

**MONTVILLE TOWNSHIP COMMITTEE
MINUTES – June 30, 2020**

****This meeting was conducted via teleconferencing due to the Coronavirus disease (COVID-19). ****

Montville Township Committee Regular Meeting

Tuesday, June 30, 2020, 7:00 p.m.

Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

7:00 P.M. – Public Session

Statement of Open Public Meetings Act Compliance read by Mayor Frank W. Cooney.

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-8, which permits public meetings to be held via communications equipment, and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, and a further Order that residents shelter at home, and the Township of Montville's declaration of a Local State of Emergency on March 16, 2020, the Township does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, a telephonic public meeting of the Mayor and Township Committee will be held on Tuesday, June 30, 2020, at 7:00 p.m. Town Hall will not be open to the public to physically attend the meeting. Any members of the public who wish to attend the meeting telephonically may do so by calling into the service number, 1-978-990-5000, followed by access code 424062#.

The location of the meeting remains the same: Montville Township Municipal Building, 195 Changebridge Road, Montville, NJ.

Notice mailed, e-mailed, and/or faxed to the following newspapers: The Daily Record and The Citizen. Notice/agenda posted on the bulletin boards at the Municipal Building and the Township's website agenda center at www.montvillenj.org.

Roll Call Township Committee

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

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

Prayer read by Committeewoman Witty.

Chairman Cooney advised that phones would be muted until the public portion of the agenda.

Moment of Silence

Chairman Cooney asked for a moment of silence for lives lost to the COVID19 virus.

Chairman Cooney asked for a moment of silence for Township employee Carmelita Masefski who passed away on June 26. Carm worked for the Township for 34 years and was the administrative clerk in the Department of Engineering.

Proclamation

Mayor Frank W. Cooney reported that he presented a proclamation to Dr. Merrill Stern of Towaco at an event held in honor of his 100th Birthday on June 17, 2020. Dr. Stern was a founding member of the Towaco Civic Association and has been a resident of Montville for 51 years.

Retirement

Chief of Police Andrew Caggiano announced the retirement of Lieutenant George Vuolo effective July 1, 2020 after 31 years of service with the Montville Police Department.

Mayor Cooney and Township Committee members thanked Lieutenant Vuolo for his service and wished him well in his retirement.

Approval of Meeting Minutes

April 28, 2020 Township Committee Regular Meeting Minutes.

May 12, 2020 Township Committee Regular Meeting Minutes.

Motion by Witty second by Kayne to approve the above meeting minutes. All in favor. Minutes approved.

Public Hearing on Ordinance for Final Adoption:

Ordinance #2020-05 an Ordinance of the Township of Montville, County of Morris, and State of New Jersey to promote the adequate supply of Affordable Housing in the Township by extending the minimum Affordability Control periods on all Affordable Rental Units situated in the Rachel Gardens Condominium Development

Motion by Witty second by Kayne to open Public Hearing. All in favor. Motion approved.

Township Attorney Fred Semrau requested that the vote on Ordinance #2020-05 be delayed until the July 21, 2020 Township Committee meeting as there are ongoing discussions with the attorney for Rachel Gardens and with Fair Share Housing. Mr. Semrau stated that the Township holds the position it has the legal right to extend the affordability controls on the existing 168 affordable housing units and is committed to protecting the rights of its qualifying residents. However, an agreement rather than litigation would be a preferable resolution.

Chairman Cooney asked whether continuing the public hearing without a representative from Rachel Gardens present was an issue.

Township Attorney Fred Semrau responded that the public hearing could commence as long as no vote was taken.

The Township Committee consented to allow the public hearing to go forward.

Judith Gyori, 1200 Rachel Terrace, #11 Ms. Gyori stated that it is difficult to obtain information and asked whether a means could be established to keep the residents informed about next steps once the ordinance is passed, such as litigation or settlement. She asked how the courts being closed due to COVID19 would impact a timeline. She also asked what other choices affected families would have if a lawsuit was decided in Rachel Gardens' favor.

Township Attorney Fred Semrau responded that Rachel Gardens is an independent entity not owned by the Township. Litigation would result in an uncertain timeline and outcome. An agreement would permit a more definite answer to share with residents. The affordability controls expire in December 2021. The Township is being proactive to preserve Affordable Housing on behalf of its qualifying residents with ample time in advance of this date. Mr. Semrau stated that if the matter were litigated, the Township would request that it be heard right away. Affordable Housing cases are put to the front of the docket. Mr. Semrau stated that while the Township's first priority is to protect the rights currently in place, the Township would hope to assist residents to new Affordable Housing residences either inside or outside the Township if necessary.

Debra Furino, 1200 Rachel Terrace, #3 Ms. Furino thanked the Township Committee for their work on behalf of the residents. She stated concern for the number of disabled and elderly people who occupy those units should they be displaced as there is a shortage of units in Montville and throughout the country. She asked what would happen to those 52 families if they suddenly needed to find other apartments.

Township Attorney Fred Semrau stated his strong hope to resolve the matter in a way that protects the current rights. The goal is for the Township's proactive work to allow enough time to notify and assist affected residents if need be. He counseled qualifying people to remain and not try to find new housing until more is known.

Tamara Smolar, 4 West Lake Drive Ms. Smolar asked what offices in the Township would be responsible for keeping affected residents updated. She also asked what the best way is for residents to report to the Township.

Township Attorney Fred Semrau responded that between the Planning Department and Township Administration, updates would be provided.

Township Administrator Victor Canning advised that residents should communicate with Land Use Department Head Jane Mowles.

Debra Furino 1200 Rachel Terrace #3 expressed frustration that Ms. Mowles did not appear to have answers when she was approached with the amended leases from Rachel Gardens.

Township Attorney Fred Semrau clarified that Mr. Canning was answering the question of where residents should direct their questions. He stated that there are no answers at this point in the discussions. He stated that Fair Share Housing is involved in the discussion as well as the Township and these things take time. He wanted the record to indicate that the Township is uniquely making the effort to support its qualifying residents and protect their Affordable Housing rights.

Debra Furino 1200 Rachel Terrace #3 Ms. Furino qualified her remarks as not intended to demean Ms. Mowles.

Motion by Kayne second by Cook to close Public Hearing. All in favor. Motion adopted.

Motion by Conklin second by Witty to postpone vote on Ordinance #2020-05 to the July 21, 2020 Township Committee meeting. All in favor. Motion adopted.

Ordinance #2020-10 ordinance of the Township of Montville, Morris County, New Jersey, authorizing a Capital Expenditure from the Open Space Dedicated Trust Fund in the amount not to exceed \$1,000

Motion by Cook second by Witty to open Public Hearing. All in favor. Motion adopted.

No public comments.

Motion by Witty second by Conklin to close Public Hearing. All in favor. Motion adopted.

Motion by Cook second by Kayne to adopt Ordinance #2020-10.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Reports:

1. Administrator's report

- COVID19 update – There are no new cases. The total cases in the Township was 234 of which 225 cleared leaving 9 current cases.
- Health Officer Aimee Puluso has applied for a New Jersey Association of County and City Health Officials grant in the amount of \$20,085 to offset some of the costs of the Township's response to the pandemic.
- The Recreation Director, Recreation Commission and Administration are working with the Township Attorney on guidelines for reopening the Township recreation facilities hopefully within the next few weeks.

2. Attorney's report – items deferred to Closed Executive Session

3. Township Committee liaison reports and comments

Committeewoman Witty

- The V.F.W. still has \$5 raffle tickets for sale with the drawing taking place in September.
- The V.F.W. 50th Anniversary dinner has been postponed to April 2021.
- She reminded residents to fly flags in honor of July 4 and that the V.F.W. has a drop box for flags in need of retirement.

Committeeman Kayne

- Environmental Committee met on June 17. They are concerned about PPE waste that is being littered about the Township instead of being properly disposed of.
- He congratulated Ellen Brody Decker and the Relay for Life of Greater Montville Committee on their Virtual Relay for Life event which met its realigned fundraising goal.
- He congratulated Montville's graduating high school and middle school students and praised the Board of Education for their outstanding virtual graduation ceremony on June 23.
- He contacted Cablevision about the disruption of service, poor picture resolution, problems with wifi, and customer service issues. Residents with cable television problems can contact marilyn.davis16@alticeusa.com who will elevate them. He advised residents that the Township Committee is closely monitoring the situation and will hold the company accountable.

Committeeman Conklin

- He and the Township Engineer Nick Marucci met with Canal Society President Joseph Macasek onsite at Dorsey Pond. The scope of the proposed project may need to be scaled back to avoid NJ DEP permitting requirements but plans are to move forward.
- He thanked Administration and the Township Department Heads for keeping business going during the COVID19 pandemic.
- He asked Township Administrator Victor Canning if part-time summer help would be hired.

Township Administrator Victor Canning responded not at this time.

Deputy Mayor Cook

- Recreation Commission held an emergency meeting about sports programs. They voted to move ahead with seasons for baseball and soccer. They are working on waivers and getting that in place.
- The Summer Concert series is so far still planned for July and August with proper social distancing.
- The Towaco Pedestrian Safety plan is moving forward with crosswalks.
- The Towaco Town Center Clock will be located at Waughaw Road and Route 202.

Old Business:

1. Project status report

Committeeman Kayne asked whether the sewer agreement with Parsippany-Troy Hills Township was still moving forward.

Township Administrator Victor Canning advised that the agreement negotiations were going forward. Dorsey & Semrau is working with Parsippany's attorney on the agreement. Mr. Canning also reported that a modified agreement with Jersey City Utility was being negotiated for additional water needed due to the anticipated Affordable Housing developments.

New Business:

Township Administrator Victor Canning advised that in the executive session discussion on whether a possible waiver or extension of the August property tax deadline, it would be beneficial if the Governor and State legislature enacted the legal requirements to allow the waiver instead of the Township needing to worry about whether it can make the payments. He asked whether Mayor Cooney could mention this to the Governor during the daily conference call.

Ordinance Introductions:

None.

Public Portion

Motion by Conklin second by Witty to open public portion. All in favor. Motion adopted.

Henry Bernstein, 12 Breton Drive Mr. Bernstein was concerned about the resurgence of COVID19 infections as people are becoming lax in following guidelines. He asked what measures the Township has in place to enforce the Executive Order guidelines on social distancing and preventative practices. He asked whether the Township could issue a notice to residents reminding them of the guidelines and enforcement.

Township Administrator Victor Canning responded that residents observing infractions of the Executive Order guidelines should report them to the Montville Township Police Department. He also stated that a reminder of the guidelines could be included in a press release being drafted regarding the reopening of parks and recreational facilities.

Samir Sawe, 32 Changebridge Road Mr. Sawe asked the Township Committee members whether or not they attended the June 18 Walk for Black Lives and to state their reasons for attending or not attending.

Chairman Cooney advised that he was out of town for both the June 10 Vigil – Stand in Solidarity Against Racism and the June 18 Walk for Black Lives. He stated that most of the other Township Committee members attended the June 10 vigil.

Committeeman Kayne responded that he was working on June 18 but that he attended and spoke at the June 10 vigil.

Committeewoman Witty attended the June 10 vigil. She was unable to participate on June 18 because of an injury that limits her ability to walk.

Deputy Mayor Cook attended the June 10 vigil.

Committeeman Conklin was out of town and declined further comment.

Henry Bernstein, 12 Breton Drive – Mr. Bernstein asked for a repeat of the Cablevision contact information. He also asked whether it would be appropriate for the Township Committee to issue a statement about Black Lives Matter in support of racial justice. He was curious about what the public's remarks were. He stated he did not mean this to be a reflection on the Montville Police Department.

Committeeman Kayne repeated the Cablevision contact as Marilyn.davis16@alticeusa.com.

Chairman Cooney responded that the Township Committee and Montville Chief of Police both issued statements following the death of George Floyd. The Township's statement was not printed because the paper did not receive it, but it was placed on social media. Chairman Cooney advised Mr. Bernstein to contact Township Clerk Leena Abaza for a copy of the statement. He requested that it be posted on the Township's website.

Committeewoman Witty advised that the Township Committee received feedback on their statement, so the public is aware of the Committee's statement.

Township Administrator Victor Canning stated for the record that the organizers of the "Walk for Black Lives" event on June 18 met with Township Administration and the Chief of Police and specifically disassociated themselves and the event from Black Lives Matter.

Motion by Witty second by Cook to close public portion. All in favor. Motion approved.

Resolution Authorizing Consent Agenda No. 2020-CA13:

Resolution #2020-192 resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the execution of a partial release of Deed Restriction imposing maintenance and repair obligations of a sewer line

Resolution # 2020-193 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing acceptance of all Public Improvements, Preparation of Deeds of Dedication and return of Performance Guarantee

Resolution #2020-194 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for Streetscape Lighting at 263 Changebridge Road, Block 149.04, Lot 6

Resolution #2020-195 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the Person-To-Person transfer of Liquor License # 1421-33-013-003 from Poor Hank's to the Black Rabbit Saloon, LLC.

Resolution #2020-196 resolution authorizing the issuance of one year Solicitor's License – Fouad Kojakali d/b/as Billy's Ice Cream

Resolution #2020-197 resolution authorizing the issuance of one year Solicitor's License – Tulay Unutmaz d/b/as Mr. Sam's Ice Cream

Resolution # 2020-198 resolution approving request from the Tax Collector for Cancellation of Taxes and Refund of Overpayment

Resolution #2020-199 resolution requesting approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87 (2020 Clean Communities

Resolution #2020-200 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the Maintenance Bond received for work performed at 44 Hillcrest Avenue, Block 74 Lot 1 and 34 Changebridge Road, Block 83 Lot 9

Resolution #2020-201 resolution approving Blue Light Application for a member of the Montville Township Pine Brook Fire Department – Nicholas DeFrank

Resolution #2020-202 resolution approving request from Tax Collector for cancellation of taxes erroneously assessed

Resolution # 2020-203 resolution approving request from Tax Collector for a refund of overpayment

Resolution # 2020-204 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Youth Center/Field House Drainage and Sidewalk Upgrade Project

Resolution # 2020-205 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Amphitheater Replacement Project

Resolution # 2020-206 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Water Meter Replacement Program

Resolution # 2020-207 resolution authorizing approval to submit a 2020 application for the Morris County Open Space Trust Fund

Resolution # 2020-208 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for driveway construction at 6 Windsor Drive, Block 159, Lot 6.05

Resolution # 2020-209 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for driveway construction and soil stabilization at 63 Changebridge Road, Block 70 Lot 14

Resolution # 2020-210 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for a new backup Emergency Generator at Riverside Drive Pumping Station

Motion by Witty second by Kayne approving the above consent agenda resolutions.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Resolution #2020-192 resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the execution of a partial release of Deed Restriction imposing maintenance and repair obligations of a sewer line

WHEREAS, KeKon Realty Co., Inc. is the owner of property located at Block 184, Lot 2, 65 Route 46 in Montville ("Property"); and

WHEREAS, the Property was the subject of a minor subdivision approved by the Township of Montville Board of Adjustment by Resolution adopted March 4, 2020 to create Lots 2.01 and 2.02 in Block 184; and

WHEREAS, by Deed dated September 13, 1991 from KeKon Realty Co., Inc., Grantor to KeKon Realty Co., Inc., Grantee, recorded in the Morris County Clerk's Office on June 3, 1992 in Deed Book 3597, Page 111, a maintenance and repair obligation of a sewer line was imposed by deed restriction on the owner of Block 184, Lot 2; and

WHEREAS, the deed restriction may not be modified without the written consent of the Township of Montville; and

WHEREAS, the sewer line and associated maintenance and repair obligation serves only the building on Block 184, Lot 2.02 and said maintenance and repair obligation shall continue to be the responsibility of the owner of Block 184, Lot 2.02; and

WHEREAS, Block 184, Lot 2.01 will have no benefit from the sewer line and will bear no obligation for the maintenance and repair of same; and

WHEREAS, KeKon Realty Co., Inc. has requested that the Township execute the attached Partial Release to enable the obligation of maintenance and repair of the sewer line to be placed solely on Block 184, Lot 2.02; and

WHEREAS, the Township Attorney has reviewed the Partial Release and documentation and found same to be in order and acceptable; and

WHEREAS, the Township Engineer has reviewed the request, inspected the Property and determined that the partial release is acceptable.

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. The Township of Montville hereby authorizes the Mayor and Township Clerk to execute the Partial Release of Deed Restriction Imposing Maintenance and Repair Obligations of a Sewer Line.

This Resolution shall take effect immediately.

Resolution # 2020-193 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing acceptance of all Public Improvements, Preparation of Deeds of Dedication and return of Performance Guarantee

WHEREAS, pursuant to a Planning Board Resolution adopted on December 14, 2000, Palmar Associates, LLC was approved to construct a 12-lot subdivision, Skyview Heights; and

WHEREAS, the Township Engineer had provided the developer with a punch list of items that were required for the development to be completed; and

WHEREAS, Palmar Associates, LLC has completed the items on the punch list to the satisfaction of the Township Engineer; and

WHEREAS, the Township Engineer has inspected the work and deemed the development to be complete; and

WHEREAS, Palmar Associates, LLC has provided a Maintenance Bond in the form of an irrevocable letter of credit from Valley National Bank in the amount of \$109,021.00 which was accepted by the Township Committee by virtue of Resolution 2020-177; and

WHEREAS, by Memorandum, dated June 16, 2020, the Township Engineer has recommended acceptance of all public improvements, acceptance of Adams Way and Seletto Way as Township roads and return of the remaining Performance Guarantee in the amount of \$172,659.

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. All public improvements completed by Palmar Associates, LLC in the Skyview Heights development are hereby accepted by the Township of Montville.
2. The remainder of the Performance Guarantee, in the amount of \$172,659, is hereby authorized to be returned to Palmar Associates, LLC.
3. The Township Attorney, Administrator and Engineer are authorized to take whatever steps necessary to effectuate the dedication of Adams Way and Seletto Way to the Township.

This Resolution will take effect immediately.

Resolution #2020-194 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for Streetscape Lighting at 263 Changebridge Road, Block 149.04, Lot 6

WHEREAS, the developer, Changebridge at Montville, LLC, has requested a release of the cash bond submitted for the streetscape lighting in connection with work performed at 263 Changebridge Road, Block 149.04, Lot 6, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated June 12, 2020, that the cash bond held in connection with this project, which is in the amount of \$9,972.00, be released.

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$9,972.00, be released to the developer.

This Resolution shall take effect immediately.

Resolution #2020-195 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the Person-To-Person transfer of Liquor License # 1421-33-013-003 from Poor Hank's to the Black Rabbit Saloon, LLC.

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1421-33-013-003, heretofore issued to Poor Hank's for premises located at 8 Main Road, Montville, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, does hereby approve the transfer of the aforesaid Plenary Retail Consumption License to The Black Rabbit Saloon, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to The Black Rabbit Saloon, LLC, effective June 30, 2020."

This Resolution shall take effect immediately upon adoption.

Resolution #2020-196 resolution authorizing the issuance of one year Solicitor's License – Fouad Kojakali d/b/as Billy's Ice Cream

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

WHEREAS, Fouad Kojakali, Billy's Ice Cream, has filed an application and all necessary fees for a soliciting/peddling license for one year; and

WHEREAS, the application conforms to the requirements of the Township Ordinance and the Police Department has approved the application; and

WHEREAS, the Health Department has confirmed that the applicant was issued the necessary 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 a soliciting/peddling license for one year be issued to:

Fouad Kojakali, Billy's Ice Cream
71 Fayette Avenue, Wayne, NJ 07470

BE IT FURTHER RESOLVED that Montville Township's "No Solicitation List" as per Township Code

Chapter 281-7 (E) be issued to said solicitor upon the issuance of permit.

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: 86 River Road fields, Community Park on Changebridge Road, and Camp Dawson Park on Jacksonville Road.

Resolution #2020-197 resolution authorizing the issuance of one year Solicitor's License – Tulay Unutmaz d/b/as Mr. Sam's Ice Cream

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, Mr. Sam's Ice Cream, 108 Chatfield Drive, Pompton Plains, NJ, has filed a renewal application and all necessary fees for a soliciting/peddling license as follows: Tulay Unutmaz, 108 Chatfield Drive, Pompton Plains, NJ, 1997 GMC Van, NJ XBWC17; and

WHEREAS, the application from Tulay Unutmaz conforms to the requirements of the Township Ordinance and the Police Department has approved the application; and

WHEREAS, the Health Department has approved the application 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 license for one year be issued to Tulay Unutmaz for the operation solely by her of Mr. Sam's Ice Cream; 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: 86 River Road fields, Community Park on Changebridge Road, and Camp Dawson Park on Jacksonville Road.

Resolution # 2020-198 resolution approving request from the Tax Collector for Cancellation of Taxes and Refund of Overpayment

WHEREAS, property taxes for the year of 2020 are to be cancelled due to a 100% disabled veteran exemption,

AND, WHEREAS, a portion of these property taxes have been paid by the property owner, creating an overpayment of tax;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Montville be authorized to cancel taxes for the following and that the Treasurer of the Township of Montville be authorized to draw a check in the amount of overpayment to:

Graf, Arthur L & Deborah A
17 Merlin Place
Block 141.4 Lot 20

Cancel & Refund as of 01-01-2020 -	1 st Qtr 2020	\$3,611.97
	2 nd Qtr 2020	\$3,611.97
Total Refund:		<u>\$7,223.94</u>

Resolution #2020-199 resolution requesting approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87 (2020 Clean Communities

WHEREAS, N.J.S.A. 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 2020 in the sum of \$47,126.95, which is now available from the State of New Jersey 2020 Clean Communities Grant in the amount of \$47,126.95.

BE IT FURTHER RESOLVED, that the like sum of \$47,126.95 is hereby appropriated under the caption 2020 Clean Communities Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Department of Environmental Protection Clean Communities Grant in the amount of \$47,126.95.

Resolution #2020-200 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the Maintenance Bond received for work performed at 44 Hillcrest Avenue, Block 74 Lot 1 and 34 Changebridge Road, Block 83 Lot 9

WHEREAS, the developer, 44 Hillcrest, LLC, have requested a release of the maintenance bond held in connection with work performed at 44 Hillcrest Avenue, Block 74 Lot 1 and 34 Changebridge Road, Block 83 Lot 9, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated June 17, 2020, that the maintenance bond held in connection with this project, in the amount of \$18,351, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the maintenance bond held in connection with this project, in the amount of \$18,351, be released to the developer.

This Resolution shall take effect immediately.

Resolution #2020-201 resolution approving Blue Light Application for a member of the Montville Township Pine Brook Fire Department – Nicholas DeFrank

WHEREAS, the Montville Township Pine Brook Fire Department has submitted the request for blue light permit to the Township Clerk; and

WHEREAS, the Chief/Captain of the Montville Fire Department has reviewed and signed the application for the following Montville Township Pine Brook Fire Department member:

Nicholas DeFrank

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 #2020-202 resolution approving request from Tax Collector for cancellation of taxes erroneously assessed

WHEREAS, property taxes were erroneously assessed for 3rd Qtr 2020 on Block 139, Lot 5,

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Montville be authorized to cancel taxes as follows on the following property:

3 Woodland Rd Woodland Properties LLC	3 rd Qtr, 2020	\$11,425.84
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Resolution # 2020-203 resolution approving request from Tax Collector for a refund of overpayment

WHEREAS, due to a change in assessment, creating an overbill of tax for the 3rd Qtr, 2020, entitling the property owner to a refund of overpayment;

AND, WHEREAS, it is the recommendation of the Tax Collector that these monies are refunded;

NOW, THEREFORE, BE IT RESOLVED that the treasurer be authorized to draw a check in the amount of overpayment to:

DRA 350 Main LLC 350 Rt 202 Block 57.1 Lot 6.1	3 rd Qtr, 2020	\$1,143.63
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Resolution # 2020-204 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Youth Center/Field House Drainage and Sidewalk Upgrade Project

WHEREAS, the Township of Montville wishes to replace the sidewalk pavers in and around the Youth Center/Field House at Community Park; and

WHEREAS, the Township also wishes to improve drainage as part of the project; 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 Youth Center/Field House Drainage and Sidewalk Upgrade Project in the Township of Montville.

This Resolution shall take effect immediately.

Resolution # 2020-205 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Amphitheater Replacement Project

WHEREAS, the Township of Montville wishes to replace the existing amphitheater at Community Park to a permanent structure, allowing the space to fulfill its role as a community gathering place; 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 Amphitheater Replacement Project in the Township of Montville.

This Resolution shall take effect immediately.

Resolution # 2020-206 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Water Meter Replacement Program

WHEREAS, the Township of Montville wishes to retain a contractor to furnish all labor, materials, equipment and incidentals necessary to remove existing cold water meters and appurtenances, and to install new cold water meters and appurtenances; and

WHEREAS, these meters and appurtenances must be compatible with the Township's existing fixed network system and where the existing water meter system is more than 10 years old; 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 Water and Sewer Department are hereby authorized to move forward with soliciting bids for the Water Meter Replacement Program in the Township of Montville.

This Resolution shall take effect immediately.

Resolution # 2020-207 resolution authorizing approval to submit a 2020 application for the Morris County Open Space Trust Fund

WHEREAS, the County of Morris is accepting applications for Open Space Trust Fund awards; and

WHEREAS, the Township Committee wishes to file an application with Morris County for the acquisition of the Lake Surprise Property which is approximately 27 acres in Montville Township; and

WHEREAS, the Township Committee supports the acquisition of the Lake Surprise Property for open space and preservation purposes; and

WHEREAS, a public hearing will be held on July 21, 2020 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 2020 application for the Morris County Open Space Trust Fund for the acquisition of the Lake Surprise Property which is approximately 27 acres of property in Montville Township, for open space and preservation purposes.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Township Committee will conduct a public hearing on July 21, 2020 to discuss application for such funds.

This Resolution shall take effect immediately.

Resolution # 2020-208 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for driveway construction at 6 Windsor Drive, Block 159, Lot 6.05

WHEREAS, the developer, North Square, LLC, has requested a release of the cash bond submitted for the driveway work performed at 6 Windsor Drive, Block 159, Lot 6.05, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated June 22, 2020, that the cash bond held in connection with this project, which is in the amount of \$3,000, be released.

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$3,000.00, be released to the developer.

This Resolution shall take effect immediately.

Resolution # 2020-209 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for driveway construction and soil stabilization at 63 Changebridge Road, Block 70 Lot 14

WHEREAS, the developer, Main Street Nine, LLC, has requested a release of the cash bonds submitted for the driveway work performed and soil stabilization at 63 Changebridge Road, Block 70, Lot 14, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated June 22, 2020, that the cash bonds held in connection with this project, which is in the amount of \$475.00, be released.

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bonds held in connection with this project, which is in the amount of \$475.00, be released to the developer.

This Resolution shall take effect immediately.

Resolution # 2020-210 resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for a new backup Emergency Generator at Riverside Drive Pumping Station

WHEREAS, the Township of Montville wishes to purchase and install a brand new backup emergency generator at the Riverside Drive Pumping Station; and

WHEREAS, in an effort to save the Township both time and money, Township officials will investigate all existing cooperative contracts and state contract to determine if a more economical option is available; and

WHEREAS, if one does not exist, 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 Water and Sewer Department are hereby authorized to explore all existing cooperative contracts and state contract to procure a new backup emergency generator at the Riverside Drive Pumping Station, and if there is no other economical option available, the Township is authorized to go out to bid.

This Resolution shall take effect immediately.

Resolutions:

1. **Resolution** approving the listing of bills and signing of checks for June 30, 2020.

Motion by Witty second by Kayne to approve the listing of bills and signing of checks for June 30, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

2. **Resolution #2020-211** resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the award of Professional Services Contract without competitive bidding to Community Grants, Planning & Housing, LLC to administer the Montville Township Affordable Housing Rehabilitation Program for Montville Township

Motion by Kayne second by Witty to adopt Resolution #2020-211.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Review of Meeting Action Items:

1. Administrator
 - He will follow up with staff on updating residents about developments with Rachel Gardens
 - He will work on the COVID19 press release.
2. Attorney
 - He will continue to work with Administration on the agreements with Rachel Gardens and with Parsippany-Troy Hills Township.
3. Township Committee - none

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

1. Contract Negotiations: Purchase of Open Space Property.
2. Attorney-Client Privilege: Redevelopment Zone; Lake Surprise; Phase II reopening requirements; waiving established payments and fees; Google Form.
3. Litigation: Affordable Housing.
4. Personnel

Motion by Kayne second by Witty to adopt the resolution authorizing Closed Executive Session and move into closed session. All in favor. Motion adopted.

Chairman Cooney stated for the record that no further official business would be conducted after the closed executive session other than to adjourn the meeting.

Township Committee members were reminded to terminate the current call and call back on the designated conference number for closed session.

Adjournment

Motion by Kayne second by Witty to reopen public session. All in favor. Motion adopted.

Motion by Kayne second by Witty to adjourn. All in favor. Motion adopted.

Adjournment time: 9:25 p.m.

Respectfully submitted



Leena M. Abaza, Township Clerk

Adopted: 08/18/2020
Montville Township Committee



Frank W. Cooney, Mayor