

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #057-2021

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that the Borough Administrator and the person who interviews and recommends candidates for employment with the Borough, must review, and be familiar with, the herein referenced federal guidelines and ensure that the Borough's hiring practices are in compliance therewith; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Mendham hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Borough Clerk to cause to be maintained and available for inspection a certified copy of this Resolution and the required affidavit to show evidence of said compliance.

* * * * *

[Governing Body Group Affidavit attached]

Dated: March 22, 2021

Attest:

THE BOROUGH OF MENDHAM

Robin R. Kline, Municipal Clerk

Christine Serrano-Glassner, Mayor

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

STATE OF NEW JERSEY

COUNTY OF MORRIS

We, members of the governing body of the BOROUGH OF MENDHAM being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the MAYOR AND COUNCIL of the BOROUGH OF MENDHAM in the COUNTY OF MORRIS;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

Christine Serrano-Glassner, Mayor	(L.S.)
Steven Andrew, Council Member	(L.S.)
John Andrews, Council President	(L.S.)
Brad Badal, 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 PHOTOCOPIES OF SIGNATURES

Sworn to and subscribed before me this ____ day of March, 2021

 Robin R. Kline, MAS, RMC, CMR
 Municipal Clerk
 BOROUGH OF MENDHAM

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

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

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #058-2021

RESOLUTION TO INTRODUCE THE 2021 MUNICIPAL BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2021:

Municipal Budget

Revenues

General Revenues	\$ 3,176,825.00
Local Tax for Muni Purposes	<u>\$ 6,390,506.68</u>
	\$ 9,567,331.68

Appropriations

Municipal Purposes	\$ 8,821,626.68
Reserve for Uncollected Taxes	<u>\$ 745,705.00</u>
Total General Appropriations	\$ 9,567,331.68

And,

BE IT FURTHER RESOLVED, that the 2021 Municipal Budget summary shall be published in the official newspapers of the Borough of Mendham together with a public notice that the public hearing on the Budget and Tax Resolution will be held at the Garabrant Center on April 26, 2021 at 8:00 p.m. or as soon thereafter as the matter can be conducted by the Borough Council and at which time objections may be presented by taxpayers or other interested; and

BE IT FURTHER RESOLVED that the Council of the Borough of Mendham does hereby approve 2021 Municipal Budget as herein introduced.

Dated: March 22, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #059-2021

RESOLUTION AUTHORIZING THE CANCELLATION OF THE UNEXPENDED BALANCE AMOUNT NO LONGER NEEDED IN THE CURRENT FUND RESERVE ACCOUNT FOR THE PHOENIX HOUSE

WHEREAS, the Finance Committee, in consultation with the Borough Administration and Borough Auditor, has determined that the Current Fund Reserve for the Phoenix House is no longer needed for the operations of the Borough; and

WHEREAS, the unexpended balance amount in the Current Fund Reserve for the Phoenix House is \$32,196.57.

THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham that the Current Fund Reserve for Phoenix House is no longer needed for the operations of the Borough shall be cancelled; and

BE IT FURTHER RESOLVED that all Borough employees and officials 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: March 22, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #060-2021**RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS
FOR THE CURRENT BUDGET**

WHEREAS, an emergent condition has arisen with respect to a delay in the adoption of the official budget for calendar year 2021 and no adequate provision has been made in the 2021 temporary appropriations for expenditures for the month of April and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purposes herein; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2021 pursuant to the provision of N.J.S.A. 40A: 4-20 including this resolution total \$587,808.00.

THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham, Morris County, New Jersey (not less than two-thirds of all the members therefore affirmatively concurring) as follows:

1. The emergency temporary appropriations shall be made for the 2021 temporary budget in the amount of \$587,808.00.
2. That said emergency temporary appropriations will be provided for in the 2021 budget.
3. The Borough Clerk shall file one (1) certified copy of this resolution with the Director of the Division of Local Government Services and with the Borough's Chief Financial Officer.

The following emergency temporary appropriations by account are as follows:

	ACCOUNT	TEMPORARY EMERGENCY APPROPRIATION AMOUNT
20	General Government	
100	Administrative and Executive	
	Salaries and Wages	\$ 10,000.00
	Other Expenses	3,000.00
101	Organization Contributions	
	Other Expenses	.00
102	Purchasing	
	Other Expenses	2,000.00
103	Communications and Public Information	
	Salaries and Wages	2,500.00
	Other Expenses	2,000.00
105	Human Resources - Personnel and Payroll	
	Salaries and Wages	3,000.00
	Other Expenses	.00
110	Mayor and Council	
	Salaries and Wages	.00
	Other Expenses	500.00
120	Municipal Clerk	
	Salaries and Wages	6,000.00
	Other Expenses	2,000.00
130	Financial Administration-Treasury	
	Salaries and Wages	4,000.00
	Other Expenses	3,000.00
135	Audit Services	
	Other Expenses	5,000.00
140	Computerized Data Processing	
	Other Expenses	7,000.00
145	Revenue Administration - Tax Collection	
	Salaries and Wages	3,000.00
	Other Expenses	500.00
150	Tax Assessment Administration - Tax Assessor	
	Salaries and Wages	3,500.00
	Other Expenses	808.00
155	Annual Legal Professional Services Contract	
	Other Expenses	\$ 16,000.00

165	Engineering Services	
	Other Expenses	12,000.00
21	Land Use Administration	
180	Planning Board	
	Salaries and Wages	2,500.00
	Other Expenses	2,000.00
181	Historic Preservation Commission	
	Other Expenses	2,000.00
185	Zoning Board of Adjustment	
	Other Expenses	3,000.00
22	Uniform Construction Code/Code Enforcement	
195	Uniform Construction Code	
	Salaries and Wages	4,000.00
	Other Expenses	2,000.00
196	Code Enforcement - Zoning	
	Salaries and Wages	2,000.00
	Other Expenses	1,000.00
23	Insurance	
210	Liability Insurance	
	Other Expenses	32,000.00
215	Workers Compensation Insurance	
	Other Expenses	22,000.00
220	Employee Group Insurance	
	Other Expenses	60,000.00
225	Unemployment Insurance	
	Other Expenses	.00
226	Disability Insurance - Long Term	
	Other Expenses	2,000.00
25	Public Safety	
240	Police	
	Salaries and Wages	125,000.00
	Other Expenses	5,000.00
250	Police Dispatch	
	Other Expenses	0.00
252	Office of Emergency Management	
	Salaries and Wages	.00
	Other Expenses	2,000.00
255	Aid to Volunteer Fire Company	
	Other Expenses	5,000.00
260	Aid to Volunteer Ambulance Company	
	Other Expenses	5,000.00
265	Fire Prevention	
	Salaries and Wages	1,000.00
	Other Expenses	1,000.00
504	Fire Hydrant Service	
	Other Expenses	9,000.00
26	Public Works	
290	Streets and Road Maintenance	
	Salaries and Wages	60,000.00
	Other Expenses	6,000.00
300	Other Public Works Functions Shade Tree Maintenance	
	Other Expenses	2,000.00
305	Solid Waste Collection	
	Other Expenses	30,000.00
310	Buildings and Grounds	
	Other Expenses	10,000.00
315	Vehicle Maintenance	
	Salaries and Wages	4,000.00
	Other Expenses	5,000.00
325	Community Services (Kelly) Act	
	Other Expenses	.00
27	Health & Human Services	

330	Board of Health	
	Salaries and Wages	\$ 0.00
	Other Expenses	2,000.00
335	Environmental Health Services	
	Other Expenses	500.00
340	Animal Control Services	
	Other Expenses	500.00
360	Senior Citizen Services & Programs	
	Other Expenses	5,000.00
28	Recreation	
370	Recreation Services	
	Salaries and Wages	1,000.00
	Other Expenses	5,000.00
375	Maintenance of Parks	
	Other Expenses	5,000.00
29	Education	
393	Aid to Private Library	
	Other Expenses	16,000.00
31	Utility & bulk Expenses	
430	Electricity	
	Other Expenses	4,000.00
435	Street Lighting	
	Other Expenses	3,000.00
440	Telephone	
	Other Expenses	5,000.00
445	Water	
	Other Expenses	1,000.00
446	Natural Gas	
	Other Expenses	4,000.00
450	Telecommunications - Cell Phones	
	Other Expenses	3,000.00
447	Petroleum Products	
	Other Expenses	15,000.00
32	Recycling & Landfill	
465	Landfill Solid Waste Disposal Cost - Recycling	
	Other Expenses	12,000.00
35	Contingent	
470	Contingent	
	Other Expenses	.00
36	Statutory Expenditures	
471	Public Employees Retirement System	
	Other Expenses	0.00
472	Social Security	
	Other Expenses	10,000.00
477	Police & Fire Retirement System	
	Other Expenses	0.00
477	Defined Contribution Retirement Program	
	Other Expenses	500.00
41	Federal & State Grants	
770	Clean Communities Grant	
	Salaries and Wages	.00
	Other Expenses	.00
43	Court & Public Defender	
490	Municipal Court	
	Other Expenses	5,000.00
	TOTAL	\$ 587,808.00

And,

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

This Resolution shall take effect immediately.

Dated: March 22, 2021

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #061-2021

**RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS
FOR THE SEWER UTILITY BUDGET**

WHEREAS, an emergent condition has arisen with respect to a delay in the adoption of the official Sewer Utility Budget for calendar year 2021 and no adequate provision has been made in the 2021 temporary Sewer Utility appropriations for expenditures for the month of April and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2021 pursuant to the provision of N.J.S.A. 40A:4-20 including this resolution totals \$150,565.00.

THEREFORE, BE IT RESOLVED by the Council of the Borough of Mendham, Morris County, New Jersey (not less than two-thirds of all the members therefore affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20 as follows:

1. An emergency appropriation be and the same is hereby made for the 2021 Temporary Sewer Utility Budget in the amount of \$150, 565.00.
2. That said emergency temporary appropriations will be provided for in the 2021 Sewer Utility Budget.
3. That one (1) certified copy of this resolution be filed with the Director of the Division of Local Government Services and with the Borough's Chief Financial Officer.

The following are the emergency temporary appropriations by account:

55	SEWER UTILITY ACCOUNT	TEMPORARY AMOUNT APPROPRIATED
501	Utility Salaries & Wages - Sewer	
	Salaries and Wages	\$20,000.00
503	Utility Operating - Billing	
	Salaries and Wages	\$2,000.00
	Other Expenses	\$4,000.00
502	Utility Other Expenses - Sewer	
	Other Expenses	\$101,065.00
541	Contribution to Social Security	
	Other Expenses	\$3,000.00
542	Unemployment Compensation Insurance	
	Other Expenses	\$500.00
544	Statutory Expenses	
	Other Expenses	\$20,000.00
	Total	\$150,565.00

And,

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

This Resolution shall take effect immediately.

Dated: March 22, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #062-2021

**RESOLUTION AUTHORIZING THE REFUND OF A BOARD OF ADJUSTMENT ESCROW BALANCE
FOR APPLICATION #06-20 CONCERNING PROPERTY LOCATED AT 30 EAST MAIN STREET [BLOCK 602, LOT 1]**

WHEREAS, escrow monies were required to be posted with the Borough of Mendham Board of Adjustment in conjunction with application #06-20, Medical Properties Partners, LLC, for property located at 30 East Main Street (Block 602, Lot 1); and

WHEREAS, Medical Properties Partners, LLC by way of correspondence dated March 16, 2021 has requested that any remaining escrow balance be released; and

WHEREAS, the Board of Adjustment Engineer, the Board of Adjustment Attorney and the Board of Adjustment Planner have completed their review of the referenced application and have recommended the release of the Escrow balance.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mendham that the escrow balance in the amount of \$2,389.36 associated with Board of Adjustment application #06-20 be released to Medical Properties Partners, LLC.

This Resolution shall take effect immediately.

Dated: March 22, 2021

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

RESOLUTION #063-2021

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR THE CONTRACT
WITH NATIONAL WATER MAIN CLEANING COMPANY
FOR THE SEWER COLLECTION SYSTEM CCTV INSPECTION PROJECT**

WHEREAS, the Borough of Mendham has a project entitled "Sewer Collection System CCTV Inspection" ("Project"), which Project has been completed; and

WHEREAS, pursuant to Resolution #074-2020 adopted on April 27, 2020, the Borough awarded and executed a contract with National Water Main Cleaning Co. for the Project in the total amount of \$388,125.00; and

WHEREAS, certain items to the contract have been modified from the originally estimated quantities needed for the Project, resulting in an unused credit; and

WHEREAS, the cost of the Change Order 1, as provided by the Project Engineer by way of correspondence dated March 18, 2021 is a \$41,328.60 decrease in the contract price to \$346,796.40; and

WHEREAS, the Project Engineer has recommended Change Order 1 as final reconciliation of unit cost items for the Project closeout; and

WHEREAS, the Borough Attorney has reviewed same and finds Change Order 1 in accordance with the Local Public Contracts Law; and

WHEREAS, the Borough CFO has certified that sufficient funds are available for this purpose.

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. Change Order No. 1 for the Sewer Collection System CCTV Inspection Project, for a decrease of \$41,328.60, resulting in a total contract price of \$346,796.40 with National Water Main Cleaning Co, is hereby authorized.
2. The Borough hereby accepts and authorizes payment of the final contract in the adjusted contract amount of \$346,796.40.

This Resolution shall take effect immediately.

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #064-2021

**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 – Prospect Street Easement

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: March 22, 2021