

**MONTVILLE TOWNSHIP  
MEETING MINUTES—April 12, 2016**

Montville Township Committee Regular Meeting  
Tuesday, April 12, 2016, 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 Atkinson.

Roll call Township Committee:

Present:           Committeeman Scott C. Gallopo  
                  Committeeman Frank W. Cooney  
                  Committeeman Richard D. Conklin  
                  Committeewoman Deborah Nielson (arrival 7:09 p.m.)  
                  Chairman James Sandham, Jr.

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

**RESOLUTION NO. CES-16-04-12 PROVIDING FOR EXECUTIVE SESSION TO DISCUSS MATTERS AS PERMITTED PURSUANT TO NJSA 10:4-12, SUBSECTIONS:**

- [ X ] (d) A collective bargaining agreement including negotiations: PBA/SOA.
- [ X ] (e) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed: Open space properties.
- [ X ] (g) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege: Kahl Enterprises; JCP&L; School resource officer; Historical Society; Property sale; and Red Barn Liquors.
- [ X ] (h) Personnel matters: Construction Official position; and Police.

Motion: Conklin. Second: Cooney. All in favor except Nielson, absent. Resolution adopted.

At 7:00 p.m. – Closed Session. At 8:00 p.m. – Public Session.

Township Clerk Atkinson read the Statement of Open Public Meetings Act Compliance again for the record.

Chairman Sandham stated that Jackie Ritschel passed away. Remember her in our prayers. She was a member of the Board of Education.

Prayer and Pledge of Allegiance led by Committeeman Conklin.

**PUBLIC HEARINGS ON ORDINANCES FOR FINAL ADOPTION:**

**NO. 1 – ORDINANCE NO. 2016-09 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:** The Land Conservancy of New Jersey.

Chairman Sandham opened the public hearing. Hearing no comments, Chairman Sandham closed the public hearing. Motion: Nielson. Second: Conklin. All in favor. Motion approved.

Motion to adopt ordinance: Gallopo. Second: Nielson. Roll call vote – Gallopo, yes; Cooney, yes; Conklin, yes; Nielson, yes; Sandham, yes. Ordinance adopted.

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**NO. 2 – ORDINANCE NO. 2016-10 OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING CHAPTER 169, “FEE SCHEDULE” OF THE CODE OF THE TOWNSHIP OF MONTVILLE:**

Chairman Sandham opened the public hearing. Hearing no comments, Chairman Sandham closed the public hearing. Motion: Nielson. Second: Gallopo. All in favor. Motion approved.

Motion to adopt ordinance: Nielson. Second: Gallopo. Discussion: Sandham stated there is a resolution later on for Recreation fees that can be publicly discussed. Roll call vote – Gallopo, yes; Cooney, yes; Conklin, yes; Nielson, yes; Sandham, yes. Ordinance adopted.

**REPORTS:**

**NO. 1 – ADMINISTRATOR:** Victor Canning, Township Administrator, reported on the 2016 road improvement projects. The Engineer has already reached out to our co-op company, Tilcon, and we are putting the schedule in place.

Risk management training – Montville Township hosting on May 10. This is for supervisors and managers. Fred Semrau will be doing the training.

April 16 – MBSA parade in the morning. Earth Day cleanup starting at the municipal building.

April 23 – Electronics and paper shredding, municipal building, 9 a.m. to 12 noon or until the trucks fill up.

**NO. 2 – ATTORNEY:** Fred Semrau, Township Attorney, reported we continue to work on the JCP&L matter. We had a meeting with JCP&L, the Mayor, and Committeeman Gallopo. We also continue to prepare for the hearing at the end of May if we have to go forward.

Affordable Housing – we have submitted all of the reports in a timely manner.

Historical Society lease – we continue to work on.

Tax appeals – we are meeting with the Tax Assessor next week.

**NO. 3 – TOWNSHIP COMMITTEE LIAISON REPORTS AND COMMENTS:**

Committeeman Gallopo reported the Recreation Commission meeting scheduled for tomorrow night has been cancelled due to lack of quorum.

Committeeman Cooney reported on the Board of Adjustment meeting – another night of testimony on Towaco Woods. It will be back on the agenda for June.

Design Review Committee – there were a couple of cancelled meetings. The next one is going to be next week.

Dog Park Review Committee – will be meeting May 2.

Committeeman Conklin reported on the Historic Preservation Review Commission meeting. There was an application for the demolition of the Cornelius Doremus House, 107 Changebridge Road. It is one of the most significant ones in our inventory. The applicant nor a representative were there, and the application was not complete. Based on that, the HPRC rejected it. I am sure it will recur again.

Barn Theatre – they are celebrating their 50<sup>th</sup> anniversary in Montville Township next week. I will be attending their event. Would like to congratulate them and thank them for their contributions to Montville – both cultural and economic. Sandham stated we do have a proclamation for them that Rich will present.

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Committeewoman Nielson reported Drug Awareness Municipal Alliance sponsored a seminar last week about the opiate issue in Morris County and Montville Township. It was well attended. The parents have requested additional seminars for the students and parents in the future. Kudos to DAC for sponsoring that event.

Nielson asked Mr. Canning why the cones are in the new parking lot at Community Park. Canning answered we are waiting for the safety netting. As soon as it is in, we will open up that parking lot. It should be open by May 15. Nielson stated perhaps until then they can just schedule the younger kids there. Canning stated he will speak to the Recreation Director.

Gallopo stated I sent pictures of the parking situation at the gardens to the Administrator and Township Committee. I was going to bring it up at the Recreation meeting. The majority of the cars are from opposing teams. The gates are open. We need to reiterate that there is parking behind the high school or start enforcement. I will bring it to Recreation. It has to be brought to the Soccer Association. Canning stated an e-mail went out to the soccer parents about the parking.

Nielson stated we had asked for a map and directions to be put up on their website. Gallopo stated we can ask soccer to send e-mails to the upcoming opposing teams.

Chairman Sandham reported on the Library Board meeting. They did pass the resolution to give back \$90,000 to the Township.

Economic Development Committee – last meeting was cancelled. Next meeting is April 20 at 8:30 a.m.

St. Clare's is doing community outreach. They sent letters to elected officials and mayors. They are trying to get the committee more aware of St. Clare's. I have forwarded the information to the various department heads. They are doing some things with drug awareness themselves. I told them about the DAC, and maybe they should do some outreach to them. They are trying to do some programs to make people aware.

**OLD BUSINESS:**

**NO. 1 – PROJECT STATUS REPORT:** No comments.

**NO. 2 – 2016 MUNICIPAL BUDGET:** Canning reported we have \$30,000 budgeted this year for the 150<sup>th</sup> anniversary celebration. I personally think that would be enough for this year. We can address putting more in next year. Sandham asked we can transfer in November into that line item correct? Canning answered that is correct.

Gallopo asked that is the line item currently we pay police and DPW overtime for the 4<sup>th</sup> of July correct? Canning answered yes, but because we made changes we reduced that dramatically. We also have an \$8,000 balance from the Bayer donation to cover July 4<sup>th</sup> events. That should cover a significant portion of the overtime for police and DPW.

Conklin stated ok as seed money for the celebration. We will be working with organizations and doing fundraisers. Nielson stated personally, I would like to see more money put into this. There are other costs associated with this in terms of buildings getting ready for the celebration, flags, etc. I will be meeting with the Chamber of Commerce as well as other businesses/organizations to come up with collaborative arrangements. I am just a little worried we will run into unanticipated costs before November.

Nielson stated the Social Services budget – we had talked about the potential of expanding Social Services – additional staff to handle the county-wide issues. Community outreach for drug issues. Gallopo stated I would like to see more resources there as well. Nielson stated we need additional funding – an extra \$15,000 or so. I would like to see additional resources. Cooney agreed.

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Sandham asked are we saying we want to change the budget? It is at 1.86% now. I agree if the \$15,000 is going to make an impact. Gallopo stated we could ask the Department Head and Administrator what do you need and how you would do it?

Canning stated I would be reluctant at this point in the game to amend the budget; but I will do what you want me to do. I will speak to the Health Officer to see what we can do. It is doable – we would have to amend the budget.

Sandham stated it is clear the Township Committee wants to spend \$15,000 on Social Services in relation to drug awareness so if you can find \$15,000 in the budget and you don't have to change it that is great. If you think you have to amend the budget by \$15,000 I think you have the Township Committee's approval to do that.

Nielson stated when we introduced the budget I was told there would be time to amend the budget. I thought this was the opportunity to bring it up.

**PUBLIC PORTION:**

Mort Grossman, Lee Court, Montville, asked if there is a liaison to the Planning Board. Sandham answered we have two members of the governing body on the Planning Board – myself and Rich Conklin.

Grossman stated you didn't do a report on it. They will be meeting this week on a major issue. I just wanted to know if the Township is listening in on it. Sandham stated there is a separation between the Township Committee and the Planning Board. It would be improper for us to talk about an upcoming issue that is going to be discussed at the Planning Board. We might, from time to time - the Planning Board approved a site plan for Marotta at their last meeting – it would be a report looking back, not forward.

Hearing no further comments, Chairman Sandham closed the public portion. Motion: Nielson. Second: Conklin. All in favor. Motion approved.

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2016-CA8:** Motion: Gallopo. Second: Nielson. Roll call vote – Gallopo, yes; Cooney, yes; Conklin, yes; Nielson, yes; Sandham, yes. Resolution adopted.

**CONSENT AGENDA ITEM A – 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 43 Lot 2	
6 Benefly Rd	
Lien Redemption Certificate #15-00005	\$ 8,590.05
Premium Money	<u>\$ 8,000.00</u>
TOTAL PAYMENT	\$ 16,590.05
To: US Bank C/F Tower DBW V Trust 2015-1	

Block 123 Lot 18	
139 Old Changebridge Rd	
Lien Redemption Certificate #15-00021	\$ 42,684.31
Premium Money	<u>\$ 85,000.00</u>
TOTAL PAYMENT	\$127,684.31
To: US Bank Cust BV001 Trst & Crdtrs	
Block 125.12 Lot 14	

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84 Horseneck Rd	
Lien Redemption Certificate #15-00024	\$ 821.76
Premium Money	\$ 300.00
TOTAL PAYMENT	\$ 1,121.76
To: TWR as Cst for Ebury Fund 1NJ, LLC	

**CONSENT AGENDA ITEM B – RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL TAX SALE CERTIFICATE:**

**WHEREAS**, Certificate of Sale #11-00011 was issued to Montville Township for delinquent taxes on Block 76.01 Lot 30.04 (61 Springbrook Road East), at a tax sale held on October 04, 2011; and

**WHEREAS**, Corelogic Tax Services, LLC on behalf of the assessed owner, Ripley, Frank G/Jo Ann has redeemed Certificate #11-00011 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 #11-00011 for cancellation.

**CONSENT AGENDA ITEM C – RESOLUTION AUTHORIZING THE RELEASE OF A GUARANTEE BOND IN THE TOTAL AMOUNT OF \$17,906.40 IN CONNECTION WITH BLOCK 160.02, LOT 23 TO METRO PCS CHANGEBRIDGE ROAD:**

**WHEREAS**, Metro PCS Changebridge Road previously issued and submitted a Guarantee Bond in the total amount of \$17,906.40 in connection with its Application No. ZSPP/FD17-09 for Block 160.02, Lot 23 as follows:

Paper Bond	\$16,116.36
Cash Bond	\$1,790.04

; and

**WHEREAS**, the Township Planner recommends by Memorandum dated March 18, 2016 that the entire Guarantee Bond, including the paper and cash portions, totaling \$17,906.40 be released in full to Metro PCS Changebridge Road.

**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 the Performance Guarantee totaling \$17,906.40 (Paper Bond \$16,116.36; Cash Bond \$1,790.04) posted by Metro PCS Changebridge Road, pursuant to Application No. ZSPP/FD17-09 for Block 160.02, Lot 23, be released in full to Metro PCS Changebridge Road.

This Resolution shall take effect immediately.

**CONSENT AGENDA ITEM D – RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND IN THE AMOUNT OF \$15,000 FOR BLOCK 78, LOT 5.1, 3 CHESTNUT STREET, TO DAVID KORN:**

**WHEREAS**, David Korn previously issued and submitted a Performance Bond in the amount of \$15,000 for drywells (\$10,000) and curbing (\$5,000) for Block 78, Lot 5.1, 3 Chestnut Street; and

**WHEREAS**, the Township Engineer and Township Planner recommend by Memorandum dated March 18, 2016 that the Performance Bond of \$15,000 be released in full to David Korn as they have now completed said improvements.

**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 the Performance Bond of \$15,000 cash posted by David Korn for 3 Chestnut Street, Montville Township, New Jersey, also known as Block 78, Lot 5.1, be released in full to David Korn.

This Resolution shall take effect immediately.

**CONSENT AGENDA ITEM E – RESOLUTION AUTHORIZING THE PAYMENT OF THE FIRE DISTRICT TAX LEVIES TWO TIMES PER YEAR, 50% EACH TIME:**

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**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:

April 12, 2016

Fire District #1	Montville	\$261,107.50
Fire District #2	Towaco	\$335,843.00
Fire District #3	Pine Brook	\$270,000.00

October 11, 2016

Fire District #1	Montville	\$261,107.50
Fire District #2	Towaco	\$335,843.00
Fire District #3	Pine Brook	\$270,000.00

**CONSENT AGENDA ITEM F – RESOLUTION 2015 RECYCLING TAX IDENTIFICATION STATEMENT:**

**WHEREAS**, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Montville that the Township of Montville hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2015 in the amount of \$25,254.27. Documentation supporting this submission is available at the Township of Montville Municipal Building, 195 Changebridge Road, Montville, NJ 07045 and shall be maintained for no less than five years from this date.

**CONSENT AGENDA ITEM G – RESOLUTION AUTHORIZING A TONNAGE GRANT APPLICATION:**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

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**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Montville, in the County of Morris and the State of New Jersey, that the Township of Montville hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Victor M. Canning to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**CONSENT AGENDA ITEM H – RESOLUTION RATIFYING THE PAYMENT OF ACCUMULATED UNUSED SICK PAY TO RETIREES:**

WHEREAS, the following employees of the Township of Montville have previously retired, as listed, and

WHEREAS, these employees have accumulated sufficient unused sick leave to entitle them to accrued sick pay in accordance with the corresponding bargaining unit contracts and Township policy, and

WHEREAS, sufficient funds have been budgeted in current and prior year budgets and reserved in the Accumulated Absence Trust Fund designated for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that accrued sick pay is hereby authorized to be paid out in 2016 in accordance with the corresponding bargaining unit contracts and Township policy as listed:

<u>Date of Retirement</u>	<u>Name</u>	<u>Amount</u>
03/31/2016	Robert Perkins	\$13,263.66
03/31/2016	Lorraine Zagula	\$15,000.00

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the following individual:

Katie Yanke – Chief Financial Officer

**CONSENT AGENDA ITEM I – RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT VENDORS:**

**WHEREAS**, in the past, the Township of Montville has availed itself of the right to purchase materials, supplies, and equipment under contracts for such materials, supplies and equipment entered into under the Cooperative Pricing Council of the County of Morris; and

**WHEREAS**, it is desirable from time to time to obtain materials, supplies and equipment under Contracts for such materials, supplies and equipment entered into by the Cooperative Pricing Council of the County of Morris without the necessity of advertising for bids or in the cases where no bids have been received; and

**WHEREAS**, it will be necessary or desirable to obtain materials, supplies and equipment under such Contract or Contracts entered into under the County of Morris Cooperative Pricing Council with the attached Referenced Cooperative Vendors;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the purchases by the Township of Montville through the several Municipal Departments shall be purchased under a Contract or Contracts for such materials, supplies or equipment entered into under the Cooperative Pricing Council of the County of Morris with the attached Referenced Cooperative Vendors.

<u>MCCPC Contract #</u>	<u>Description</u>	<u>Vendor (s)</u>
#5	Paving Materials	Tilcon New York, Inc

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#6	Road Resurfacing and Curb Repair	Cifelli & Son, General Contracting Micro Pave Systems, Inc Tilcon New York, Inc.
#9	Crushed Stone/Gravel/Sand	Eastern Concrete Materials Inc Tilcon
#14 #39	Catch Basins and Manhole Castings Trophies and Plaques	General Foundries, Inc. TJ's Sportwide Trophy & Awards Inc

**CONSENT AGENDA ITEM J – RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAND CONSERVANCY OF NEW JERSEY TO CONTINUE TO SERVE AS OPEN SPACE ADVISOR TO THE TOWNSHIP:** 05/01/16 – 04/30/17, \$1,000.

**CONSENT AGENDA ITEM K – ACCEPTANCE OF RESIGNATION OF PAT GESUALDO FROM THE RESIDENTS’ WITH DISABILITIES ADVISORY COMMITTEE:** With regrets.

**CONSENT AGENDA ITEM L – RESOLUTION APPROVING OPEN AND CLOSED SESSION MINUTES – REGULAR MEETING 02/09/16.**

**RESOLUTIONS:**

**NO. 1 – RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR THE DOUGLAS DRIVE ROAD IMPROVEMENT PROJECT BETWEEN THE TOWNSHIP OF MONTVILLE AND REIVAX CONTRACTING CORP.:**

**WHEREAS**, the Township of Montville and Reivax Contracting Corp. entered into a contract in the amount of \$354,777.25 for the Douglas Drive Road Improvement Project; and

**WHEREAS**, it has been determined by the Township Engineer that certain changes to this contract were necessary to perform the additional emergency work items as follows:

i) **Work Item #3 – Rock Excavation**

<u>Contract Quantity</u>	<u>Actual Quantity</u>	<u>Difference</u>	<u>Unit Cost</u>	<u>Cost</u>
50 Cubic Yards	281.51 Cubic Yards	+231.51 C.Y.		
		13.00 C.Y.	\$350.00	\$4,550.00
		281.51 C.Y.	\$175.00	<u>\$38,239.25</u>
				Total: \$42,789.25

ii) **Work Item #14 – Curblin Discharge Connection**

<u>Contract Quantity</u>	<u>Actual Quantity</u>	<u>Difference</u>	<u>Unit Cost</u>	<u>Cost</u>
25 Units	24 Units	-1 Unit	\$700.00	(\$700.00)

iii) **Work Item #15 – 15” Dia. HDPE Drainage Pipe**

<u>Contract Quantity</u>	<u>Actual Quantity</u>	<u>Difference</u>	<u>Unit Cost</u>	<u>Cost</u>
723 L.F.	699 L.F.	-21 L.F.	\$55.00	(\$1,155.00)

; and

**WHEREAS**, Reivax Contracting Corp. has submitted a change order dated March 04, 2016 (“Change Order #1) in the amount of \$40,934.25 for the above-described work; and

**WHEREAS**, in accordance with N.J.A.C. 5:30-11.3, the change order has not caused the originally awarded contract price to be exceeded by more than 20 percent; and

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**WHEREAS**, the Township Engineer has reviewed the change order and recommended to the Township Committee that it modify its agreement with Reivax Contracting Corp. as a result of the above-referenced changes of condition which have occurred on the project and as detailed in the Township Engineer's Memorandum, dated March 29, 2016; and

**WHEREAS**, the Chief Financial Officer of the Township of Montville has certified that sufficient funds are available.

**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 Change Order #1 is hereby approved in the contract between the Township of Montville and Reivax Contracting Corp. as follows:

Original Contract:	\$354,777.25
Change Order #1	<u>\$40,934.25</u>
New Contract Total:	\$395,711.50

Increase of 11.54%

This Resolution will take effect immediately.

Motion: Cooney. Second: Gallopo. Roll call vote – all yes. Resolution adopted.

**NO. 2 – RESOLUTION AUTHORIZING VERIZON WIRELESS TO JOINTLY USE EXISTING POLES IN THE PUBLIC RIGHT OF WAY:** Motion: Nielson. Second: Cooney. Discussion: Conklin spoke about the poles – there are dozens of utility poles throughout this town that are not removed when they are replaced. It should be in the resolution that there is one pole – that there cannot be two poles in one location. We need some kind of leverage to get these poles removed.

Canning stated maybe we could put a condition in this that we are not authorizing the agreement until all the poles that need to be removed are removed. Conklin asked can we put a timeframe in that when a pole is replaced the old one has to be removed in a certain amount of time.

Semrau stated we did add a lot of conditions. I suggest we withdraw it and take the comments back to them.

Table resolution. Motion: Cooney. Second: Gallopo. All in favor. Motion approved.

**NO. 3 – RESOLUTION APPROVING THE FEES SET BY THE MONTVILLE TOWNSHIP RECREATION DEPARTMENT FOR 2016:**

**WHEREAS**, the Montville Township Recreation Department runs various programs and recreational facilities; and

**WHEREAS**, the Recreation Department charges fees to cover the costs for participation in the programs and use of the recreational facilities; and

**WHEREAS**, the Recreation Director has recommended fees as memorialized in the attached Exhibits A and B.

**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 the fees for 2016 for the programs and facilities run by the Montville Township Recreation Department as shown on the attached Exhibits A and B are hereby approved.

This Resolution shall take effect immediately.

Motion: Gallopo. Second: Nielson. Roll call vote – all yes. Resolution adopted.

**NO. 4 – RESOLUTION AUTHORIZING THE LISTING OF BILLS AND SIGNING OF CHECKS:** Motion: Gallopo. Second: Nielson. Discussion: Nielson asked if the item asked for review today was ok, or should we pull that one for further review?

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Sandham stated there is a question about the Montville Historical Society and their charitable 501c3 status. There is a reimbursement for \$290 and I would suggest we pull that until we...

Amend the resolution and hold the \$290 payment. Motion: Nielson. Second: Gallopo. Roll call vote – all yes. Resolution adopted.

**NO. 5 – RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF MONTVILLE AND JANLU, LLC T/A RED BARN LIQUORS & PUB (HEREINAFTER, “RED BARN”):**

**WHEREAS**, the Township served a Notice of Charges upon Red Barn for the sale, service or delivery of alcohol to underaged persons on June 26, 2015 in violation of N.J.A.C. 13:2-23.1(a) (“Notice of Charges 1”); and

**WHEREAS**, the Township served a Notice of Charges upon Red Barn for the sale, service or delivery of alcohol to underaged persons on October 10, 2015 in violation of N.J.A.C. 13:2-23.1(a) (“Notice of Charges 2”); and

**WHEREAS**, a hearing was scheduled before the Mayor and Township Committee of the Township of Montville to determine whether Red Barn committed the violations set forth in Notice of Charges 1 and 2 and to seek a suspension of Red Barn’s liquor license; and

**WHEREAS**, prior to that hearing, the Parties entered into negotiations through their counsel and Red Barn has entered a plea of guilty in this matter; and

**WHEREAS**, as a part of this plea, Red Barn will serve a six day suspension of its liquor 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 Mayor and Township Committee hereby approve this plea and penalty between the Township of Montville and Red Barn Liquors & Pub;

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized and directed to take any necessary action to effectuate this plea and penalty;

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to the Township Administration, the Township Police Chief and Janlu, LLC t/a Red Barn Liquors & Pub for their information and records.

This Resolution shall take effect immediately.

Motion: Cooney. Second: Nielson. Discussion: Semrau stated this is a resolution pertaining to charges issued by the governing body against an establishment in the Township. The State or the Township can handle it. The Township elected to issue the notice of charges for the sale, service, or delivery to persons underage. There were two instances in 2015. There has been an understanding that the license holder will plead guilty to both charges. The Township Committee will order the closure of the establishment for six days – three days for each charge. There is no right of appeal by the establishment. This would conclude the matter, but it would be two charges on the record and two findings of guilt prosecuted here before the Mayor and Township Committee.

Sandham stated the Township Committee wants to be clear. There is a drug and alcohol issue in town. We are going to start more strictly enforcing the laws. We get a police report every month, and there are 3, 4, or 5 drunk driving arrests. This Township Committee is serious about stricter enforcement. We want to send a clear message to the public and businesses in town. Let the word be spread.

Roll call vote – all yes. Resolution adopted.

**REVIEW OF MEETING ACTION ITEMS:**

**NO. 1 – ADMINISTRATOR:** Will speak to the Recreation Director about the Community Park parking lot issue. Will speak to the Health Officer about expanding Social Services and hiring a staff member to address our concerns with the opiate problem we currently see in the area. Will take a look at the budget.

**NO. 2 – ATTORNEY:** Closed session items. Verizon agreement.

**MONTVILLE TOWNSHIP  
MEETING MINUTES—April 12, 2016**

**NO. 3 – TOWNSHIP COMMITTEE:** None.

Conklin asked where are we with the Pilgrim Pipeline? We were supposed to get the inventory of environmental and other impacts to the municipal pipeline group. Canning stated that was sent to Ryan Conklin to get it to the Environmental Commission. Conklin stated at the last meeting of the Environmental Commission they were unclear as to their task, and they didn't act on it. Canning stated he will speak to Ryan first thing tomorrow. Sandham stated we will make sure the Environmental Commission has it on their agenda.

**RESOLUTION NO. CES-16-04-12 PROVIDING FOR EXECUTIVE SESSION TO DISCUSS MATTERS AS PERMITTED PURSUANT TO NJSA 10:4-12, SUBSECTIONS:**

- (d) A collective bargaining agreement including negotiations: PBA/SOA.
- (g) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege: School resource officer.
- (h) Personnel matters: Construction Official position; and Police.

Motion: Nielson. Second: Gallopo. All in favor. Resolution adopted.

At 8:55 p.m. – Closed Session. At 10:15 p.m. – Public Session.

Meeting adjourned at 10:15 p.m. Motion: Gallopo. Second: Cooney. All in favor. Motion approved.

Respectfully submitted,

Approved June 14, 2016  
Montville Township Committee

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Gertrude H. Atkinson, Township Clerk

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James Sandham, Jr., Mayor