



**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
September 8, 2015 – 6:00 p.m.**

1. ROLL CALL:

Mr. Cioppettini
Mrs. Orban Brown
Mrs. Thomas
Mr. Tolley
Mayor Baumann

2. SALUTE TO THE FLAG:

3. STATEMENT OF ADEQUATE NOTICE:

Adequate notice of this meeting of the Township Committee of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Daily Record, Observer Tribune and the Star Ledger on January 6, 2015. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk. Official action may be taken.

At this time we will suspend the regular agenda until 7:00 for the Department head reports which are also public.

4. ~~RECAP ON POST EXECUTIVE SESSION~~ Mayor Baumann

5. APPROVAL OF MINUTES

August 25, 2015
Motion to approve, second, roll call vote

6. COMMITTEE REPORTS

Fire

7. ANNOUNCEMENTS

Shredder Day will be September 26th from 8:30 – 12 noon in the Town Hall Parking lot
Brush Pick up – curbside will be October 5th. All information is on our website

8. PRESENTATION

Friends of Pitney

9. HEARING PERSONS PRESENT

10. NEW BUSINESS

ORDINANCES FOR FIRST READING

THE THREE ORDINANCES BELOW WILL BE ON FOR SECOND READING ON SEPTEMBER 22ND, IF PASSED TONIGHT.

ORDINANCE 10-2015

CROSSWALK ON COREY LANE

Motion to adopt, second public hearing, discussion, roll call vote

ORDINANCE 11-2015

AMENDING THE SEWER SERVICE CHARGES FOR THE MENDHAM EAST WATER POLLUTION CONTROL SYSTEM

Motion to adopt, second public hearing, discussion, roll call vote

ORDINANCE 12-2015

AMENDING THE SEWER SERVICE CHARGES FOR THE MENDHAM WEST WATER POLLUTION CONTROL SYSTEM

Motion to adopt, second public hearing, discussion, roll call vote

ORDINANCE 13-2015

GRANTING FRANCHISING TO NEW JERSEY AMERICAN WATER FOR DESIGNATED PROPERTY

Motion to adopt, second public hearing, discussion, roll call vote

RESOLUTIONS

RESOLUTION 2015-119

TOWNSHIP OF MENDHAM AUTHORIZING A CHANGE ORDER #2 FOR REIVAX CONTRACTING EAST MAIN STREET DRAINAGE IMPROVEMENTS

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2015-120 (*memorialized from 8/25 meeting*)

THE TOWNSHIP OF MENDHAM AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO CONVEY TITLE TO A 1976 FORD TRUCK KNOWN AS 19-85 TO BROOKSIDE ENGINE CO. NO. 1 FOR ONE DOLLAR

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2015-121

THE TOWNSHIP OF MENDHAM AUTHORIZING REFUND OF OVERPAYMENT OF 2015 TAXES

Motion to adopt, second, discussion, roll call vote

RESOLUTION 2015-122
THE TOWNSHIP OF MENDHAM
APPOINTING TED MAGLIONE TO THE PLANNING BOARD
Motion to adopt, second, discussion, roll call vote

RESOLUTION 2015-123
APPOINTING EVAN THOMAS OEM COORDINATOR
Motion to adopt, second, discussion, roll call vote

RESOLUTION 2015-124
THE TOWNSHIP OF MENDHAM AUTHORIZING THE PAYMENT OF BILLS
AUTHORIZING PAYMENT OF BILLS
Motion to adopt, second, discussion, roll call vote

11. DISCUSSION

Tax Collector
Refunding Bond
Drakewick/ Brookrace – plan to have a meeting

12. OPEN ITEMS

13. HEARING PERSONS PRESENT

14. RESOLUTION 2015-125

AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC
Motion to adopt, second, discussion, roll call vote
Contracts

15. EXECUTIVE SESSION

16. ADJOURNMENT

RESOLUTION 2015-119
TOWNSHIP OF MENDHAM
CHANGE ORDER #2
REIVAX CONTRACTING
EAST MAIN STREET DRAINAGE IMPROVEMENTS

WHEREAS, the original contract amount with Reivax Contracting, for the East Main Street Drainage Improvements, is \$566,918.83; and

WHEREAS, Change Order #1, in the amount of \$12,000.00 was approved on May 11, 2015; and

WHEREAS, Change Order #2, in the amount of \$2,500.00, was required to Remove Grate and Raise E inlet in Drainage Easement on 16 East Main Street (D'Aries Property), Add and Rake Additional Topsoil, and Re-Sod Easement Area per the Memorandum dated July 30, 2015 from the Township Engineer; and

WHEREAS, the contract with Reivax be amended as follows:

Original Contract Amount	\$566,918.83
Change Order No. 1	\$ 12,000.00
Change Order No. 2	\$ 2,500.00
Total Revised Contract	\$581,418.83

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the Change Order No. 2, in the amount of \$2,500.00 be approved and the contract be amended accordingly.

Adopted: September 8, 2015

ATTEST:

TOWNSHIP OF MENDHAM
COUNTY OF MORRIS

Mary Beth Zichelli
Township Clerk

Christopher Baumann
Mayor

RESOLUTION 2015-120

THE TOWNSHIP OF MENDHAM

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO CONVEY TITLE TO A 1976 FORD TRUCK KNOWN AS 19-85 TO BROOKSIDE ENGINE CO. NO. 1 FOR ONE DOLLAR

WHEREAS, N.J.S.A. 40A:11-36 provides that the governing body, may by resolution, authorize the disposition of personal property no longer needed for public use by private sale to any body politic to whom such governing body contributes tax funds; and

WHEREAS, the Brookside Engine Co. No. 1 is such a body politic and has requested that title to a certain 1976 Ford Utility truck be conveyed to it; and

WHEREAS, said vehicle is no longer needed for public purposes

Now Therefore, Be It Hereby Resolved by the Township Committee of the Township of Mendham that the Mayor and Clerk are authorized to deliver all legal documents, including the title, necessary to convey ownership of this vehicle to the Brookside Engine Co. No. 1 for a consideration of one dollar.

ADOPTED: September 8, 2015

ATTEST:

**TOWNSHIP OF MENDHAM
COUNTY OF MORRIS**

Mary Beth Zichelli
Township Clerk

Christopher Baumann
Mayor

**RESOLUTION 2015-121
THE TOWNSHIP OF MENDHAM**

AUTHORIZING REFUND OF OVERPAYMENT OF 2015 TAXES

WHEREAS, the Tax Collector has certified to the Township of Mendham that a payment be refunded due to an overpayment of taxes by the property owner as a result of an overbill resulting from a farmland qualified designation

WHEREAS, the Governing Body has reviewed said certification and approved the same.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mendham, being the Governing Body thereof that payment is refunded as follows:

Block & Lot & Qualifier Refund to:	Amount
144 43	
Mary Moore 12A Kennaday Road Mendham, NJ 07945	\$6,724.51

ADOPTED: September 8, 2015

ATTEST:

**TOWNSHIP OF MENDHAM
COUNTY OF MORRIS**

Mary Beth Zichelli
Township Clerk

Christopher Baumann
Mayor

RESOLUTION 2015-122
THE TOWNSHIP OF MENDHAM
APPOINTING TED MAGLIONE TO THE PLANNING BOARD

WHEREAS there was a vacancy on the Planning Board and a need to fill the term, expiring on December 31, 2015

BE IT RESOLVED by the Township Committee of the Township of Mendham that the following appointment be made to the Mendham Township Planning Board:

Ted Maglione - Alternate # 2

Adopted: September 8, 2015

Attest:

TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

Mary Beth Zichelli
Township Clerk

Chris Baumann
Mayor

RESOLUTION 2015-123
APPOINTING EVAN THOMAS OEM COORDINATOR

WHEREAS there is a need to have an OEM coordinator for the Township of Mendham

WHEREAS, Evan Thomas' appointment expired on December 31, 2014

BE IT RESOLVED by the Township Committee of the Township of Mendham that Evan Thomas Be Re-appointed the OEM Coordinator, for a three year term beginning January 1, 2015 and expiring on December 31, 2017

Adopted: September 8, 2015

Attest:

TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

Mary Beth Zichelli
Township Clerk

Chris Baumann
Mayor

**RESOLUTION 2015-124
RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF MENDHAM AUTHORIZING
THE PAYMENT OF BILLS**

BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, that the Chief Financial Officer be and hereby is authorized to pay current bills as attached hereto and made a part hereof, contingent upon the approval of the Finance Committee.

Adopted: September 8, 2015

ATTEST:

TOWNSHIP OF MENDHAM,
COUNTY OF MORRIS

Mary Beth Zichelli
Township Clerk

Christopher Baumann
Mayor

Range of Checking Accts: First to Last Range of Check Dates: 09/07/15 to 09/08/15
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
CLAIMS ACCOUNT	CLAIMS ACCOUNT			
580	09/08/15	ACANO ANDREA CANO	50.00	3697
581	09/08/15	ACCOUNTT ACCOUNTEMPS	2,101.00	3697
582	09/08/15	ALLATTA MICHAEL ALLATTA	75.00	3697
583	09/08/15	ALOIL ALLIED OIL CO.,LLC	10,797.38	3697
584	09/08/15	ANGELOF ANGELO FERRARO	50.00	3697
585	09/08/15	ARMYWP ARMY WEST POINT ATHLETICS	1,860.00	3697
586	09/08/15	BFIRE BROOKSIDE ENGINE COMPANY	23,750.00	3697
587	09/08/15	BR B & R UNIFORMS	364.40	3697
588	09/08/15	BRAUNER JENNIFER BRAUNER	110.00	3697
589	09/08/15	CALABRO BREEANNA CALABRO	490.00	3697
590	09/08/15	CALDER CANDACE ALDERTON	45.45	3697
591	09/08/15	CAVAN CAVANAUGHS INC	130.00	3697
592	09/08/15	CMARESCA CATHERINE MARESCA	50.00	3697
593	09/08/15	COMCAST COMCAST	146.58	3697
594	09/08/15	DRAEGER DRAEGER SAFETY DIAGNOSTICS, INC	169.00	3697
595	09/08/15	GRIECO MRS. ANGELA GRIECO	45.00	3697
596	09/08/15	GTI GTI INTERNET	45.95	3697
597	09/08/15	HEARTS HEART SMART TECHNOLOGY	1,985.00	3697
598	09/08/15	INST INST FOR FORENSIC PSYCH, PC	450.00	3697
599	09/08/15	JCPL JCP&L	8,819.75	3697
600	09/08/15	KELLYM KELLY MOONEY PHOTOGRAPHY	300.00	3697
601	09/08/15	KLEIN CAROLYN S KLEINMAN	863.69	3697
602	09/08/15	MAACM MAACM, DONALD HEAGY,	260.00	3697
603	09/08/15	MASH MENDHAM AREA SENIOR	1,614.17	3697
604	09/08/15	MCAA MCAA OF NJ	45.00	3697
605	09/08/15	MCI MCI COMM SERVICE	31.17	3697
606	09/08/15	MMOORE MARY MOORE	6,724.51	3697
607	09/08/15	MTFRS MENDHAM TWP FIRST AID SQUAD	227.37	3697
608	09/08/15	NAVITEND NAVITEND	1,245.36	3697
609	09/08/15	OFFICETE OFFICETEAM	3,468.00	3697
610	09/08/15	OHETZLER OLIVIA HETZLER	50.00	3697
611	09/08/15	PASSAIC PASSAIC VALLEY COACH	575.00	3697
612	09/08/15	PBRESERV PITNEY BOWES RESERVE ACCOUNT	500.00	3697
613	09/08/15	PHOENIX PHOENIX CONSULTING GROUP, LLC	3,728.75	3697
614	09/08/15	PRAXWELC GTS-WELCO PRAXAIR DIST.	25.65	3697
615	09/08/15	PRUCTR PRUDENTIAL CENTER	1,235.00	3697
616	09/08/15	PSEG PSE&G	26.57	3697
617	09/08/15	PWRIGHT PETER WRIGHT, RECREATION	74.43	3697
618	09/08/15	QUALI QUALITY DISCOUNT TIRE	860.00	3697
619	09/08/15	RFIRE RALSTON ENGINE COMPANY	19,000.00	3697
620	09/08/15	SALM SALVATORE MARINO	172.51	3697
621	09/08/15	SGALLAG SEAN GALLAGHER	150.00	3697
622	09/08/15	SHEAF SHEAFFER SUPPLY INC	100.26	3697
623	09/08/15	SPEC SPECTRUM COMMUNICATIONS CORP.	67.50	3697
624	09/08/15	TDEQUIP TD EQUIPMENT FINANCE, INC.	9,464.00	3697
625	09/08/15	TOBAR GONZALO C. TOBAR	106.11	3697
626	09/08/15	WMRHS WEST MORRIS REGIONAL HIGH	912,745.00	3697
627	09/08/15	XTREME XTREME GRAPHICS	510.00	3697

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND 2015 BUDGET	5-01	1,055,110.01	0.00
	G-02	214.45	0.00
RECREATION COMM.	T-14	6,184.43	0.00
	T-20	91,625.39	0.00
	T-24	<u>863.69</u>	<u>0.00</u>
Year Total:		98,673.51	0.00
Total of All Funds:		<u><u>1,153,997.97</u></u>	<u><u>0.00</u></u>

Project Description	Project No.	Project Total
PUBLIC DEFENDER	050007-7	300.00
PITNEY PROPERTY OPERATIONS	050010-0	2,711.67
BOH - MAYNARD	060439-9	240.00
BOH - KAEMMER	060440-1	240.00
BOH - MERVIN ESTATE	060441-3	240.00
Total of All Projects:		<u>3,731.67</u>

RESOLUTION 2015-125

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF MENDHAM
AUTHORIZING DISCUSSION WITHOUT
THE PRESENCE OF THE PUBLIC**

WHEREAS, it is deemed appropriate that the Township Committee discuss the matters hereafter mentioned without the presence of the public, in accordance with the provisions of R.S. 10:412b, being section 7b of the Open Public Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, as follows:

Contracts

Shall be discussed by the Township Committee without the presence of the public. It is anticipated that these matters can be disclosed to the public when further action is taken in connection with the discussion.

Adopted: September 8, 2015

Attest:

TOWNSHIP OF MENDHAM,
COUNTY OF MORRIS

Mary Beth Zichelli, RMC, CMR
Township Clerk

Christopher Baumann
Mayor

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 2015-10**

**AN ORDINANCE TO PROVIDE FOR A MID-BLOCK
CROSSWALK
ON COREY LANE, IN THE TOWNSHIP OF MENDHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY**

Be it Ordained by the Township Committee of the Township of Mendham, County of Morris, State of New Jersey, as follows:

Section I - That a mid block cross walk across **Corey Lane** be hereby established at **approximately 794 feet south of the southerly edge of pavement of the intersection with Green Hills Road.**

Section II - That the crosswalk markings shall be installed in accordance with the Manual on Uniform Traffic Control Devices.

Section III - That signs shall be erected and maintained to effect the above designated crosswalk in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways and the guidelines set forth by the Commissioner of the Department of Transportation.

Section IV - This Ordinance shall take effect pursuant to N.J.S.A 39:4-86 (3) and N.J.S.A 40:49-2.

ATTEST:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF MENDHAM

Mary Beth Zichelli
Municipal Clerk

Chris Baumann, Mayor

INTRODUCED:

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

ATTEST:

**TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS**

**Mary Beth Zichelli
Township Clerk**

**Christopher Baumann
Mayor**

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 2015-11**

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF
MORRIS, NEW JERSEY, AMENDING THE SEWER SERVICE CHARGES FOR THE
MENDHAM EAST WATER POLLUTION CONTROL SYSTEM**

WHEREAS, Ordinance 10-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Establishing Sewer Services charges for the Mendham East Water Pollution Control System” established sanitary sewer service fees to be charged to the owners of properties served by such system; and

WHEREAS, Ordinance 10-96 was amended by Ordinance 17-97, Ordinance 21-2003, Ordinance 28-2006 and Ordinance 14-2007; and

WHEREAS, The Township has determined that the sanitary sewer service fees to be charged to the owners of properties served by the Mendham East Water Pollution Control System shall be amend to adequately meet the operating and maintenance expense of the system.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham, County of Morris, New Jersey, as follows:

1. The owner of every property connected to and served by the Mendham East Water Pollution Control System (a self-liquidating municipal utility established by Ordinance 8-96 entitled “An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Providing for the Acceptance of the Mendham East Water Pollution Control System and its Operating and Maintenance by the Township as a Self-Liquidating Municipal Utility”) shall pay to the Township and annual service charge in accordance with the following schedule:

<u>Property Use</u>	<u>Annual Service Charge</u>
Single-family dwelling unit and Condominium dwelling unit:	
1 Bedroom Dwelling	\$819.00
2 Bedroom Dwelling	\$1,638.00
3 Bedroom Dwelling	\$2,456.00
4 Bedroom Dwelling	\$3,275.00
5 Bedroom Dwelling	\$4,094.00

2. The annual service charges provided in Paragraph 1 of this ordinance shall be billed by the Collector of Taxes of the Township and be due and payable quarter-annually on February 1, May 1, August 1 and November 1 in each and every year.
3. If any bill for service charges remains unpaid after the due date, the amount due shall bear interest at the rate of eight percent (8%) per annum up to \$1,500 and eighteen percent (18%) over \$1,500. No interest shall be charged if payment of any quarterly service charge is made within the tenth calendar day following the date upon which the quarterly service charge became due. Service charges, and any interest thereon, provided by this Ordinance shall be liens on the respective properties against which such charges are made, and the payment may be enforced in the same manner provided for the collection of taxes.
4. All service fees received by the Township pursuant to this ordinance shall be dedicated revenues to meet the expenses of the operation and maintenance of the Mendham East Water Pollution Control System in accordance with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et.seq.
5. This ordinance shall take effect as provided by law

ATTEST

TOWNSHIP OF MENDHAM, IN THE
COUNTY OF MORRIS

Mary Beth Zichelli
Township Clerk

Chris Baumann, Mayor

INTRODUCED:

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

ATTEST:

**TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS**

**Mary Beth Zichelli
Township Clerk**

**Christopher Baumann
Mayor**

**TOWNSHIP OF MENDHAM
ORDINANCE 2015-12**

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF
MORRIS, NEW JERSEY, AMENDING THE SEWER SERVICE CHARGES FOR
THE MENDHAM WEST WATER POLLUTION CONTROL SYSTEM**

WHEREAS, Ordinance 16-2001 entitled "An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Establishing Sewer Services charges for the Mendham West Water Pollution Control System" established sanitary sewer service fees to be charged to the owners of properties served by such system; and

WHEREAS, Ordinance 16-2001 was amended by Ordinance 14-2009; and

WHEREAS, The Township has determined that the sanitary sewer service fees to be charged to the owners of properties served by the Mendham West Water Pollution Control System shall be amend to adequately meet the operating and maintenance expense of the system.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham, County of Morris, New Jersey, as follows:

1. The owner of every property connected to and served by the Mendham West Water Pollution Control System (a self-liquidating municipal utility established by Ordinance17-2001 entitled "An Ordinance of the Township of Mendham, in the County of Morris, New Jersey, Providing for the Acceptance of the Mendham West Water Pollution Control System and its Operating and Maintenance by the Township as a Self-Liquidating Municipal Utility") shall pay to the Township and annual service charge in accordance with the following schedule:

<u>Property Use</u>	<u>Annual Service Charge</u>
Single-family	\$1,283.00
Condo Unit	\$529.00

2. The annual service charges provided in Paragraph 1 of this ordinance shall be billed by the Collector of Taxes of the Township and be due and payable quarter-annually on February 1, May 1, August 1 and November 1 in each and every year.

3. If any bill for service charges remains unpaid after the due date, the amount due shall bear interest at the rate of eight percent (8%) per annum up to \$1,500 and eighteen percent (18%) over \$1,500. No interest shall be charged if payment of any quarterly service charge is made within the tenth calendar day following the date upon which the quarterly service charge became due. Service charges, and any interest thereon, provided by this Ordinance shall be liens on the respective properties against which such charges are made, and the payment may be enforced in the same manner provided for the collection of taxes.

4. All service fees received by the Township pursuant to this ordinance shall be dedicated revenues to meet the expenses of the operation and maintenance of the Mendham West Water Pollution Control System in accordance with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et.seq.

5. This ordinance shall take effect as provided by law

ATTEST

TOWNSHIP OF MENDHAM, IN THE
COUNTY OF MORRIS

Mary Beth Zichelli
Township Clerk

Chris Baumann, Mayor

INTRODUCED:

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

ATTEST:

**TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS**

**Mary Beth Zichelli
Township Clerk**

**Christopher Baumann
Mayor**

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY
ORDINANCE 2015-13**

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO NEW JERSEY AMERICAN WATER COMPANY, INC. TO PERMIT THE CONSTRUCTION, EXPANSION AND MAINTENANCE OF WATER FACILITIES ON PUBLIC PROPERTY IN THE TOWNSHIP OF MENDHAM IN ORDER TO FURNISH WATER SERVICE WITHIN THE BOUNDRIES OF THE TOWNSHIP TO PROPERTY IDENTIFIED AS SISTERS OF ST. JOHN THE BAPTIST ON MOSLE ROAD (Block 5 Lot 6)

SUMMARY

An ordinance granting municipal consent to New Jersey American Water Company, Inc. to extend water service and its facilities in the Township of Mendham in order to provide water services to a site on Mosle Road within the municipal boundaries of the Township of Mendham

WHEREAS, the Township of Mendham ("Township"), Morris County, New Jersey desires and permits New Jersey American Water Company, Inc. ("Company") to provide water services to a site within the municipality Block 5 Lot 6) not currently within New Jersey American Water's existing franchise (see ordinances 16-92, 3-94, 15-97, 8-2000; and

WHEREAS, New Jersey American Water Company, Inc. ("Company") is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Township to permit said Company to extend water service and its facilities in the Township; and

WHEREAS, the Company has requested the consent of the Township as required by N.J.S.A. 48:13-10, 48:13-11, 48:19-17 and 48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for said privilege (except fees for road opening permits shall be paid), provided that said pipes shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily damage such public places, drains, catch basins, sanitary sewers or like municipal improvements, and should damage occur the Company shall forthwith repair the damage and restore the public places and any municipal facilities to the condition the same enjoyed prior to such damage. The Company shall not unreasonably or unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property, the Company shall further comply with all ordinances of the Township of Mendham, a n d

WHEREAS, it is deemed to be in the best interest of the citizens of the Township with regard to the entire municipality to provide this consent;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

SECTION I – That the Township hereby grant to the Company, its successors and assigns, the franchise, “the extended franchise area” and municipal consent required under the provisions of N.J.S.A. 48:13-10, 48:13-11, 48:19-17 and 48:19-20, as amended without charge therefore, (except fees for road opening permits shall be paid) as the same may be required in order to permit the said Company to add to, extend, operate and maintain said water facilities on public property in order to provide water service within municipal boundaries to a certain property on Mosle Road (Block 5 Lot 6), known as the “extended franchise area”. The privilege granted herein shall include the construction, installation and maintenance of hydrants on and along the Township roads, streets and places at locations as the Township shall designate from time to time. Township hereby agrees to pay to the Company the filed tariff rates for public fire protection service rendered through said hydrants where the same are located on public property.

SECTION II - That a certified copy of this Ordinance, upon final passage, shall be sent to the Company, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

SECTION III – That the consent granted herein shall be subject to the Company complying with the applicable Township ordinances, State of New Jersey statutes and any New Jersey administrative agency's rules and regulations which apply to the subject matter of this Ordinance; and, that the Mayor and the Clerk of the Township be authorized to execute the documents and agreements necessary to effectuate the municipal consent and to protect the rights of the public involved.

SECTION IV — If a section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V This municipal consent supersedes all franchise agreements agreed to by and between the Company and the Township

SECTION VI- This ordinance shall take effect upon publication and as provided by law.

ORDINANCE NO. 2015-13

This is a true copy of an ordinance adopted by the Township Committee of the Township Mendham, Morris County, New Jersey.

Introduced:
Public Hearing:
Adoption:
Notice of Adoption:
Effective Date:

Mary Beth Zichelli, Township/ Clerk

INTRODUCED:

ADVERTISED:

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

ATTEST:

**TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS**

**Mary Beth Zichelli
Township Clerk**

**Christopher Baumann
Mayor**