

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES— January 8, 2019**

Montville Township Committee Regular Meeting
Tuesday, January 8, 2019 7:00 p.m.
Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

Statement of Open Public Meetings Act Compliance read by Township Clerk Leena Abaza.

Roll Call Township Committee:

Present: Committeeman Matthew S. Kayne
 Committeewoman June Witty
 Committeeman Richard Cook
 Deputy Mayor Frank W. Cooney
 Chairman Richard D. Conklin

Also present: Victor Canning, Township Administrator
 June Hercek, Assistant Township Administrator
 Fred Semrau, Esq., Township Attorney
 Leena Abaza, Township Clerk

Resolution authorizing Closed Executive Session to discuss the following matters as permitted pursuant to NJSA 10:4-12:

1. Contract Negotiations: Montville Township Police Benevolent Association # 140 (PBA); Dr. Golub / Rt. 202 property.
2. Litigation: Affordable Housing; Police.
3. Potential Litigation: Information Technology incident.

Motion by Kayne second by Cooney to approve Closed Executive Session Resolution and move into closed session. All in favor. Resolution adopted.

At 7:00 p.m. – Closed Session.

8:00 p.m. – Public Session

Statement of Open Public Meetings Act Compliance read by Township Clerk Leena Abaza.

Roll Call

Prayer & Pledge of Allegiance

Public Hearings on Ordinances for Final Adoption:

None.

Reports:

1. ADMINISTRATOR

- Administration continues to work on the 2019 Operating Budget. Based on Administrator's comments about the budget, the Township Committee agreed a Saturday, January 12, 2019 Budget Work Session was not necessary. Administrator Canning will provide the governing body with the complete budget once it is finalized.

Committeeman Cook requested Administration to provide the governing body with the budget line items that are changing in 2019.

- Starting February 6, 2019 the Township will go back to dual stream recycling. Administrator Victor Canning explained that the Township had to change from single

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stream recycling to dual stream due to glass not being recycled in China and it is far too expensive for the Township to continue with single stream recycling.

Deputy Mayor Frank Cooney thanked TAP into Montville Reporter Melissa Benno for answering all the questions (on Social Media) from the Township residents regarding the dual stream recycling/change.

- CDBG (Community Development Block Grant Program) was submitted for the improvements at the Senior House (new sliding doors & security system updates will be installed). Thanked Assistant Administrator June Hercek for her efforts to complete and submit the CDBG grant application.

2. ATTORNEY'S REPORT

- Continue to work on Park Lane and Skyview Estates. Legal action might be taken because the improvements were not done by the Developer.

3. TOWNSHIP COMMITTEE LIAISON REPORTS AND COMMENTS

Committeeman Kayne- Wished everyone a happy New Year. He stated the Township Reorganization Meeting and the dinner were wonderfully handled and well attended. He questioned when the Board and Commissions have a change in their roster, when is the information updated on the Township website.

Township Clerk Leena Abaza stated she makes the updates to the current Municipal List and then gives the list to Jennifer Dickson in Administration to make the necessary updates to the Township website.

Committeewoman Witty- she reported Drug Awareness – Municipal Alliance Council (DAC) having the first meeting of the year. Same officers will be on DAC but Judy Caggiano will be the Montville Township First Aid Squad Liaison. She mentioned a change of venue for the prom and a cruise will be planned. She continues to work on afternoon programs that will take place at the youth center. Round Table regarding the new Recycling Program will take place on February 3, 2019 from 4 p.m. to 6 p.m. in the Council Chambers.

Deputy Mayor Frank Cooney- no official report.

Committeeman Cook- he mentioned the Township Community Park and Playground Replacement Project will be completed in the near future. He mentioned reaching out to John Keeney from the Department of Environmental Protection (DEP) regarding the Demolition by Neglect Ordinance (for some guidance with putting together the Ordinance).

Chairman Conklin – no official report.

Old Business:

1. Project Status Report

Committeewoman Witty mentioned a resident did approach her regarding the Old Lane Sewer Project and she questioned the status of the project.

Chairman Conklin stated another update needs to be given to the Township residents regarding the Old Lane Sewer Project and he requested Administration to organize the meeting.

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New Business:

None.

Ordinance Introductions:

Ordinance # 2019 - 01 an Ordinance of the Township of Montville, County of Morris, State of New Jersey, authorizing the acceptance of a deed of transference for roadway purposes for a portion of the property designated as Block 3, Lot 59 on the Montville Township tax map

Motion by Kayne second by Cook to introduce Ordinance # 2019-01 and have the public hearing on February 12, 2019.

Roll Call

Yes: Kayne, Witty, Cook, Cooney, Conklin.

No:-0-

Ordinance # 2019 – 02 an Ordinance granting Municipal consent for the operation of a cable television system within the Township of Montville, New Jersey to CSC TKR, LLC D/B/A Cablevision of Morris

Motion by Cook second by Witty to introduce Ordinance # 2019-02 and have the public hearing on February 12, 2019.

Roll Call

Yes: Kayne, Witty, Cook, Cooney, Conklin.

No:-0-

Ordinance # 2019 – 03 an Ordinance granting Municipal consent for the operation of a cable television system within the Township of Montville, New Jersey to Cablevision of Oakland, LLC.

Motion by Cooney second by Witty to introduce Ordinance # 2019-03 and have the public hearing on February 12, 2019.

Roll Call

Yes: Kayne, Witty, Cook, Cooney, Conklin.

No:-0-

Public Portion

Motion by Cooney second by Kayne to open public portion of meeting. All in favor. Motion adopted.

Stephen Samitt, 2 Ridge Drive – he would like to speak about the recycling change. He stated that is not a big deal, great idea, but we need more information.

Motion by Cook second by Cooney to close public portion of meeting. All in favor. Motion adopted.

Resolution Authorizing Consent Agenda No. 2019-CA02:

Resolution # 2019 – 26 resolution approving request from Tax Collector for cancellation of tax overpayments or delinquent amounts less than \$10.00

Resolution # 2019 – 27 resolution authorizing the processing of certain tax sale certificate redemptions

Resolution # 2019 – 28 resolution authorizing the submission of a 2019 Community Development Block Grant application to the County of Morris

Resolution # 2019 – 29 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the Township to execute a discharge of mortgage in connection with a combination promissory note and mortgage for property located at 115 Hook Mountain Road, Block 163, Lot 21, in Montville Township

Resolution # 2019 – 30 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing appointment of Victor M. Canning as Housing Director and June E. Hercek as Housing Director in the absence of Victor M. Canning effective January 1, 2019

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Resolution # 2019 – 31 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the appointment of Jane Mowles as Municipal Housing Liaison effective January 1, 2019

Resolution # 2019 – 32 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the appointment of Jane Mowles as Administrative Agent effective January 1, 2019

Resolution # 2019 – 33 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the Township to execute a cancellation of agreement to postpone collection of connection fee (s) for property located at 14 Viewmont Terrace, Block 52, Lot 50, in Montville Township

Resolution # 2019 – 34 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing Victor M. Canning as Housing Director and Jane Mowles as Municipal Housing Liaison to designate a Municipal official or officials to perform habitability inspections as they relate to the current affordable housing regulations

Resolution # 2019 – 35 resolution of the Township of Montville, County of Morris, State of New Jersey, changing the payment authorization of Special Master fees in the litigation entitled, in the matter of the application of the Township of Montville, Docket No. MRS-L-1633-15, from Elizabeth K. McManus of Clarke Caton Hintz to Elizabeth K. McManus of Kyle McManus Associates LLC.

Motion by Cooney second by Witty to approve the above consent agenda resolutions.

Roll Call

Yes: Kayne, Witty, Cook, Cooney, Conklin.

No:-0-

Resolution # 2019 – 26 resolution approving request from Tax Collector for cancellation of tax overpayments or delinquent amounts less than \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or delinquent amounts in the amounts of less than \$10.00; and,

WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax overpayments or delinquencies of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Montville, County of Morris, State of New Jersey, hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of the Resolution is forwarded to the Tax Collector, the Chief Financial Officer and the Municipal Auditor.

Resolution # 2019 – 27 resolution authorizing the processing the processing of certain tax sale certificate redemptions

BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the following tax sale certificate redemptions be processed by the department of Finance:

Block 39 Lot 55	
6A Rathbun Rd	
Lien Redemption Certificate #17-00004	\$ 2,020.00
Premium Money	\$ 600.00
Total Payment	\$ 2,620.00

To: US Bank Cust for PC7 Firstrust Bank

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Block 59 Lot 22	
12 River Rd	
Lien Redemption Certificate #18000012	\$ 772.96
Premium Money	<u>\$20,000.00</u>
Total Payment	\$20,772.96

To: US Bank Cust for PC7 Firstrust Bank

Block 130 Lot 47	
95 Pine Brook Rd	
Lien Redemption Certificate #18000020	\$ 1,204.23
Premium Money	<u>\$ 600.00</u>
Total Payment	\$ 1,804.23

To: US Bank Cust for PC7 Firstrust Bank

Resolution # 2019 – 28 resolution authorizing the submission of a 2019 Community Development Block Grant application to the County of Morris

WHEREAS, 2019 Community Development Block Grant Funds are available through the County of Morris; and

WHEREAS, a public meeting will be held on January 8, 2019 to discuss application for such funds.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the appropriate officials are hereby authorized to execute and submit a 2019 Community Development Block Grant Application entitled, "Replacement of Senior House Doors and Security Upgrades in Montville Township."

Resolution # 2019 – 29 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the Township to execute a discharge of mortgage in connection with a combination promissory note and mortgage for property located at 115 Hook Mountain Road, Block 163, Lot 21, in Montville Township

WHEREAS, a Combination Promissory Note and Mortgage ("Note") was entered into between the Township of Montville and Ernest H. III and Lori Sickler (collectively "Sickler") on November 30, 2009; and

WHEREAS, said Note was recorded in the Morris County Clerk's Office at Book 21476, page 1301 on January 20, 2010; and

WHEREAS, said Note provided for the repayment of a loan in the amount of \$5,516 by Sickler in sixty (60) installments including interest; and

WHEREAS, all payments due under the Note have been remitted to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montville, County of Morris, State of New Jersey as follows:

1. The Township authorizes execution of the Discharge of Mortgage in connection with the Combination Promissory Note and Mortgage between the Township of Montville and Ernest H. III and Lori Sickler dated November 30, 2009 and recorded in the Morris County Clerk's Office at Book 21476, Page 1301 on January 20, 2010.

2. A copy of this Resolution shall be provided to the Township's Chief Financial Officer and the Township Clerk.

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3. A certified copy of this Resolution along with the original signed Discharge of Mortgage and original Combination of Promissory Note and Mortgage shall be provided to the Township Attorney to be recorded with the Morris County Clerk.

Resolution # 2019 – 30 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing appointment of Victor M. Canning as Housing Director and June E. Hercek as Housing Director in the absence of Victor M. Canning effective January 1, 2019

WHEREAS, the Township of Montville adopted Chapter 73: Affordable Housing as part of its Municipal Code; and

WHEREAS, the Municipal Code requires the Township Committee or Township Administrator appoint an employee of the Township of Montville to the position of Housing Director; and

WHEREAS, the Township Committee wishes to appoint Victor M. Canning to the position of Housing Director; and

WHEREAS, the Township Committee wishes to appoint June E. Hercek to the position of Housing Director in the absence of Victor M. Canning; and

WHEREAS, there is no additional salary compensation for this title.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the appointment of Victor M. Canning as Housing Director of the Township of Montville and June E. Hercek as Housing Director of the Township of Montville in the absence of Victor M. Canning as described hereinabove be and is hereby authorized.

Resolution # 2019 – 31 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the appointment of Jane Mowles as Municipal Housing Liaison effective January 1, 2019

WHEREAS, the Township of Montville adopted Chapter 73: Affordable Housing as part of its Municipal Code; and

WHEREAS, Article II: Municipal Housing Liaison which is part of Chapter 73 on Affordable Housing describes the position of Municipal Housing Liaison; and

WHEREAS, the purpose of Article II: Municipal Housing Liaison is to create the administrative mechanisms needed for the execution of the Township of Montville's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985; and

WHEREAS, the Township wishes to appoint Jane Mowles to the position of Municipal Housing Liaison as Ms. Mowles has the appropriate certifications for this position; and

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WHEREAS, there is no additional salary compensation for this position.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the appointment of Jane Mowles as Municipal Housing Liaison of the Township of Montville as described hereinabove be and is hereby authorized.

Resolution # 2019 – 32 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the appointment of Jane Mowles as Administrative Agent effective January 1, 2019

WHEREAS, the Township of Montville adopted Chapter 73: Affordable Housing as part of its Municipal Code; and

WHEREAS, Article II: Municipal Housing Liaison which is part of Chapter 73 on Affordable Housing describes the role of Administrative Agent; and

WHEREAS, the Township wishes to appoint Jane Mowles to the role of Administrative Agent; and

WHEREAS, there is no additional salary compensation for this position.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the appointment of Jane Mowles as Administrative Agent of the Township of Montville as described hereinabove be and is hereby authorized.

Resolution # 2019 – 33 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the Township to execute a cancellation of agreement to postpone collection of connection fee (s) for property located at 14 Viewmont Terrace, Block 52, Lot 50, in Montville Township

WHEREAS, an Agreement to Postpone the Collection of Connection Fees was entered into between the Montville Township Municipal Utilities authority and Betty Cohen on November 2, 1998 pursuant to the Township Code provisions; and

WHEREAS, said Agreement was recorded in the Morris County Clerk's Office at Book 4933, page 131; and

WHEREAS, said Agreement provided that the imposition of sanitary sewer service connection fees be postponed so long as the property owner, Betty Cohen, retained title to the property; and

WHEREAS, said Agreement further provided that in the event the property were conveyed to a third party, the sanitary sewer connection fee would be imposed upon the new owner; and

WHEREAS, the property has been conveyed to a third party and in connection with that conveyance the sanitary sewer connection fee and all outstanding water and sewer charges have been remitted to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montville, County of Morris, State of New Jersey as follows:

1. The Township authorizes execution of the Cancellation of Agreement to Postpone the Collection of Connection Fee(s) between the Montville Township Municipal Utilities Authority and Betty

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Cohen dated November 2, 1998 and recorded in the Morris County Clerk's Office at Book 4933, Page 131.

2. A copy of this Resolution shall be provided to the Township's Chief Financial Officer and the Township Clerk.

3. A certified copy of this Resolution along with the original signed Cancellation of Agreement to Postpone the Collection of Connection Fee(s) shall be provided to the Township Attorney to be recorded with the Morris County Clerk.

Resolution # 2019 – 34 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing Victor M. Canning as Housing Director and Jane Mowles as Municipal Housing Liaison to designate a Municipal official or officials to perform habitability inspections as they relate to the current affordable housing regulations

WHEREAS, the Township of Montville determined that the Affordable Housing Agreements and certificates extending the controls on several affordable housing units in the Township were not completely compliant with Affordable Housing regulations;

WHEREAS, the Township sent letters to the affected residents who were asked to execute a Township approved "Declaration of Extension of Restrictive Covenants and Conditions" which amends and updates their Affordable Housing Agreement, such that the affordability controls on the unit can be extended; and

WHEREAS, as part of executing the "Declaration of Extension of Restrictive Covenants and Conditions," residents agree to undergo a habitability inspection to confirm their unit is in full compliance with the current Affordable Housing regulations; and

WHEREAS, the Township received 61 signed extension of controls; and

WHEREAS, the Township wishes to authorize Victor M. Canning as Housing Director and Jane Mowles as Municipal Housing Liaison to designate a municipal official or officials to perform the habitability inspections for purposes of issuing a certificate of habitability.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, authorizes Victor M. Canning as Housing Director and Jane Mowles as Municipal Housing Liaison to designate a municipal official or officials to perform habitability inspections for purposes of issuing a certificate of habitability as they relate to the current Affordable Housing regulations in the Township of Montville.

Resolution # 2019 – 35 resolution of the Township of Montville, County of Morris, State of New Jersey, changing the payment authorization of Special Master fees in the litigation entitled, in the matter of the application of the Township of Montville, Docket No. MRS-L-1633-15, from Elizabeth K. McManus of Clarke Caton Hintz to Elizabeth K. McManus of Kyle McMan

WHEREAS, on or about July 2, 2015, the Township of Montville filed a declaratory judgment action entitled In the Matter of the Application of the Township of Montville, Docket No. MRS-L-1633-15,

in the Morris County Superior Court; and

WHEREAS, on July 22, 2016, the Court appointed Elizabeth K. McManus of Clarke Caton Hintz,

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100 Barrack Street, Trenton, NJ 08608, as Special Master to assist the Court in this litigation; and

WHEREAS, Ms. McManus advised the Township she is no longer with Clarke Caton Hintz, rather, she is with the firm, Kyle McManus Associates LLC, as of October 29, 2018, and the Township wishes to amend the purchase order to reflect the change in employment.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, authorizes the payment of special master fees in the litigation entitled, In the Matter of the Application of the Township of Montville, Docket No. MRS-L-1633-15 from Elizabeth K. McManus of Clarke Caton Hintz to Elizabeth K. McManus of Kyle McManus Associates LLC.

REVIEW OF MEETING ACTION ITEMS:

1. Administrator
 - Follow up with Social Services regarding attendance at DAC meetings.
 - Old Lane Sewer Project.
2. Attorney
 - Closed Executive Session Items (CES).
 - Follow up on Developments (Skyview and Park Lane).
3. Township Committee

Committeewoman Witty stated she hopes the Governing Body is in support of keeping the marijuana industry out of Montville Township.

Adjournment

Motion by Cook second by Kayne to adjourn meeting. All in favor. Motion adopted.

Time adjourned: 8:35 p.m.

Respectfully submitted,

Approved: March 26, 2019
Montville Township Committee

Leena M. Abaza, Township Clerk

Richard D. Conklin, Mayor