

MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - June 11, 2019

Montville Township Committee Regular Meeting
Tuesday, June 11, 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 Administrator
 Fred Semrau, Esq., Township Attorney
 Leena Abaza, Township Clerk

Resolution authorizing Closed Executive Session to discuss the following matters as permitted pursuant to N.J.S.A. 10:4-12:

1. Litigation: Affordable Housing in the Matter of Montville Township, Docket No. MRS-L-1633-15.
2. Contract Negotiations: Montville Township Policemen's Benevolent Association #140 (PBA) grievance; Old Lane Sewer.
3. Attorney-Client Privilege: Potential Litigation.
4. Personnel petition

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

Closed Session – 7:00 p.m.

Public Session – 8:00 p.m.

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

Roll Call

Prayer & Pledge of Allegiance

Introduction of new JCP&L Area Representative

- Mr. Robert Flynn – Mr. Flynn thanked Administration and the Township Committee for inviting him to the Township Committee meeting. He summarized his background working in former Governor Christie's administration as Director of Advance for four years and as Constituent Services Representative with Congressman Frelinghuysen for two years. He has been with JCP&L approximately one month. JCP&L split community representative time between administrators pending the hire of four external affairs hires. The Township will now have a full time representative. He met with Township Administrator Victor Canning on monetary investment by JCP&L in the Township. In 2020, approximately \$800,000 will be invested in the Township towards reliability efforts.

Chairman Conklin asked about redundancy. Mr. Flynn said he would provide specifics as soon as he has them. He stated JCP&L would be trimming in Zone 2 by order of the Board of Public Utilities (BPU) inclusive of overhead wires as well as leading from the substation. JCP&L will be installing some TripSavers. If a limb falls on a circuit, the TripSaver opens the circuit. If the limb falls off, the TripSaver will reclose the circuit. It can shorten the outage time. He will be able to provide more detailed information as he gains experience.

Committeeman Kayne asked about the May 23, 2018 list of questions submitted to JCP&L via John Meehan that were not answered. He asked Township Administrator Victor Canning to provide the list to Mr. Flynn.

Township Administrator Victor Canning advised they spoke about them but he would send the list. He asked Mr. Flynn for a list of projects JCP&L was planning in the Township.

Mr. Flynn welcomed receiving the list and will share the pending projects when he has them.

Committeeman Cook asked for a meeting between Mr. Flynn and Township Officials to go over some of the areas of concern that the Committee wants to address.

Township Attorney Fred Semrau suggested that Mr. Flynn listen to the audio of the May 23, 2018 meeting to get a sense of the Township and the issues.

Township Clerk Leena Abaza directed Mr. Flynn to the audio of the meeting on the Township website.

Public Hearing on Ordinances for Final Adoption:

Ordinance #2019-20 an Ordinance of the Township of Montville, County of Morris, and State of New Jersey amending Chapter 348 "Tobacco", of the Code of the Township of Montville, New Jersey

Township Administrator Victor Canning summarized the amendment is to ban smoking at all public parks and beaches. In the past there were smoking areas in the parks and playgrounds. This amendment will now ban all smoking.

Motion by Kayne second by Cook to open public hearing on Ordinance #2019-20. All in favor. Motion adopted.

Public Comments: None

Motion by Kayne second by Cook to close public hearing. All in favor. Motion adopted.

Motion by Kayne second by Witty to adopt Ordinance #2019-20.

Committeewoman Witty stated that prior drafts of the Ordinance specifically referenced vaping and asked whether omitting it in the Ordinance being acted upon might lead people to mistakenly think that vaping is not included.

Township Attorney Fred Semrau stated that he understood vaping to be included in the definition of smoking and asked to cross reference it in the Code prior to the Committee voting on it.

By consensus, voting on the Ordinance was deferred to later in the meeting in order for Township Attorney Fred Semrau to confirm that vaping is included in the Township Code's definition of smoking.

Ordinance #2019-21 an Ordinance establishing the 2019 salaries or wages of Officials and Employees of the Township of Montville in the County of Morris and method of payment of such salaries or wages – unrepresented

Motion by Cooney second by Kayne to open public hearing on Ordinance #2019-21. All in favor. Motion adopted.

Public Comments: None

Motion by Kayne second by Cook to close public hearing on Ordinance #2019-21. All in favor. Motion adopted.

Motion by Cook second by Kayne to adopt Ordinance #2019-21.

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin

No: -0-

REPORTS:

1. Administrator's report

- July 4 annual celebration is scheduled for Thursday June 27 – Saturday June 29. Fireworks will be on June 29.
- Redesign of Township Website has commenced. This was part of 2019 Goals and Objectives to make the website more user friendly. There was a preliminary meeting that included Dr. Kayne. There is another meeting scheduled with Civic Plus.

2. Attorney's report

- County Tax Board Hearings are completed and are awaiting the final decisions of the Board. He will have an update for the next meeting. Attorney is working on some of the larger appeals for which the Township authorized using expert assistance. They have a preliminary report recently received which he will bring for discussion at the next meeting executive session.
- Attorney continues to work with the Administration on a number of day to day matters

3. Township Committee liaison reports and comments

Committeeman Cook:

- No report from Recreation.
- Historic Preservation Review Commission is tomorrow for the annual park tour. The Commissioners look at the parks and improvements that have been made.
- He attended the 1776 play at the Barn Theatre and highly recommends The Barn Theatre as "a jewel in our backyard."

Deputy Mayor Cooney

- This past Saturday was a very successful Recycling Day. He thanked Township Administrator Victor Canning and Assistant Administrator June Hercek for putting the day together.
- Monday, June 10, he attended the Employee Breakfast and conveyed the thanks of the employees to the Township Committee for providing it.
- Thursday, June 13, Planning Board meeting includes Wawa on the agenda.

Committeeman Kayne

- Environmental Commission meets next week.
- Long Term Financial Planning Committee continues to discuss sewer hook-up fees for new and future projects. Meeting is next week.
- Board of Health met last night. They are going to have recommendations with regards to sale of vaping delivery systems and raising fees for pet adoption and neutering. The pet adoption and neutering recommendations were drafted by Aimee Puluso after surveying other towns. Montville has not changed its fees in many years.
- He congratulated Relay for Life Chair Ellen Brody Decker, the entire committee and all volunteers on the June 1 event. They far exceeded their fundraising goal. He thanked Township Administrator Victor Canning and Assistant Administrator June Hercek, John Perry, the Department of Public Works (DPW), Steven Toth and Dr. Rovtar of the Board of Education for their support of the event.

Township Administrator Victor Canning stated that Ms. Brody Decker personally came to Township Hall to express thanks. The event raised \$40,000.

- Committeeman Kayne attended a Chinese Youth Club concert with 18 young people last Sunday.
- Next Thursday he will attend the high school graduation.

Committeewoman Witty

- She commended the play *1776* at The Barn Theatre, stating they truly outdid themselves.
- She served on the Relay for Life Committee. Their goal was \$16,000 and they raised just under \$40,000. She encouraged continued donations to bring the amount to \$40,000. She commended the committee and Chair Ellen Brody Decker. They are looking forward to doing it again.
- VFW Color Guard and the Boy Scouts participated in the opening of the Relay for Life event.
- On June 2, a half mile trail was re-blazed at Reilly Field.
- Drug Awareness Municipal Alliance will meet tomorrow evening.
- VFW will meet tomorrow afternoon.
- Rockaway River Watershed meets next week.
- Open Space meets next week.
- June 20 is graduation. Project Promotion is in the morning at Lazar with breakfast for the students. Project Graduation is in the evening.

Chairman Conklin

- Library Board met last night. They awarded a contract to replace the chillers in the air conditioning system which is original to the building. It will be started in the fall. They are on budget for the year.
- Friday is Flag Day

Old Business:

1. Project status report

Committeeman Kayne asked whether status of road paving could be placed on the project status report. He stated it might help residents to stay current on the status of road paving for the year.

Committeeman Kayne asked for an update on how many street sign replacements have been completed.

Committeeman Kayne asked whether there was anything further from Parsippany since April 11 on the Old Lane Sewer project.

Assistant Administrator June Hercek responded that Administration expects to meet with Parsippany within the next week but does not expect to have any recommendations from them at that meeting.

New Business:

Ordinance Introductions:

Ordinance #2019-22 an Ordinance of the Township of Montville, County of Morris, and State of New Jersey amending Ordinance # 2019-21 which established the salaries or wages of Officials and Employees of the Township of Montville and method of payment of such salaries or wages – unrepresented

Motion by Cooney second by Kayne to introduce Ordinance #2019-22 and set public hearing for June 25, 2019. All in favor. Motion adopted.

Ordinance #2019-23 an Ordinance to amend Chapter 230 entitled “Land Use and Development Regulations” of the revised General Ordinances of the Township of Montville to establish a new Affordable Housing Redevelopment 2 (AHR-2) Zone and Rezone Block 159 Lot 5.01

Motion by Cooney second by Kayne to introduce Ordinance #2019-23 and set public hearing for July 16, 2019. All in favor. Motion adopted.

Public Portion

Motion by Cooney second by Witty to open for public comments. All in favor. Motion adopted.

Three residents addressed the Township Committee on residential water service to Maple Avenue.

Justin Lizza, 52 Maple Avenue. He reported that there are five houses that were never provided water service connections throughout the development history of Maple Avenue begun in the late 1950's/early 1960's to present. Water mains were put through to service fire hydrants for the office warehouse complex in the 1970's, and water service was provided for “the rest of the development” in 2001. Of 44 properties in the development, five are excluded for water

services. He reported that cost quotes to bring the water across for connections is \$8,000-\$10,000 per property. He felt that the property owners should not bear that cost because they were excluded from the overall development when it was provided access to water in 2001. He referenced the 1970's and 2001 as two opportunities the Township had to provide access to water connection at a savings to the residents. He asked the Township to consider putting in the water services because on top of the connection fees, substantial cost in total would be \$15,000-\$18,000 just to get water service. He stated he understood that homeowners are responsible for connecting to municipal water. His request is about bringing that service onto the properties with a shutoff valve to provide a connection point. He replied that only three of the five property owners were in attendance. One of the two other owners is away and the other is new. He stated his belief that if the office complex across the street was not required to put the water main on Maple Avenue for the fire service, the five homes would have been provided water when the water got put in for the entire development in 2001. He felt the five homes were taking the brunt because a developer put that main in across the street in the 1970's.

Donald (Don) Krane, 54 Maple Avenue. He amended what Justin Lizza said. The main was not brought onto Maple Avenue to the five houses. He stated it is not in the street. Homeowners understand that the cost of tapping into the main is on the homeowners. He said in the development in the early 1970's, the builder of the "orange buildings" had a contract with Montville that when the buildings were constructed, fire hydrant service would be brought to Maple Avenue and water service would be brought to Maple Avenue. At the time, the houses were on well water and did not tap into water; however, they were told the main was in the street if they ever wanted to tap into it. He said the Township searched for the water main for some of the houses and did not find it. He understands the situation to be that there was a contract to provide a residential water main in addition to the water supply to the hydrants that was not installed. It was not noticed because the houses at that time were all on well water. There is no proof that a water main was ever run under this alleged agreement. If the Township could provide paperwork that a water main was run, homeowners would be happy to tap into it.

Teresa Tiziani, 46 Maple Avenue. She expressed frustration with her efforts to resolve water access through John (Perry) and Victor (Canning) for a period of three months last year. She stated she has had to replace appliances due to the hard water. She does not object to the connection fee but wants the water main brought across the street, stating it is the Township's responsibility and that the Township did it for the rest of the neighborhood. As a 40 year resident, she assumed that when she needed to connect, she could, but found out that the water was across the street and not on her side. She stated that well water is a problem in the marketability of homes due to changes in law. She felt the Township had been negligent in not confirming access to water to the five homes.

Chairman Conklin sought clarification between the statements of the residents. He understood Mr. Lizza to state water was available in the street and Mr. Krane to say that there was not water in the street. He also stated that unlike public sewers, connection to water systems is usually not mandatory. The Township provides the main in the street and the private homeowner is responsible for connecting. The Township connection fee is set by Ordinance. He said the numbers stated by the three residents seemed high for the Township's fee. Mr. Krane based his statements on the idea that the developer of the office warehouses in the 1970's allegedly had a contract to install water for fire hydrants as well as water for residents. The water for residents was not installed. Mr. Lizza refers only to the water main that services the

fire hydrants and Ms. Tiziani also only speaks of the water main that services the fire hydrants. The expense to bring the water across the street for access to homes is \$8,000-\$10,000 in addition to the Township connection fee. The homeowners attending this meeting feel they should not pay the expense of bringing the water across the street because other homes on the street only paid a connection fee in 2001. Homes affected are 54, 52, 50, 48 and 46. Three of those homeowners are at the meeting with a fourth being away and the fifth not in attendance.

Chairman Conklin responded that other developments in the Township are dealing with connecting to water when the main is on the opposite side of the street. The Township puts the water and hydrants in the street and the homeowner or developer is responsible for connecting. He asked whether the speakers were seeking to have the Township to locate the main or for the Township to provide the tie in assuming the main is there.

Committeewoman Witty stated her understanding that the water main is there but the houses are not connected and the residents want to have the main in the street at no cost in order to tie in with the usual connection fee.

Committeeman Cook responded that the Township could investigate the history of that area and see what the cost is. He asked whether all the homes are willing to connect.

Mr. Krane declined to speak for the absent homeowners.

Deputy Mayor Cooney stated that policies had to be followed throughout the entire Township.

Chairman Conklin expressed his understanding of the residents' situation.

The Township Committee directed Administrator Victor Canning to investigate the issue with DPW Department Head John Perry and provide a written history so the Township Committee could respond to the requests and offer possible recommendations on proceeding.

Motion by Cooney second by Kayne to close public comments. All in favor. Motion adopted.

Vote on Final Adoption Ordinance #2019-20

Township Attorney Fred Semrau asked to return to Ordinance #2019-20 deferred from Public Hearing on Final Adoption earlier in this meeting on the question on whether the smoking prohibited ordinance includes vaping. The Township Code, appearing above the amended insertion, reads, "smoking is defined as chewing tobacco, inhaling, and vaping." Vaping is already in the Code. "Smoking is prohibited" includes vaping as well.

Committeewoman Witty felt the final draft under consideration without specifically stating "vaping" may lead some to assume that they can vape.

Township Attorney Fred Semrau stated the definition of smoking in the existing Township code includes smoking, chewing, inhaling and vaping and appears near the insertion banning smoking.

Motion by Kayne and second by Witty to adopt Ordinance #2019-20 was made at this meeting under Agenda item "Public Hearing on Ordinances for Final Adoption."

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin
No: -0-

Resolution Authorizing Consent Agenda No. 2019-CA12:

Resolution #2019-146 resolution authorizing the processing of certain Tax Sale Certificate Redemptions

Resolution #2019-147 resolution in support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup

Resolution #2019-148 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Montville Township Senior House Parking Lot and building improvement for ADA Accessibility Project

Resolution #2019-149 resolution of the Township of Montville, County of Morris, State of New Jersey Authorizing the Township to go out to bid for the furnishing and installation of a Comminutor Sewage Grinder at Riverside Sewage Pumping Station

Resolution #2019-150 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the 2019 Road Improvement Project

Motion by Kayne second by Cooney to approve the above Consent Agenda Resolutions.

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin
No: -0-

Resolution #2019-146 resolution authorizing 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 33 Lot 8	
135 Taylortown Rd	
Lien Redemption Certificate #18000003	\$ 36,383.05
Premium Money	\$ <u>66,100.00</u>
Total Payment	\$102,483.05

To: Rothman Realty I, LLC

Resolution #2019-147 resolution in support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS, the State has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunseting of Chapter 78 relief and the 2% arbitration cap; and

WHEREAS, the State must bring pension and health care costs under control in order to hold down property taxes

NOW, THEREFORE BE IT RESOLVED that the Township of Montville expresses its support for the recommendations of Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblywoman BettyLou DeCroce, Assemblyman Jay Webber, Senator Joseph Pennacchio, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of the State of New Jersey, the New Jersey Association of Counties and the New Jersey State League of Municipalities.

This Resolution shall take effect immediately.

Resolution #2019-148 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Montville Township Senior House Parking Lot and building improvement for ADA Accessibility Project

WHEREAS, the Township of Montville wishes to make improvements to the Senior House parking lot to ensure compliancy with ADA standards, and improve the access to the building from a safety standpoint; and

WHEREAS, funds in the amount of \$80,000 have been dedicated by the County of Morris Office of Community Development through the Community Development Block Grant Program; and

WHEREAS, the job must be put out to bid.

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 Township Administration and Engineering Department are hereby authorized to move forward with soliciting bids for the Montville Township Senior House Parking Lot and Building Improvement for ADA Accessibility Project in the Township of Montville.

This Resolution shall take effect immediately

Resolution #2019-149 resolution of the Township of Montville, County of Morris, State of New Jersey Authorizing the Township to go out to bid for the furnishing and installation of a Comminutor Sewage Grinder at Riverside Sewage Pumping Station

WHEREAS, the Township of Montville would like to hire a responsible contractor to furnish and install a comminutor sewage grinder at the Township's Riverside Sewage Pumping Station to assist the primary comminutor in alleviating the high flows entering the wastewater channels of the station.

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 Township Administration is hereby authorized to move forward with going out to bid for the furnishing and installation of a comminutor sewage grinder at Riverside Sewage Pumping Station.

This Resolution shall take effect immediately

Resolution #2019-150 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the 2019 Road Improvement Project

WHEREAS, as part of the Township of Montville's road improvement program, the Township wishes to address road improvements to a portion or all of Garrity Terrace, Rand Road, Schneider Lane, Old Farm Court, Sylvan Drive, and Tudor Place; and

WHEREAS, the following roads will serve as alternate roads in the improvement project: Flanders Drive and Demoray Court.

WHEREAS, the job must be put out to bid.

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 Township Administration and Engineering Department are hereby authorized to move forward with soliciting bids for the 2019 Road Improvement Project.

This Resolution shall take effect immediately.

Resolutions:

1. **Resolution** approving the listing of bills and signing of checks for June 11, 2019.

Motion by Cook second by Witty authorizing resolution approving the listing of bills and signing of checks for June 11, 2019.

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin

No: -0-

2. **Resolution #2019- 151** resolution requesting approval of items of revenue and appropriation N.J.S.A 40A4-87 (Municipal Court Alcohol Education and Rehabilitation Fund)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$643.00, which is now available from the State of New Jersey Alcohol Education & Rehabilitation Fund in the amount of \$643.00

BE IT FURTHER RESOLVED, that the like sum of \$643.00 is hereby appropriated under the caption Alcohol Education and Rehabilitation; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Alcohol Education and Rehabilitation Fund in the amount of \$643.00

Motion by Cooney second by Kayne to adopt Resolution #2019-151.

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin

No: -0-

3. **Resolution #2019-152** resolution requesting approval of items of revenue and appropriation N.J.S.A 40A:4-87 (Highlands Council Plan Conformance Grant)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$100,000, which is now available from the Highlands Council Plan Conformance Grant Program in the amount of \$100,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$100,000.00 is hereby appropriated under the caption Highlands Plan Conformance; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Highlands Water Protection & Planning Council in the amount of \$100,000.00; \$15,000 for Phase 1 identified as Stormwater Structure Evaluation and Assessment and \$85,000 for Phase 2 & 3 identified as Functional Stream Assessment (Phase 2) and Engineering Design (Phase 3).

Motion by Kayne second by Witty approving Resolution #2019-152.

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin

No: -0-

4. Resolution #2019-153 resolution accepting a Performance Guarantee for Living Water Tabernacle, Inc., 11 Skyline Drive, Block 53, Lot 8

WHEREAS, Living Water Tabernacle, Inc., the developer of property known as Block 53, Lot 8, is required to submit a Performance Guarantee to the Township of Montville; and

WHEREAS, Living Water Tabernacle, Inc. has submitted check number 1042408 in the amount of \$4,000 representing the cash bond for landscaping, fence with swing gates around dumpster pad, and tactile warning service for ADA ramp on western parking lot; and

WHEREAS, the Township Engineer, Township Land Use Department and Township Attorney have reviewed the Performance Guarantee submitted and have recommended its acceptance.

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 Performance Guarantee stated above submitted by Living Water Tabernacle, Inc. is hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to the developer.

This Resolution shall take effect immediately.

Motion by Kayne second by Witty approving Resolution #2019-153.

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin

No: -0-

Motion by Cook second by Witty to add Resolution #2019-154 to the agenda. All in favor. Motion adopted.

- 5. Resolution #2019-154** resolution authorizing the issuance of solicitor/peddler permits for one year to Jed Hershkovitz for the trade names Sip N Swirl, LLC and Pie Oh My, LLC

WHEREAS, General Ordinance Chapter 281 requires the issuance of a license by the Township of Montville to qualified applicants for canvassing, soliciting, or peddling; and

WHEREAS, the issuance of a permit for canvassing, soliciting, or peddling to an applicant is for that individual applicant's use only and the permit cannot be utilized by another person, even if the permit were to be used by another person for the licensed business; and

WHEREAS, Sip N Swirl, LLC & Pie Oh My, LLC, 27 Lakeview Terrace, Montville NJ, have filed applications and all necessary fees for soliciting/peddling licenses as follows: Jed Hershkovitz, 27 Lakeview Terrace, Montville, NJ, DIV 1958 Van, 3741836 and CHE 1988 TRK, NJ 61GBHP32K4J3301681; and

WHEREAS, the applications from Jed Hershkovitz conform to the requirements of the Township Ordinance and the Police Department has approved the applications; and

WHEREAS, the Health Department has approved the applications with respect to the food license;

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 above soliciting/peddling licenses for one year be issued to Jed Hershkovitz for the operation solely by him of Sip N Swirl, LLC. & Pie Oh My, LLC; and

BE IT FURTHER RESOLVED, that said solicitor is prohibited from operating in the following Township parks during periods when concessionaires authorized by the Township are operating: Camp Dawson Park on Jacksonville Road.

Motion by Cook second by Witty to approve Resolution #2019-154. All in favor. Resolution adopted.

Motion by Cooney second by Witty to add Resolution #2019-155 to the agenda. All in favor. Motion adopted.

- 6. **Resolution #2019-155** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract to Morris Asphalt Company, Inc. for oil and stone treatment to Indian Lane East under the Morris County Cooperative Pricing Council.

WHEREAS, a Morris County Cooperative Pricing Council contract is available for road resurfacing (Contract #21 Oil and Stone Treatment, Category I. Asphalt, #1, District 2 at \$3.70/gallon and Category II. Stone, #2., District 2 at \$62.00/ton); and

WHEREAS, the Township has a need for oil and stone treatment for Indian Lane East; and

WHEREAS, the Township of Montville wishes to award the contract for oil and stone treatment of the above-referenced project to Morris Asphalt Company, Inc., P.O. Box 305, Lafayette, New Jersey 07848, under the Morris County Cooperative Pricing Council in the total amount not to exceed \$19,000.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey that Morris Asphalt Company, Inc. is hereby awarded the Contract for the following municipal project under the Morris County Cooperative Pricing Council, Contract #21 Oil and Stone Treatment, Category I. Asphalt, #1, District 2 at \$3.70/gallon, and Category II. Stone, #2., District 2 at \$62.00/ton; and

BE IT FURTHER RESOLVED that the accounts for these services are as follows:

Project	Account#	Amount
Oil and Stone Treatment, Indian Lane East	C-06-55-562-502	\$15,000.00
Oil and Stone Treatment, Indian Lane East	9-05-55-500-228	\$ 2,000.00
Oil and Stone Treatment, Indian Lane East	9-07-55-500-228	\$ 2,000.00
		Not to exceed \$19,000

; and

This Resolution will take effect immediately.

Chairman Conklin explained that the Contractor is already in the vicinity doing similar work and the Township wants to take advantage of the opportunity to do a small piece on Indian Lane East also.

Motion by Cook second by Witty to approve Resolution #2019-155.

Roll Call:

Yes: Kayne, Witty, Cook, Cooney, Conklin

No: -0-

Review of Meeting Action Items:

1. Administrator

- Follow up with JCP&L Representative to schedule a meeting to go over items discussed.
- Will provide the Township Committee with the list of street signs that have been installed to date and the list of roads
- Will look into Maple Avenue requesting a written response from John Perry for the Committee. Mr. Canning added for the record that Mrs. Tiziani has been responded to numerous times via email by Mr. Perry and Mr. Canning regarding the matter. The Township has not been negligent but residents might not like the response they receive. The written response will contain what has transpired historically, what she and other residents have been told, and everything relating to Maple Avenue.

Committeeman Kayne clarified his request for the update on paved streets was for a general tally rather than a list of streets.

Township Administrator Victor Canning responded that he would share a spreadsheet with the information.

Committeeman Cook asked whether the street sign at Changebridge and Church which has been bent could be fixed.

2. Attorney

- Follow up on discussions from executive session.

3. Township Committee

- None

Adjournment – 8:54 p.m.

Motion by Cooney second by Kayne to adjourn. All in favor. Motion approved.

Respectfully Submitted,

Approved: October 22, 2019
Montville Township Committee

Leena M. Abaza, Township Clerk

Richard D. Conklin, Mayor