund:

<u>Check Date</u>	<u>Check Number</u>	<u>Amount</u>
<u>Current Fund</u>		
07/21/14	9376	\$55.00
05/01/17	3466	\$294.00
12/08/17	4225	\$1,000.00
02/01/18	4408	\$172.47
09/20/18	5212	\$212.52
10/04/18	3696	\$179.41
03/25/19	5908	\$178.92
09/23/19	6490	\$400.00
10/28/19	6639	\$195.00
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		\$2,687.32
<u>Payroll Account</u>		
07/10/15	12572	\$148.63
06/10/16	12927	\$1.66
07/07/17	13569	\$26.63
08/04/17	13714	\$249.82
07/06/18	14035	\$184.26
07/06/18	14045	\$179.00
07/20/18	14093	\$201.03
10/12/18	14330	\$1.33
12/07/18	14361	\$29.10
08/02/19	14588	\$440.86
08/06/19	14636	\$286.55
08/16/19	14651	\$156.83
08/16/19	14671	\$157.98
08/16/19	14679	\$152.82
08/30/19	14687	\$220.89
09/11/20	14832	\$290.98
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		\$2,728.37
<u>Police Special Duty Trust</u>		
04/05/18	1324	\$360.00
<u>Recreation Trust</u>		
08/17/15	1204	\$150.00
<u>Sewer Operating Account</u>		
03/06/17	4485	\$37.50
10/19/17	4747	\$29.67
11/02/17	4773	\$400.00
10/04/18	5158	\$62,136.50
07/22/19	5473	\$500.00
08/26/19	5510	\$1,465.30
09/29/20	5970	\$510.28
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		\$65,079.25

Trust Account

05/20/13	1434	\$260.00
06/01/15	1619	\$356.27
06/15/15	1641	\$591.74
06/05/15	1646	\$1,340.25
01/16/17	1801	\$250.00
02/21/17	1806	\$187.50
09/09/20	2073	\$154.00
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		\$3,139.76

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham, County of Morris in the State of New Jersey that based on the recommendation of the Chief Financial Officer the above-referenced outstanding checks shall be voided and the funds returned to the cash account of the applicable fund.

This Resolution shall take effect immediately.

Dated: November 10, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #144-2021

**RESOLUTION AUTHORIZING TRANSFERS BETWEEN CERTAIN BUDGET APPROPRIATIONS
IN THE 2021 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 2021 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 2021 Current Fund Budget with an effective date of November 11, 2021:

TO:

General Administration	01-2021-0020-0100-1-00114	\$	1,000.00
General Administration	01-2021-0020-0100-1-00114	\$	500.00
Fire Hydrant Service	01-2021-0025-0504-2-00032	\$	7,100.00
Recreation	01-2021-0028-0370-1-00135	\$	543.00
Recreation	01-2021-0028-0370-1-00135	\$	150.00
Recreation	01-2021-0028-0370-1-00135	\$	400.00
Recreation	01-2021-0028-0370-1-00135	\$	100.00
Recreation	01-2021-0028-0370-1-00135	\$	317.00
Recreation	01-2021-0028-0370-1-00135	\$	400.00
Recreation	01-2021-0028-0370-1-00135	\$	740.00
Recreation	01-2021-0028-0370-1-00135	\$	500.00
Petroleum Products - Gasoline	01-2021-0031-0460-2-00460	\$	3,000.00
Petroleum Products - Gasoline	01-2021-0031-0460-2-00460	\$	4,000.00
Petroleum Products - Gasoline	01-2021-0031-0460-2-00460	\$	8,000.00
Landfill/Solid Waste Disposal	01-2021-0032-0465-2-00590	\$	30,000.00
Social Security	01-2021-0036-0471-2-00041	\$	4,000.00
Social Security	01-2021-0036-0471-2-00041	\$	7,000.00
Municipal Court	01-2021-0043-0490-2-00740	\$	1,300.00
Telephone	01-2021-0031-0440-2-00301	\$	600.00

FROM:

Tax Assessor	01-2021-0020-0150-1-00107	\$	1,000.00
Mayor and Council	01-2021-0020-0110-1-00617	\$	500.00
Electricity	01-2021-0031-0430-2-00575	\$	7,100.00
Recreation	01-2021-0028-0370-2-00382	\$	543.00
Recreation	01-2021-0028-0370-2-00405	\$	150.00
Recreation	01-2021-0028-0370-2-00421	\$	400.00
Recreation	01-2021-0028-0370-2-00528	\$	100.00
Recreation	01-2021-0028-0370-2-00595	\$	317.00
Recreation	01-2021-0028-0370-2-00596	\$	400.00
Recreation	01-2021-0028-0370-2-00597	\$	740.00
Recreation	01-2021-0028-0370-2-00811	\$	500.00
Street Lighting	01-2021-0031-0435-2-00026	\$	3,000.00
Natural Gas	01-2021-0031-0446-2-00446	\$	4,000.00
Roads	01-2021-0026-0290-1-00143	\$	8,000.00
Solid Waste Collection	01-2021-0026-0305-2-00326	\$	30,000.00
Roads	01-2021-0026-0290-1-00149	\$	4,000.00
Roads	01-2021-0026-0290-1-00123	\$	7,000.00
Police	01-2021-0025-0240-1-00124	\$	1,300.00
Cell Phones	01-2021-0031-0450-2-00450	\$	600.00

\$	69,650.00	\$	69,650.00
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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 10, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #145-2021

**RESOLUTION AUTHORIZING THE CANCELLATION OF AN UNEXPENDED BUDGET APPROPRIATION
BALANCE IN THE 2021 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 2021 General Operating Budget in the amount of \$75,000.00 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 \$75,000.00 so that the unexpended balance may be credited to the Surplus/Current Fund account in the 2021 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 2021 General Operating Budget in the amount of \$75,000.00 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 2021 General Operating Budget and the 2021 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 2021 General Operating Budget as herein amended shall be on file with the Borough Clerk and available for public inspection.

Dated: November 10, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #146-2021

**RESOLUTION AUTHORIZING THE RELEASE AND REFUND OF VARIOUS MENDHAM BOROUGH
ZONING BOARD OF ADJUSTMENT ESCROW BALANCES**

WHEREAS, escrow monies were required to be posted with the Mendham Borough Zoning Board of Adjustment in conjunction with the applications listed below; and

WHEREAS, the Engineer, Attorney and the Planner for the Mendham Borough Zoning Board of Adjusting have completed their review of the referenced applications and have recommended the release of the Escrow balances.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that escrow balances be released and refunded to the following applicants:

<u>APPLICANT</u>	<u>AMOUNT OF REFUND</u>
9042 Union Place Associates BOA Application for 1 West Main Street Block 301 – Lot 1	\$272.00
Brett Comstock BOA Application for 6 Bockoven Road Block 303 – Lot 12	\$ 7.68
Laura A. Scurko and John F. Egerter BOA Application for 9 Knollwood Drive Block 903 – Lot 4	\$371.12
Escada, LLC BOA Application for 11 Horseshoe Bend Road & 480 Bernardsville Road Block 2301 – Lots 5 and 10	\$3,396.56
Ramona L. Gomez BOA Application for 7 Linden Lane Block 1801 – Lot 10	\$ 24.12
Matthew Higgins BOA Application for 6 Hillcrest Avenue Block 602 – Lot 16	\$154.86
Christopher and Jennifer Johnson BOA Escrow for 15 Balbrook Drive Block 2601 – Lot 24	\$874.97
Amy Hauser LaRosa and Jeffrey T. LaRosa BOA Escrow for 6 Prospect Street Block 1901 – Lot 7	\$139.25
Yale and Donna Levey BOA Escrow for 90 Talmage Road Block 1402 – Lot 19	\$475.18
Timothy Mahoney BOA Escrow for 20 Coventry Road Block 1402 – Lot 8	\$ 15.75
Daniel Marx BOA Escrow for 470 Cherry Lane Block 2001 – Lot 20	\$531.25
Jamie M. Ressler 73 Mountain Avenue Block 901 – Lot 1	\$ 76.00
Men of Mendham, LLC BOA Escrow for 106 East Main Street Block 801 – Lot 12	\$ 53.12

And,

Robert J. and Amanda M. Murray BOA Escrow for 127 Hardscrabble Road Block 2401 – Lot 14	\$633.25
Dawn H. and Brian C. Nutt BOA Escrow for 4 Deerfield Road Block 201 – Lot 28	\$115.81
Anthony and Gerardette Rago BOA Escrow for 1 Peacock Lane Block 603 – Lot 8.01	\$102.40
Marc and Eileen Ogoff BOA Escrow for 12 Lake Drive Block 305 – Lot 6	\$110.53
Christopher Sandford and Elizabeth Stillwell BOA Escrow for 10 Orchard Street Block 601 – Lot 17	\$ 70.62
Simple Coffee Mendham LLC BOA Escrow for 15 West Main Street Block 301 – Lot 39	\$173.75
SPJ Motors BOA Escrow for 26-29 East Main Street Block 1501 – Lot 13	\$2,164.10
SPJ Motors BOA Escrow for 26-29 West Main Street Block 1501 – Lot 13	\$2,971.49

This Resolution shall take effect immediately.

Dated: November 10, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #147-2021

**RESOLUTION ACCEPTING DONATION OF A USED 2018 FORD EXPLORER SUV VEHICLE
FROM THE MENDHAM BOROUGH FIRST AID SQUAD**

WHEREAS, the Mendham Borough First Aid Squad (the "First Aid Squad") is a vital emergency response volunteer organization servicing all the residents of Mendham Borough; and

WHEREAS, the First Aid Squad desires to donate one (1) used 2018 Ford Explorer SUV VIN #1FMJU1JT3JEA55677, purchase price and value of \$50,646.80, to the Borough of Mendham for use by the First Aid Squad as a new support/Captain's vehicle; and

WHEREAS, the Borough of Mendham is authorized to accept and maintain donations of real and personal property pursuant to New Jersey Statute 40A:5-29; and

WHEREAS, The Mayor and Borough Council have determined that the acceptance of such donation is in the best interest of the municipality and gratefully wishes to accept the vehicle donation from the First Aid Squad to advance the safety, health and welfare of Borough residents, business community and visitors.

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

1. The donation of the 2018 Ford Explorer SUV VIN #1FMJU1JT3JEA55677 to the Borough of Mendham for use by the First Aid Squad as a new support/Captain's vehicle is hereby accepted; and
2. The Mayor and Borough Council wish to thank and acknowledge the First Aid Squad for lessening the tax burden of Borough residents by purchasing the vehicle and donating it to the Borough; and
3. The Mayor and Borough Clerk are hereby authorized to execute any documents necessary for the acceptance of this gift.

This Resolution shall be effective immediately.

Dated: November 10, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #148-2021

**RESOLUTION OF THE BOROUGH OF MENDHAM
UPDATING AND REVISING THE PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Borough of Mendham is a member of the New Jersey Municipal Excess Liabilities Fund; and

WHEREAS, every two years, the MEL distributes a model personnel policies and procedures manual and encourages its members to update their policies and procedures; and

WHEREAS, the Borough of Mendham seeks to update its Personnel Policies and Procedures Manual to conform with the MEL's standards; and

WHEREAS, the Personnel Committee and Borough Administration recommends amending the Personnel Policy and Procedure Manual in accordance with the MCJIF and MEL best practices and recommends that the amended Personnel Policy and Procedure Manual be adopted by the governing body; and

WHEREAS, the Borough Attorney has reviewed the amended Personnel Policy and Procedure Manual, attached hereto and made a part of this resolution.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the Personnel Policies and Procedures Manual dated November 10, 2021 and attached hereto is hereby adopted; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail; and

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council of the Borough of Mendham; and

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will"; and

BE IT FURTHER RESOLVED that the Borough Administrator shall distribute a copy of the amended Personnel and Policy Procedures Manual to all current Borough employees upon adoption by the Borough Council.

Dated: November 10, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #149-2021

**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:

- Matters to be discussed:
1. Attorney-Client Privilege - Real Estate in Mendham Borough
 2. Attorney-Client Privilege - Morris Area Energy Cooperative

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 10, 2021