

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES— April 9, 2019**

Montville Township Committee Regular Meeting
Tuesday, April 9, 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 Policemen’s Benevolent Association # 140 (PBA); Open Space.
2. Litigation: Affordable Housing; IT Incident.
3. Attorney-Client Privilege: Participation Disclosure Guidance & Survey.
4. Personnel: Administration.

Motion by Cooney second by Witty 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

Proclamation

- National Holocaust Days of Remembrance presented by the Township Committee to Rabbi Mark Finkel from the Pine Brook Jewish Center and read by Committeewoman Witty.

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945—six million were murdered; Roma (Gypsies), people with disabilities, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah’s Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, we the people of Montville Township, New Jersey should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

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WHEREAS, we the people of Montville Township should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of Montville Township to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980), the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, April 28, through Sunday, May 5, 2019, including the Day of Remembrance known as Yom HaShoah, Wednesday evening, May 1 and the following day, Thursday, May 2, 2019;

NOW, THEREFORE, BE IT PROCLAIMED, Richard D. Conklin, Mayor of Montville Township with the support of the Montville Township Committee, does hereby proclaim the week of Sunday, April 28, through Sunday, May 5, 2019, as Days of Remembrance in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators, and further proclaim that we, as citizens of Montville Township should work to promote human dignity and confront hate whenever and wherever it occurs.

Approval of Meeting Minutes:

September 11, 2018 Township Committee Closed Executive Session Meeting Minutes.

Motion by Cook second by Kayne to approve the above Closed Executive Session Meeting Minutes.

Roll Call

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

No:-0-

September 25, 2018 Township Committee Closed Executive Session Meeting Minutes.

Motion by Cook second by Witty to approve the above Closed Executive Session Meeting Minutes.

Roll Call

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

No:-0-

October 9, 2018 Township Committee Regular Meeting Minutes.

Motion by Witty second by Kayne to approve the above Regular Meeting Minutes.

Roll Call

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

No:-0-

November 8, 2018 Township Committee Special Meeting Minutes.

Motion by Cooney second by Witty to approve the above Special Meeting Minutes.

Roll Call

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

No:-0-

December 15, 2018 Township Committee Special Meeting Minutes.

Motion by Cook second by Cooney to approve the above Special Meeting Minutes.

Roll Call

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

No:-0-

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December 18, 2018 Township Committee Special Meeting Minutes.

Motion by Witty second by Cooney to approve the above Special Meeting Minutes.

Roll Call

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

No:-0-

Public Hearings on Ordinances for Final Adoption:

Ordinance # 2019 – 08 an Ordinance to amend Chapter 230 entitled “Land Use and Development Regulations” of the Revised General Ordinances of the Township of Montville to eliminate the B-6 Business Zone and establish a new Affordable Housing Redevelopment 1 (AHR-1) Zone

Motion by Cook second by Cooney to open public hearing on Ordinance #2019-08.

Roll Call

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

No:-0-

Township Planner Joseph Burgis gave a brief overview of Ordinance #2019-08. This Ordinance is to designate the GI Auto site as an Affordable Housing Site (104 Affordable Housing credits towards the Township’s Third Round obligation) and it is consistent with the Township Master Plan. In accordance with the State Land Use Laws this Ordinance was forwarded to the Planning Board for their review and they deemed it not consistent with the Township Master Plan but the Township Committee has overridden their decision because they find it is consistent with the Township Master Plan. This Ordinance does fulfill part of the Affordable Housing obligation and is accepted by the Court. The changes to the Ordinance did include the following:

- Along Route 46 it will permitted to build a 21 foot retaining wall.
- There is a provision in the Ordinance that is not consistent with State Statute and Land Use laws which is the Ordinance has to be forwarded to the Zoning Board of Adjustment
- Remove the provision that calls for identifying the trees in that area.
- Where NJDEP regulations apply whether they are consistent with the local Ordinance or not the NJDEP regulations override the local Ordinance.
- Every part of the Redevelopment Plan has to be consistent with the local Redevelopment and Housing laws.

Township Planner Joseph Burgis stated as long as a Resolution adopted tonight states clearly why the Township Committee has overridden Planning Board’s decision the Township Committee can proceed on adopting this Ordinance.

No Comments from the public.

Motion by Cook second by Cooney to close public hearing on Ordinance #2019-08.

Roll Call

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

No:-0-

Township Attorney Fred Semrau asked that Township Planner Joseph Burgis to explain the reasons why the Governing Body is overriding the Planning Board’s decision and then we will ask the Governing Body to vote on it in order to memorialize by Resolution.

Township Planner Joseph Burgis stated that the primary reason is that area has been designated for multi-family dwelling residential development and is consistent with the density that we are taking about.

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The only difference is we are looking to remove the age restricted provision and by removal of that provision we can achieve the 104 Affordable Housing credits I mentioned earlier, and this is a significant step towards receiving a judgement of compliance from the Court. This is a constitutional obligation that all municipalities must address and we need to take action to meet those Affordable Housing obligations.

Chairman Conklin- am I correct in stating that we are reducing the amount of units being built by 100 units by doing this?

Township Planner Joseph Burgis – yes.

Township Attorney Fred Semrau requested Township Planner Joseph Burgis to summarize the reasons why this area qualifies as a redevelopment area since the Planning Board did not affirm that recommendation.

Township Planner Joseph Burgis stated it is the exact same rationale and in terms of the Area in Need designation which I have enumerated when I explained the changes in the Ordinance. Given the historic character of the site, given the fact there was a significant amount of environmental clean-up to bring it up to residential standards, it is an isolated property- all these reasons determine that it is an Area in Need of Redevelopment.

Township Attorney Fred Semrau, based on Township Planner Joseph Burgis's recommendation, asked the Governing Body to affirm these recommendations by a motion and a second. This will be by Resolution and will be on the record to adopt this Ordinance overriding the Planning Board's determination that this Ordinance is not consistent with the Township Master Plan. He requested a Resolution number from the Township Clerk Leena Abaza.

Township Clerk Leena Abaza- the Resolution number will be 114 (#2019-114).

Chairman Conklin requested a motion and a second on Resolution #2019-114.

RESOLUTION # 2019 – 114 resolution of the Township Committee of the Township of Montville, County of Morris and State of New Jersey, disapproving the recommendation of the Township Planning Board as it pertains to the Ordinance to amend Chapter 230 of the Township Code to eliminate the B-6 Business Zone and establish a New Affordable Housing Redevelopment 1 (AHR -1) Zone

WHEREAS, pursuant to provision of the Local Redevelopment and Housing Law ("LRHL"), on March 12, 2019, the Township Committee introduced An Ordinance to Amend Chapter 230 Entitled "Land Use and Development Regulations" of the Revised General Ordinances of the Township of Montville to Eliminate the B-6 Business Zone and Establish a New Affordable Housing Redevelopment 1 (AHR-1) Zone, which Ordinance contains and adopts the Redevelopment Plan for property located at Block 167, Lots 28 to 32, Block 178, Lot 3 and Block 179, Lot 1; and

WHEREAS, pursuant to the introduction, and in accordance with the Municipal Land Use Laws, N.J.S.A. 40:55D-1 *et al.*, ("MLUL"), the Ordinance was referred to the Township of Montville Planning Board for determination of the Ordinance's consistency with the Master Plan; and

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WHEREAS, the Planning Board received the Ordinance and set a date of March 28, 2019, at which time the Planning Board would consider the Ordinance's consistency with the Township's Master Plan; and

WHEREAS at the meeting of March 28, 2019, the Montville Township Planning Board conducted a public hearing during which it considered the Ordinance and Joseph Burgis of Burgis Associates, Inc. appeared to present the Ordinance to the Planning Board; and

WHEREAS, by memorandum dated April 3, 2019, determined that the Ordinance was not consistent with the Master Plan; and

WHEREAS, the Township Committee has received the Ordinance from Burgis Associates, Inc. and the April 3, 2019 memorandum from the Planning Board; and

WHEREAS, the Township Committee has reviewed the Ordinance, the Redevelopment Plan contained within and adopted by the Ordinance, and the April 3 memorandum from the Planning Board and, irrespective of the Planning Board's determination, finds that the Ordinance is consistent with the Master Plan based upon the following:

- 1) The Ordinance is not inconsistent with the Master Plan, given that the Redevelopment Plan contained within and adopted by the Ordinance acknowledges the propriety of this area being developed with a use of multifamily residential dwellings and a density of nine (9) units per acre; albeit in a form of age-restricted occupancy.
- 2) The proposal for non-age-restricted development is not significant enough a departure to deem the Ordinance inconsistent with the Master Plan because family rental units – especially affordable family rental units – satisfy a significant need in the Township and, further, the proposed units are not expected to have a substantial impact on the school district's ability to house students given the trend of declining enrollments.
- 3) The Ordinance also affirms several of the Master Plan's goals and objectives, as follows:
 - a. The Ordinance provides for additional housing options in a location already deemed appropriate for multifamily housing within the Township.
 - b. The Ordinance calls for an attractive, high-quality development which will further the revitalization of the Route 46 corridor in the Township.

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- c. The Ordinance requires that the developer protect the environmentally sensitive lands as part of the development process.
- d. The Ordinance requires that the developer create significant buffers to separate incompatible land uses from the proposed development.

; and

WHEREAS, the Township Committee finds it to be in the best interest of the Township and its residents to disapprove the Township Planning Board's determination that the Ordinance is not consistent with the Master Plan, in accordance with N.J.S.A. 40:55D-62, for the reasons set forth above.

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

- 1) Based upon the facts and findings of the Ordinance and the Redevelopment Plan contained within and adopted by the Ordinance, all made in accordance with the LRHL and MLUL, and the reports and testimony provided by Burgis Associates, Inc., the Township Committee of the Township of Montville does hereby determine that the Ordinance is not inconsistent with the Master Plan.
- 2) The Township Committee hereby concludes that the Ordinance to Amend Chapter 230 Entitled "Land Use and Development Regulations" of the Revised General Ordinances of the Township of Montville to Eliminate the B-6 Business Zone and Establish a New Affordable Housing Redevelopment 1 (AHR-1) Zone, which Ordinance contains and adopts the Redevelopment Plan for property located at Block 167, Lots 28 to 32, Block 178, Lot 3 and Block 179, Lot 1, shall be read for a second time and opened for public hearing at the meeting of April 9, 2019.

BE IT FURTHER RESOLVED, that this Resolution shall take effect pursuant to law.

Motion by Kayne second by Cook to adopt Resolution #2019-114.

Roll Call

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

No:-0-

Chairman Conklin requested a motion and a second to adopt Ordinance # 2019-08.

Motion by Cooney second by Cook to adopt Ordinance #2019-08.

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Roll Call

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

No:-0-

Ordinance # 2019 – 10 an Ordinance of the Township of Montville, County of Morris, State of New Jersey, Authorizing the acceptance of an easement of Lot 48.01 on the Montville Township Tax Map; an easement of restriction for the property designated as Block 40, Lot 48.02 on the Montville Township Tax Map; and an easement of restriction for property designated as Block 40, Lot 49.01 on the Montville Township Tax Map

Motion by Kayne second by Cooney to open public hearing on Ordinance #2019-10.

Roll Call

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

No:-0-

No comments.

Motion by Cook second by Kayne to close public hearing on Ordinance #2019-10.

Roll Call

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

No:-0-

Motion by Kayne second by Cook to adopt Ordinance #2019-10.

Roll Call

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

No:-0-

Ordinance # 2019 – 11 Bond Ordinance amending § 3 (L) (1) of Bond Ordinance numbered 2018-11 of the Township of Montville, in the County of Morris, New Jersey, finally adopted May 22, 2018, in order to amend the description of the project to include the installation of lighting at Masar Park Field

Motion by Cook second by Kayne to open public hearing on Ordinance #2019-11.

Roll Call

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

No:-0-

No comments.

Motion by Cook second by Cooney to close public hearing on Ordinance #2019-11.

Roll Call

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

No:-0-

Motion by Kayne second by Witty to adopt Ordinance #2019-11.

Roll Call

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

No:-0-

Reports:

1. ADMINISTRATOR

Administrator Victor Canning reported on the following items:

1. 2019 Budget Introduction– Administration, along with our Chief Financial Officer (CFO) and staff have completed our Montville Township 2019 Budget. Administration has submitted our 2019 Budget for official introduction at this Tuesday's, April 9, 2019, Township Meeting.
2. 2018 Federal Emergency Management Agency (FEMA) reimbursement for Winter Storms Quinn and Riley (March 6 & March 7, 2018)- Administration has officially received a \$93,731.59, reimbursement from FEMA and the State of New Jersey-OEM, for Montville Township's costs incurred in response to the Winter Storms of March 6 & March 7, 2018 (Commonly referred to as Winter Storms Quinn and Riley). To date, Montville Township's total reimbursement from FEMA and New Jersey OEM for the above-mentioned storms totals \$184,757.75.
3. State of New Jersey Department of Transportation (NJDOT) Fiscal Year 2019 Municipal Aid Program- Administration has received official notification from the NJDOT that Montville Township's (Engineering request) request for NJDOT Municipal Aid Program Funding to complete roadway improvements to Taylortown Road has been approved in the amount of \$176,000. This NJDOT award will be in addition to our approximate \$2 million dollars budgeted for 2019 Montville Township Roadway Improvements. (See attached)

Deputy Mayor Cooney asked when the Taylortown Road improvements will take place.

Administrator Victor Canning stated most likely in 2020.

2. ATTORNEY'S REPORT

Township Attorney Fred Semrau reported Risk Management costs municipalities an average of \$60,000 a year. Montville is the largest community in the JIF and the Township Administration serves as the Risk Manager. Thanks to Administration the Township saves \$60, 000. He reported on a meeting to discuss the Historic Preservation Ordinance (formerly known as Demolition by Neglect). The meeting included: Administration, Construction, Land Use, Mayor Conklin and Committeeman Cook. We established a plan to handle significant structural issues with historical buildings. Next meeting we will have a draft of the ordinance with the highlighted changes.

3. TOWNSHIP COMMITTEE LIAISON REPORTS AND COMMENTS

Committeeman Cook- the Recreation Commission meets tomorrow at 7:30 pm. The Community Park Playground grand opening will be on April 27, 2019 at 1 pm. Historic Preservation Review Commission will meet at the end of the month. He reported on the following events: Earth Day will be held on April 28, 2019, the Egg Hunt April 14, 2019 and the Fishing Derby is May 4, 2019.

Deputy Mayor Cooney- this past Saturday we held our Recycling Event and it was well attended. We gave out 600 recycling containers. He thanked Administration and staff for all their efforts in

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making the Recycling Event successful. He reported the Planning Board meeting will be held this Thursday and it is the second hearing testimony on Wawa.

Committeewoman Witty - the Drug Awareness- Municipal Alliance Council (DAC) next meeting is tomorrow, April 10, 2019. The DAC will be meeting with a group of students to discuss ideas for Project Graduation- as of now it will be a cruise and the students will pay towards the ticket. We are hopeful Social Services will attend this meeting. Open Space Committee meeting is April 18, 2019. We continue to work on the trails – any civic group or non-profit can adopt a trail. We are working on the agility of the trails and would like to have the trails on the Township Website. We will be launching our Trex Recycling Program and if we collect 500 lbs. of plastic we get a free Trex bench. Information will be going out on what things can be recycled. The following can be recycled through the Trex Recycling program: cereal plastic bags, plastic grocery bags, dry cleaning bags etc. All plastic bags are acceptable as long as they are free of food residue. The bins will be located at the Senior House and the Municipal Building. Rockaway River Watershed Cabinet Representatives will be meeting next week and there are river clean ups going on. VFW poppy sale will be at 7 Eleven and then at the Red Barn Restaurant- please support the VFW. The Montville Township Women's Club and DAC will have a seminar on human trafficking on April 28, 2019. Relay for Life we are still looking for teams- the event will be held on June 1, 2019. She also mentioned the Little League Opening Day and the Montville Township Women's Club will have a Medium Event on May 3, 2019.

Committeeman Kayne- I attended the Recycling Day event and it was very successful. I would like to thank Administration. Regards to the Municipal Budget- Victor you always pass the accolades to your staff but I want to thank you to you and everyone who works for you. Victor, thank you for your fiscal ways and prudence. The Long Term Financial Planning Committee (LTFC) has issued recommendations for Water Utility and funding rates. I would like these recommendations to be discussed before the next Township Committee Meeting. Last night the Board of Health met and they are going to come forth with a few recommendations. One recommendation is raising the Animal Shelter fees. I would like to thank Rabbi Finkel for being here and putting together the Holocaust Remembrance Proclamation. There are a couple of words that stand out "as citizens of Montville Township should work to promote human dignity and confront hate whenever and wherever it occurs". I know Rabbi Finkel you also have worked on this with One Montville. I also would like to mention this part of the Proclamation "the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments". As one whose family was directly affected by the Holocaust, it was a highly personal effect. Being of the faith it is something we live every day and we worry continuously about the rise of anti-Semitism around the world.

Chairman Conklin - I attended the Library Board of Trustees meeting. It was a short meeting. The bills were paid- nothing to report.

Public Portion

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

Richard Seabury III, 16 Hillcrest Road – I have been a resident since 1943. I am wearing my Park Commission hat. I have several things. I am working with the Trails Committee for Jersey City Reservoir. That is a project that we had for twenty years and it is going really well. The Mayor and Council is in support of the work we do. The towns that are involved are Township of Boonton and the Township of Parsippany – Troy Hills. And we are now with consultants and the consultants are helping us design the trails. There will be a lot of clean up and you know this since the Mayor has been Rockaway River Watershed Cabinet Representative. There is a lot of clean up near the reservoir. It is important to Montville Township to consider that you have residents on River Road and on Vreeland Avenue that would want to get on those trails. You are going to have to have trails and sidewalks on the Montville Township side to make it easier to walk on these trails. In your planning the next couple of years put this in your plans because you are stakeholders and will be paying taxes. Please look at your own trail connectivity and if you would like to participate as there are County funds. Consider this because you are

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tying in with a regional trail. The history of it- you look at the Dam and you look up over the reservoir you remember President George Washington rode over there on his horse. The massive Montville rock that was 2.2 billion years old it was taken from Montville. There is an eighty pound rail road track and an old steam engine that I would like to put in an Exhibit. Montville has a lot of history along that trail. I would like to put signs and pictures on Exhibit and if you have any pictures please give me some. I assign Committeeman Cook for this project. We sent back documents accepting the two parcels the Commission has voted on and our attorney has sent it out (Kincaid Road and Mars Court).

Committeeman Cook – sure I will do it. I have never seen a picture of that railroad. The bridge might still be there.

Committeewoman Witty- can you come to the Open Space Meeting?

Chairman Conklin- at some point in time should we arrange for you to sit with the Historic Preservation Review Commission (HPRC) to discuss the trail project? If we can see some charts and drawings we can start the work.

Richard Seabury III, 16 Hillcrest Road – I can attend the HPRC and/or Open Space Committee meeting.

Motion by Kayne second by Witty to close public portion of meeting. All in favor. Motion adopted.

Introduction of 2019 Municipal Budget:

Administrator Victor Canning highlighted the following in the 2019 Municipal Budget:

- Tax levy at 1.503%.
- The average assessed home in Montville (valued at \$528,752) will have a tax increase of \$38.73.
- The Township has progressively increased the fund balance.

Administrator Victor Canning thanked CFO Katie Yanke and Assistant Administrator June Hercek for all their hard work on the 2019 Municipal Budget. The sound financial decisions and methodology of the Township lead to the AAA Bond Rating and increase of the Fund Balance. He stated that he will report more on the budget at the Budget public hearing.

1. **Resolution # 2019-102A** introducing the 2019 Municipal Budget /Budget summary. Budget.

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Montville, Morris County, New Jersey for the year 2019.

BE IT FURTHER RESOLVED, that the said budget be published in The Daily Record in the issue of April 12, 2019 and that a hearing on the Budget will be held at the Municipal Building on May 14, 2019 at 8:00 o'clock (P.M.) or as soon thereafter as the matter may be reached.

Motion by Cook second by Witty to approve Resolution #2019-102A.

Roll Call

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

No:-0-

Motion Kayne second by Witty to introduce the 2019 Municipal Budget and set public hearing date for May 14, 2019.

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Roll Call

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

No:-0-

2019 Municipal Budget will be included as part of the meeting minutes and on file at the Township Clerk's Office

Old Business:

1. Project Status Report

New Business:

None.

Ordinance Introductions:

None.

Resolution Authorizing Consent Agenda No. 2019-CA08:

Resolution # 2019-102 resolution approving Blue Light Application for member of the Montville Township First Aid Squad – Juliana Russo

Resolution # 2019-103 resolution approving Blue Light Application for member of the Montville Township First Aid Squad – Julie Ballentine

Resolution # 2019– 104 resolution authorizing the issuance of a Warehouse Sale Permit to Westport Corporation

Resolution # 2019– 105 resolution authorizing the issuance of a Warehouse Sale Permit to Christine Valmy International School

Resolution # 2019-106 resolution authorizing cancellation of Municipal Tax Sale Certificate

Resolution # 2019 – 107 resolution authorizing the processing of certain Tax Sale Certificate redemptions

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

Roll Call

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

No:-0-

Resolution # 2019-102 resolution approving Blue Light Application for member of the Montville Township First Aid Squad – Juliana Russo

WHEREAS, the Montville Township First Aid Squad has submitted the request for blue light permit to the Township Clerk; and

WHEREAS, the Chief/Captain of the Montville Township First Aid Squad has reviewed and signed the application for the following Montville First Aid member:

Juliana Russo

BE IT RESOLVED, By the Township Committee of Montville Township that the blue light permit for the above member is authorized and may be submitted to Motor Vehicle Commission.

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Resolution # 2019-103 resolution approving Blue Light Application for member of the Montville Township First Aid Squad – Julie Ballentine

WHEREAS, the Montville Township First Aid Squad has submitted the request for blue light permit to the Township Clerk; and

WHEREAS, the Chief/Captain of the Montville Township First Aid Squad has reviewed and signed the application for the following Montville First Aid member:

Julie Ballentine

BE IT RESOLVED, By the Township Committee of Montville Township that the blue light permit for the above member is authorized and may be submitted to Motor Vehicle Commission.

Resolution # 2019– 104 resolution authorizing the issuance of a Warehouse Sale Permit to Westport Corporation

WHEREAS, Revised General Ordinance Chapter 295 requires the issuance of a permit by the Township of Montville for temporary or seasonal retail sales in warehouses; and

WHEREAS, Westport Corporation has filed an application and all fees for a warehouse sale permit; and

WHEREAS, the application filed by Westport Corporation conforms to the requirements of the Township Ordinance; and

WHEREAS, the signage plan dated March 15, 2019 has been approved as follows: Seven signs and one banner only. Signs may be placed from April 26 to May 11, 2019, and must be removed within 48 hours after last day of warehouse sale.

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 a warehouse sale permit be issued to Westport Corporation for the following dates: April 26 to May 11, 2019.

Resolution # 2019– 105 resolution authorizing the issuance of a Warehouse Sale Permit to Christine Valmy International School

WHEREAS, Revised General Ordinance Chapter 295 requires the issuance of a permit by the Township of Montville for temporary or seasonal retail sales in warehouses; and

WHEREAS, Christine Valmy International School has filed an application and all fees for a warehouse sale permit; and

WHEREAS, the application filed by Christine Valmy International School conforms to the requirements of the Township Ordinance; and

WHEREAS, the signage plan dated March 15, 2019 has been approved as follows: six signs Signs may be placed from April 29 to May 10, 2019, and must be removed within 48 hours after last day of warehouse sale.

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 a warehouse sale permit be issued to Christine Valmy International School for the following dates: April 29, 2019 to May 10, 2019.

Resolution # 2019-106 resolution authorizing cancellation of Municipal Tax Sale Certificate

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WHEREAS, Certificate of Sale #18000021 on Block 160 Lot 4 (17 Hook Mt Rd) was issued to Montville Township for delinquent taxes and/or water/sewer charges, at a tax sale held on December 05, 2018 and,

WHEREAS, the assessed owner, 17 Hook Mountain Road, LLC has redeemed Certificate #18000021 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of Montville Township are hereby authorized to endorse Certificate of Sale #18000021 for cancellation.

Resolution # 2019 – 107 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 125.6 Lot 18	
26 Horseneck Rd	
Lien Redemption Certificate #18000019	\$1,415.99
Premium Money	<u>\$ 400.00</u>
Total Payment	\$1,815.99

To: US Bank Cust for PC7 Firsttrust Bank

Block 164 Lot 14	
58 Hook Mt Rd	
Lien Redemption Certificate #18000023	\$1,025.65
Premium Money	<u>\$ 100.00</u>
Total Payment	\$1,125.65

To: Palmisano, Robert

RESOLUTIONS:

1. **Resolution** approving the listing of bills and signing of checks for April 9, 2019.

Motion by Witty second by Cook to approve the listing of bills and signing of checks for April 9, 2019.

Roll Call

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

No: -0-

2. **Resolution # 2019 - 108** resolution authorizing the payment of the Fire District Tax Levies two times a year, 50% each time

BE IT RESOLVED, by the Township Committee of the Township of Montville, County of Morris and State of New Jersey that the Director of Finance is directed to remit to the Fire Districts of Montville Township their Fire Tax Levies as follows:

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Fire District #1	Montville	\$269,408.50
Fire District #2	Towaco	\$342,193.00
Fire District #3	Pine Brook	\$285,900.00

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Fire District #1	Montville	\$269,408.50
Fire District #2	Towaco	\$342,193.00
Fire District #3	Pine Brook	\$285,900.00

Motion by Cook second by Witty to approve Resolution # 2019 – 108.

Roll Call

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

No:-0-

3. **Resolution # 2019 – 109** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract to Tilcon New York, Inc. for road resurfacing work under the Morris County Cooperative Pricing Council

WHEREAS, a Morris County Cooperative Pricing Council contract is available for road resurfacing (Contract #6 Road Resurfacing, Category 'A', Hot Mix Asphalt and Category 'B', Milling of Hot Mix Asphalt); and

WHEREAS, the Township has a need for road resurfacing for the following projects:

<u>Project</u>	<u>Account #</u>	<u>Amount</u>
2019 Roadway Resurfacing and Improvements (funds are related to Contract #6, Category 'A' and Category 'B')	C-04-56-141-002	\$700,000

; and

WHEREAS, the Township of Montville wishes to award the contract for the road resurfacing of the above-referenced projects to Tilcon New York Inc., 9 Entin Road, Parsippany, New Jersey under the Morris County Cooperative Pricing Council in the total amount of \$700,000.

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 Tilcon New York, Inc. is hereby awarded the Contract for the following municipal projects under the Morris County Cooperative Pricing Council, Contract #6 Road Resurfacing:

<u>Project</u>	<u>Account #</u>	<u>Amount</u>
2019 Roadway Resurfacing and Improvements		

Motion by Cook second by Kayne to approve Resolution # 2019 – 109.

Roll Call

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

No:-0-

4. **Resolution # 2019 – 110** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract to Denville Line Painting for Traffic Striping work under the Morris County Cooperative Pricing Council

WHEREAS, a Morris County Cooperative Pricing Council contract is available for road resurfacing (Contract #36 Traffic Striping on Roadways): and

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WHEREAS, the Township has a need for traffic striping for the following projects:

<u>Project</u>	<u>Account #</u>	<u>Amount</u>
2019 Roadway Resurfacing and Improvements	C-04-56-141-002	\$75,000

; and

WHEREAS, the Township of Montville wishes to award the contract for traffic striping of the above-referenced projects to Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey, under the Morris County Cooperative Pricing Council in the total amount of \$75,000.

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 Denville Line Painting, Inc. is hereby awarded the Contract for the following municipal projects under the Morris County Cooperative Pricing Council, Contract #36 Traffic Striping for Roadways:

<u>Project</u>	<u>Account #</u>	<u>Amount</u>
2019 Roadway Resurfacing and Improvements	C-04-56-141-002	\$75,000

Motion by Cook second by Kayne to approve Resolution # 2019 – 110.

Roll Call

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

No:-0-

5. **Resolution # 2019 – 111** resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township Police Department to participate in the Police Assisted Addiction and Recovery Initiative (PAARI)

WHEREAS, the Montville Township Police Department has announced they will take part in a new initiative, Hope One Project – PAARI (Police Assisted Addiction and Recovery Initiative); and

WHEREAS, the mission is to aid those actively seeking police assistance when struggling with opiate or other substance use disorders to obtain resources and access treatment; and

WHEREAS, the Montville Township Police Department – PAARI initiative enables police officers to immediately offer a pathway to recovery by providing a Certified Peer Recovery Specialist and a safe, private environment to discuss the help needed; and

WHEREAS, non-judgmental support and immediate and ongoing assistance by a professional Peer Recovery Specialist will have a positive impact on the recovery and healing of an individual as well as their family; and

WHEREAS, the Township Committee plays a vital role in assisting the Montville Township Police Department through joint crime, drug and violence prevention efforts in the Township of Montville and is supporting the PAARI Initiative; and

WHEREAS, it is essential that all citizens of the Township of Montville be aware of the importance of drug addiction and crime prevention programs and the impact that addiction recovery and advocacy will have on their quality of life as well as reducing crime, drugs and violence in the Township of Montville.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, fully support the Montville Township Police

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Department and the community groups partnering with them in their implementation of the PAARI Initiative and for taking a leadership role in creating a positive impact on individuals and their families struggling with addiction, thus, providing a clear path to recovery.

Motion by Kayne second by Cook to approve Resolution # 2019 – 111.

Roll Call

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

No:-0-

6. **Resolution # 2019 – 112** resolution authorizing the award of a Professional Services Contract without competitive bidding to Newark Knight Frank to perform Real Estate Appraisal Services for Montville Township

WHEREAS, there exists a need for professional real estate appraisal services for 205-207 Changebridge Road for the Township; and

WHEREAS, the Township wishes to retain Newmark Knight Frank to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed \$5,000.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

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

Section 1. The contract with Newmark Knight Frank is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Newmark Knight Frank shall provide real estate appraisal services to the Township as set forth in its proposal of April 3, 2019.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of Montville as required by law.

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to Newmark Knight Frank, 80 South Jefferson Road, Suite 204, Whippany, New Jersey 07981, for their information and guidance.

Section 5. The Township's Chief Financial Officer has certified the availability of funds for this contract as follows: 2014-32 Open Space: Due Diligence C-04-56-120-001 \$5,000.00

Motion by Cook second by Witty to approve Resolution # 2019 – 112.

Roll Call

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

No:-0-

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7. **Resolution # 2019 – 113** resolution of the Township of Montville, County of Morris and State of New Jersey designating Block 159 Lot 5.01 as an area in need of Non – Condemnation Redevelopment

WHEREAS, the Township Committee of the Township of Montville authorized the Montville Township Planning Board by Resolution to conduct a preliminary investigation to determine if an area encompassing Block 159 Lot 5.01 (the “Study Area”) constitutes an “area in need of redevelopment” as defined under the New Jersey Local Redevelopment Housing Law (“LRHL”); and

WHEREAS, in order to undertake this task, the Township retained Burgis Associates, Inc., to assist the Planning Board in this effort by undertaking an investigation and preparing a report for the Planning Board’s review within the context of a “non-condemnation” redevelopment procedure; and

WHEREAS, Burgis Associates, Inc. produced a report, dated March 1, 2019, which included a map of the Study Area, and which was circulated to the members of the Planning Board and provided to the public in accordance with the time and other notice provisions of the LRHL; and

WHEREAS, the Burgis Report provided detailed information regarding the Study Area and the applicable statutory criteria required to be evaluated, based on which information the Report concluded that the Study Area, in fact, affirms the LRHL criteria to enable the Board to recommend to the Township Committee that an Area in Need of Redevelopment designation is warranted; and

WHEREAS, the Board established a hearing date for its consideration of the preliminary investigation and provided notice in accordance with the LRHL of its intended meeting for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is an area in need of redevelopment; and

WHEREAS, the Board held its hearing on March 14, 2019, at which time it was established that notice under the LRHL was properly provided, published and served in accordance with the LRHL; and

WHEREAS, at the public hearing, the Board accorded to all members of the public the opportunity to offer their comments respecting the Study Area, which comments were made part of the public record; and

WHEREAS, by Resolution adopted March 28, 2019, the Board recommended to the Township Committee in accordance with the LRHL that the Study Area be determined to meet the criteria under the LRHL as areas in need of redevelopment; and

WHEREAS, the Township Committee received the resolution of the Board and the recommendations contained therein; and

WHEREAS, the Township Committee has reviewed the Burgis Report and finds, consistent with the Board’s recommendation that the LRHL criteria for determination of an area in need of redevelopment are indeed affirmed by the Study Area.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey as follows:

1. Based upon the facts and findings of the Burgis Report, all made in accordance with N.J.S.A. 40A:12A-6, the Township Committee of the Township of Montville does hereby declare the following parcels of land known and described on the Tax Maps of the Township of Montville to be an area in need of redevelopment: Block 159 Lot 5.01.

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2. The Township of Montville intends to use all of those powers provided by the Legislature for use in a redevelopment area, with the exception of the power of eminent domain, with respect to the above-designated properties.

3. The Township Clerk shall serve, by certified mail, return receipt requested, a copy of this Resolution upon the owners of the above-mentioned lots, as well as any person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent.

4. Burgis Associates, Inc., is hereby requested and authorized to prepare a redevelopment plan for the properties designated by this Resolution as an area in need of redevelopment, which plan may include adjacent properties previously designated as areas in need of redevelopment or areas in need of rehabilitation.

Motion by Cook second by Cooney to approve Resolution # 2019 – 113.

Roll Call

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

No:-0-

REVIEW OF MEETING ACTION ITEMS:

1. Administrator
 - LTFPC recommendations we did receive it but my staff is reviewing it.
 - We will try our best to assist Mr. Seabury with the regional trail project
2. Attorney
 - CES Items- Affordable Housing matters.
 - Park Commission Matter (the two parcels that were accepted by the Morris County Park Commission).
3. Township Committee

Deputy Mayor Cooney- do we have a no smoking policy for Township owned property?

Administrator Victor Canning - we did not adopt a policy. Administration, Recreation and Health Department recommended it but at the time it did not get adopted. We should revisit this.

Committeeman Kayne- we have been sent emails to sign up for Relay for Life- please do not forget to sign up.

Committeewoman Witty- what is the status on the Youth Center survey?

Administrator Victor Canning replied by stating he will follow up with the Township Program Assistant Jennifer Dickson in regards to the survey.

Adjournment

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

Time adjourned: 9:10 p.m.

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Respectfully submitted,

Approved:
Montville Township Committee

Leena M. Abaza, Township Clerk

Richard D. Conklin, Mayor