

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES—May 10, 2016**

Montville Township Committee Regular Meeting
Tuesday, May 10, 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
 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-16-05-10 PROVIDING FOR EXECUTIVE SESSION TO DISCUSS MATTERS AS PERMITTED PURSUANT TO NJSA 10:4-12, SUBSECTIONS:

- [X] (g) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege: JCP&L; Open Space property acquisitions; GI Auto; Historical Society; and Senior House.
- [X] (h) Personnel matters: Administration and Police.

Motion: Gallopo. Second: Cooney. All in favor. 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.

Prayer and Pledge of Allegiance led by Committeeman Gallopo.

RECOGNITION:

NO. 1 - RECOGNITION OF RETIREMENT OF ROBERT PERKINS, COMPUTER SERVICES TECHNICIAN: The Mayor and Township Committee thanked Mr. Perkins for his 12 years of dedicated service to the Township and presented him with a gift in honor of his retirement.

OATH OF OFFICE – POLICE OFFICERS: Rudy Appelman, Chief of Police, stated he would like to thank the Township Administrator and Township Committee for their help, support, and willingness to work with the Police Department.

The following promotions were recognized: Lieutenant Mark Olsson to the rank of Captain; Lieutenant Andrew Caggiano to the rank of Captain; Sergeant Carlo Marucci to the rank of Lieutenant; Sergeant Charles Tremblay to the rank of Lieutenant; Patrolman Ian Jacobsen to the rank of Sergeant; and Patrolman Adam Kenny to the rank of Sergeant.

Chairman Sandham administered the Oath of Office to Captain Olsson; Captain Caggiano; Lieutenant Marucci; Lieutenant Tremblay; Sergeant Jacobsen; and Sergeant Kenny.

JCP & L: Sandham announced as you know JCP&L has proposed new power lines that have caused issues with two condo associations and a number of different residences. We have been vehemently fighting that. We have reached a tentative agreement with JCP&L where they are adhering to the

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requests that we have to move the power lines to the best of their ability, with the consent of the condo associations. We will also be reimbursed for a significant portion of the costs that we have been expending to fight that power line. This is good news for the Township. This Township Committee worked as collaboratively as possible to get that settlement in favor of the Township residents. I would like to commend the Township Committee and the Administration for really working and pulling together to present a united front to JCP&L.

RECOGNITIONS:

NO. 2 – INTRODUCTION OF PAT CALABRESE, CONSTRUCTION OFFICIAL: Victor Canning, Township Administrator, introduced Mr. Calabrese and said he is Class I certified with the State so we can do all of our Class I inspections.

Sandham stated Mr. Calabrese is also a Parsippany firefighter and was just recognized by the 200 Club of Morris County for outstanding volunteer contribution.

PUBLIC HEARINGS ON ORDINANCES FOR FINAL ADOPTION:

NO. 1 – ORDINANCE NO. 2016-11 OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY ACCEPTING A DEED OF DRAINAGE EASEMENT BETWEEN RONALD AND MARGARET BORRESS AND THE TOWNSHIP OF MONTVILLE FOR THE PROPERTY DESIGNATED AS BLOCK 139.9, LOT 34 ON THE MONTVILLE TOWNSHIP TAX MAP:

Chairman Sandham opened the public hearing.

Canning stated we have had drainage issues on this property over the last several years. This gives us easement rights to address that drainage problem.

Hearing no further comments, Chairman Sandham closed the public hearing. Motion: Nielson. Second: Cooney. 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.

NO. 2 – ORDINANCE NO. 2016-12 ESTABLISHING THE 2016 SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF MONTVILLE IN THE COUNTY OF MORRIS AND METHOD OF PAYMENT OF SUCH SALARIES OR WAGES – UNREPRESENTED:

Chairman Sandham opened the public hearing.

Canning stated annually once the budget is adopted we put the salary ordinances together. It addresses all of the nonunion employees.

Scott Russell, 8 Sunset Court, Montville, stated congratulations on the JCP&L settlement. What did we spend on that? Canning answered approximately \$200,000 over the last two years on attorney fees and consultant fees.

Russell asked did you expect to spend that much? Canning answered yes based on the cost estimates we received.

Russell stated scuttlebutt has it that a number of years ago the report done on the Police Department said we needed one Captain. I believe we went from two to one per that study. So why are we going back to two? Canning answered each Chief has a different philosophy on how things should be done. With the new Chief, having been in the Captain's position, he knows better than anyone the amount of work it entails to be an administrative captain as well as an operations captain. It was decided that in the best

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interests of the operations of the department, it would be best to go back to two Captains – one administrative and one operations. The Matrix study said we could elect to have two Captains.

Sandham stated it creates operational efficiencies for us to have two Captains there for coverage purposes if the Chief is not around. Second, it creates a clearer chain of command within the organization. Third, it gives us more flexibility for future promotions.

Russell asked are they both paid equal? Sandham answered yes.

Committeewoman Nielson stated our official T.O. still lists two Captains. They are going to rotate the responsibilities to cross-train. That was the decision made by the Chief and supported by us. Russell asked was that a unanimous vote? Sandham answered actually the authority to promote rests with the Administrator and the Chief. On a straw poll basis, this group was strongly behind it.

Russell asked Committeeman Cooney his opinion on the decision to go back to two Captains. Committeeman Cooney answered quite honestly we didn't have any administration. We had the same amount; we just had an administration Lieutenant go up to Captain. They were both doing the same job, but now they have the equal right. So we didn't add anyone new back there. I agree with the decision.

Russell asked what was the overall budget increase? Canning answered \$39 on the average assessed home of \$528,092. 1.86%. We were below the 2% cap.

Russell stated the Police Chief's salary is \$174,000 and change. Did that exceed 1.86%? Canning answered I would have to do the math.

Russell asked is there a cap for an individual? Sandham answered no.

Kurt Dinkelmeyer, 33 Douglas Drive, Towaco, stated looking at the ordinance, I think in the past there were specific amounts for each year, not just minimum and maximum. We don't know what the yearly increase for each of these positions would be. How many of these positions are salary increases of over 2%? Canning answered I can provide you with what the individuals made this year and last year. The unions get step increases. This ordinance has been the same for the four years I have been here.

Dinkelmeyer asked do all labor unions have steps? Canning answered yes in Montville Township they do.

Dinkelmeyer stated there are other governments in Morris County that have gone away from steps. Morris County has a cap of 2% on unions.

Sandham stated once it is in the union contract you have to negotiate to get it out. I was at a meeting of the Republican Club where the Sheriff said they are losing officers to municipalities because they are not keeping up with the salaries competitively.

Dinkelmeyer stated the Freeholders have said there are other reasons that the Sheriff's office has a turnover. How many of these salaries are going to be raised in the second year by 4 or 5%? Is it standard for these nonunion positions to have steps? Canning stated the majority only receive 2%, not a penny more.

Sandham stated if you e-mail Mr. Canning he can tell you who is getting more than a 2% raise.

Hearing no further comments, Chairman Sandham closed the public hearing. Motion: Gallopo. Second: Cooney. 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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REPORTS:

NO. 1 – ADMINISTRATOR: Canning reported as of Monday we started our annual road improvement project.

We have been invited to attend a HUD seminar on the changes in affordable housing requirements. May 12, 7 p.m., 330 Changebridge Road, Pine Brook.

Our PBA Local #140 donated seven defibrillators for our facilities. I would like to thank them because it is a significant contribution that will benefit this community for years to come.

NO. 2 – ATTORNEY: Fred Semrau, Township Attorney, reported on affordable housing. We are getting ready to have our final hearing. We will be meeting with Joe Burgis, Planner, on Monday.

JCP&L – we reached the agreement in principle subject to a vote this evening. We are putting together the terms for that agreement.

Tax appeals – today our office appeared with the Tax Assessor before the Morris County Board of Taxation and all of the matters were either resolved or heard. The Assessor had terrific evidence that was presented to the board and the matters were appropriately and fairly disposed of.

NO. 3 – TOWNSHIP COMMITTEE LIAISON REPORTS AND COMMENTS:

Committeeman Conklin and Committeewoman Nielson – no reports.

Committeeman Gallopo reported the Recreation Commission is meeting tomorrow night.

Committeeman Cooney reported the Dog Park Committee had a resignation. I don't know if anyone reviewed the applications. I have a recommendation. Nielson stated I would like to look over the resumes. There was strong interest last year in having a behaviorist on the committee. I would like to consult with Dog Park Committee members to see if that is what they desire. Agenda next meeting.

Chairman Sandham reported on the Library Board meeting. They talked about ransom ware. The question came up can a municipal or public entity pay ransom money with public funds. Is there any protection we might want to take? They are going to reach out to Mr. Canning.

I appreciate the Administrator putting out the notices on the road resurfacing.

Gallopo stated May 20 is One Montville Green In Day to signify the One Montville message. Please everybody wear something green.

OLD BUSINESS:

NO. 1 – PROJECT STATUS REPORT: No comments.

ORDINANCE INTRODUCTIONS:

NO. 1 – ORDINANCE NO. 2016-13 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTVILLE, IN THE COUNTY OF MORRIS, NJ, APPROPRIATING \$1,355,200 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,282,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF:

Ordinance is offered for adoption on first reading with second reading and public hearing scheduled for May 24, 2016, at 8 p.m. Motion: Gallopo. Second: Cooney. Roll call vote – Gallopo, yes; Cooney, yes; Conklin, yes; Nielson, yes; Sandham, yes. Motion approved.

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NO. 2 – ORDINANCE NO. 2016-14 BOND ORDINANCE PROVIDING FOR VARIOUS WATER IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTVILLE, IN THE COUNTY OF MORRIS, NJ, APPROPRIATING \$577,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$415,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF:

Ordinance is offered for adoption on first reading with second reading and public hearing scheduled for May 24, 2016, at 8 p.m. Motion: Nielson. Second: Gallopo. Roll call vote – Gallopo, yes; Cooney, yes; Conklin, yes; Nielson, yes; Sandham, yes. Motion approved.

NO. 3 – ORDINANCE NO. 2016-15 BOND ORDINANCE PROVIDING FOR VARIOUS SEWER IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTVILLE, IN THE COUNTY OF MORRIS, NJ, APPROPRIATING \$743,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$625,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF:

Ordinance is offered for adoption on first reading with second reading and public hearing scheduled for May 24, 2016, at 8 p.m. Motion: Nielson. Second: Gallopo. Roll call vote – Gallopo, yes; Cooney, yes; Conklin, yes; Nielson, yes; Sandham, yes. Motion approved.

PUBLIC PORTION:

Kurt Dinkelmeyer, 33 Douglas Drive, Towaco, asked what is the settlement for low and moderate income housing? Semrau answered it is not necessarily a settlement. It would be a plan where we are asking the courts to certify the plan as one that is in compliance with affordable housing. As part of that plan there is no new zoning for additional development and additional housing developments. It is a plan based on all the efforts of the past of the Township and its planning. It has been put together with the assistance of Joe Burgis and approved by the Planning Board and the Township Committee. The position of the Township is that we have already filled our affordable housing obligation and opportunities.

Dinkelmeyer asked if a new development comes along on land that is already approved residential, part of that might be for low or moderate income, but otherwise there would be nothing else? Semrau answered nothing is planned to change commercial to residential and provide for affordable housing at this time.

Dinkelmeyer stated I saw G.I. Auto on the closed session agenda. Does that involve residential or low/moderate income housing? Sandham stated that is a closed session item and we cannot discuss anything related to that in public.

Dinkelmeyer asked why is the Historical Society listed in closed session? Semrau answered it is contract negotiations regarding a proposed lease agreement.

Scott Russell, 8 Sunset Court, Montville, asked why is G.I. in closed session? Sandham answered because anything in closed session is not supposed to be brought out into public until the issue is resolved or it becomes a matter for public notice.

Russell asked the HUD plant – does that plan include the HUD requirements that were passed last summer? Semrau stated the HUD changes you refer to are more compliance type items. This plan is in respect to the affordable housing obligation that the Supreme Court says is a constitutional right for all residents and that if you want to avoid a builder's remedy type suit and the courts taking over your zoning, you need to show that you have offered affordable housing. That is what the plan is. The Supreme Court said if you want that protection you need to apply to the Superior Court for certification. This is not the HUD aspect of it.

Steve Samitt, 2 Ridge Drive, Montville, stated I would like to know more about the terms of the JCP&L settlement. Is it public yet? Sandham answered it is not public yet.

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Samitt stated I want to notify the condos about it. Sandham stated we kept the condos involved. They are fully aware of what they are getting and the settlement agreement as it relates to them.

Samitt stated please keep me in the loop when you do release the information.

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-CA10: Motion: Nielson. Second: Cooney. Discussion: Sandham stated Item D – waiver of a water connection fee for the Evangelical Mission. That is a precedent that has been set in the past? Canning answered yes.

Roll call vote – all yes. Resolution adopted.

CONSENT AGENDA ITEM A – RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS FOR THE TOWNSHIP OF MONTVILLE’S 150TH ANNIVERSARY CELEBRATION REQUIRED BY NJS 40A:5-29:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Township will receive Donations from various businesses and individuals to assist in the preparation and celebration of Montville’s 150th Anniversary; and

WHEREAS, these Donations shall only be used for the preparation and celebration of Montville’s 150th Anniversary; and

WHEREAS, **NJS 40A:5-29** provides for receipt of Donations (Acceptance of Bequests and Gifts) by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, the allowance of a Dedication by Rider for the collection and expenditure of said funds would provide for a more orderly method of accounting for said funds;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville, in the County of Morris, that in accordance with **N.J.S.A. 40A:4-39** the dedication of funds collected as Donations dedicated for the preparation and celebration of Montville’s 150th Anniversary taking place in the Township are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Montville, in the County of Morris hereby request permission of the Director of Local Government Services to pay expenditures of said purpose which said revenue is dedicated by statute or other legal requirement.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed in the office of the Director of the division of Local Government Services.

CONSENT AGENDA ITEM B – RESOLUTION APPROVING VOLUNTEER FIREFIGHTER CERTIFICATES OF EXEMPTION:

WHEREAS, Certificates of Exemption for the following persons have been approved by the respective Fire Departments and the New Jersey State Firemen’s Association:

Renee L. Sorenson
Larry J. Melton

Towaco Volunteer Fire Department
Towaco Volunteer Fire Department

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 Certificates of Exemption be approved, and the Township Clerk is authorized to file said Certificates with the Morris County Clerk.

CONSENT AGENDA ITEM C – RESOLUTION REVISING THE AWARD OF CONTRACT FOR THE PURCHASE OF THE PRO PHOENIX RECORDS MANAGEMENT AND COMPUTER AIDED DISPATCH SYSTEM UNDER STATE CONTRACT:

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WHEREAS, the Township has determined to award the contract for a Records Management and Computer Aided Dispatch System under State Contract; and

WHEREAS, pursuant to Township Resolution adopted February 9, 2016 the Township had previously authorized the purchase of the Records Management and Computer Aided Dispatch System for a total price of \$214,633,27 under State Contract #A89851 from SHI International Corp.; and

WHEREAS, the Township has since determined that the third party software and hardware was not covered under the State Contract and subsequently solicited quotes for those items; and

WHEREAS, the cost for the Records Management and Computer Aided Dispatch System under the State Contract # A89851 has been determined to be \$179,916.75 from SHI International Corp.; and

WHEREAS, the third party software and hardware will be purchased separately via competitive quotes; and

WHEREAS, the amount of the contract is within the established budget for the project and the Chief of Police has recommended the award to SHI International Corp. through the State of NJ Term Contract #A89851.

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 original authorization of \$214,633.27 has been rescinded and that SHI International Corp. shall be awarded the Contract for the purchase of the Pro Phoenix Records Management and Computer Aided Dispatch System under State Contract #A89851 for \$179,916.75.

CONSENT AGENDA ITEM D – RESOLUTION AUTHORIZING THE WAIVER OF WATER CONNECTION FEE FOR PROPERTY LOCATED AT 36 ALPINE ROAD, BLOCK 11, LOT 15.06:

WHEREAS, Evangelical Mission and Seminary International is the owner of property located at 36 Alpine Road, and designated on the Montville Township Tax Map as Block 111, Lot 15.06; and

WHEREAS, Evangelical Mission and Seminary International is constructing a recreation center on its property; and

WHEREAS, the construction of the recreation center creates the need for an additional water connection; and

WHEREAS, Evangelical Mission and Seminary International has requested that the Township of Montville waive the water connection fee; and

WHEREAS, the Township of Montville’s Director of Public Works, Water and Sewer Utilities recommends that the water connection fee be waived; and

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 water connection fee for the recreation center on the property located at 36 Alpine Road and owned by Evangelical Mission and Seminary is hereby waived.

This Resolution shall take effect immediately.

CONSENT AGENDA ITEM E – RESOLUTION AUTHORIZING THE WAIVER OF SEWER CONNECTION FEE FOR CERTAIN PROPERTIES INVOLVED IN THE OLD LANE SANITARY SEWER EXTENSION PROJECT:

WHEREAS, the Township of Montville undertook a project known as the Old Lane Sanitary Sewer Extension Project (“Project”); and

WHEREAS, the Project was privately funded by certain property owners affected by the Project; and

WHEREAS, the Township Committee agreed to waive the connection fee for those property owners funding the Project; and

WHEREAS, the property owners in question are the owners of the following properties as designated on the Montville Township Tax Map:

Block 21.1	Lot 35.2	4 Old Lane
Block 21.1	Lot 35.3	6 Old Lane
Block 21.1	Lot 35.4	10 Old Lane

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Block 21.1	Lot 36	16 Old Lane
Block 21.1	Lot 37	18 Old Lane
Block 21.1	38.17	20 Old Lane
Block 39.3	Lot 92.1	7 Old Lane
Block 39.3	Lot 92.2	11 Old Lane
Block 39.3	Lot 92.3	15 Old Lane

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 sewer connection fee for the properties listed herein this Resolution is hereby waived.

This Resolution shall take effect immediately.

CONSENT AGENDA ITEM F – ACCEPTANCE OF RESIGNATION OF TRACY SCHULY FROM THE HISTORIC PRESERVATION REVIEW COMMISSION: With regrets.

CONSENT AGENDA ITEM G – ACCEPTANCE OF RESIGNATION OF RENEE MC CUE FROM THE DOG PARK ADVISORY COMMITTEE: With regrets.

RESOLUTIONS:

NO. 1 – RESOLUTION AUTHORIZING VERIZON WIRELESS TO JOINTLY USE EXISTING POLES IN THE PUBLIC RIGHT OF WAY:

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Township of Montville; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Montville, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by The Township of Montville.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Montville, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Montville.

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- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Montville as an additional insured.
- E. Verizon Wireless shall reimburse the Township of Montville in the amount of \$750.00 for legal and administrative fees incurred in the review of this request. The reimbursement shall be made within thirty (30) days of notice to Verizon Wireless of adoption of this Resolution by the Township of Montville.
- F. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- G. Notwithstanding any provision contained herein, neither the Township of Montville nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- H. Prior to commencing any installation(s) or making any modification(s), Verizon Wireless shall submit a plan to the Township Engineer for his/her reasonable review and approval. Verizon Wireless agrees that it shall not commence any installation or modification until written approval from the Township Engineer is provided.
- I. This instrument shall be adopted on behalf of the Township of Montville by the Township Committee of the Township of Montville and attested to by the Township of Montville Clerk who shall affix the Township of Montville Seal thereto.
- J. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

STATEMENT

This resolution authorizes Verizon Wireless to jointly use poles erected within the public right-of-way of the Township of Montville by parties that have the lawful right to maintain such poles.

Motion: Nielson. Second: Gallopo. Discussion: Conklin asked what are our options (unused pole removal)? Canning stated we did investigate and according to the attorneys these are for small boxes. It is two different issues and agreements, and we couldn't use it as a bargaining chip to get the poles removed. Our contact said he would try to talk to someone in the organization and get something done.

Semrau stated we did go back and look into this. The best we can do is to ask them to make the effort. We can make the approval conditioned on contacting them and asking them to make their best effort to address that issue.

Roll call vote – all yes. Resolution adopted.

NO. 2 – RESOLUTION AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP – BLOCK 163, LOT 33, 77 HOOK MOUNTAIN ROAD:

WHEREAS, the Township of Montville is the owner of certain lands and premises within the Township of Montville; and

WHEREAS, the Mayor and Township Committee of the Township of Montville does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township of Montville desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville as follows:

1. The Township of Montville hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Committee of the Township of Montville hereby authorizes the Township Clerk/Administrator to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A below and made a part hereof.
3. The public sale shall take place at the Montville Township Municipal Building, 195 Changebridge Road, Montville, NJ 07045, New Jersey, on May 31, at 5:30 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a certified check or money order, payable to the Township of Montville, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold, including utility, sewer or environmental conditions.
7. The purchaser agrees and understands that it shall not have the right to build or construct any buildings or improvements on the property.
8. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
9. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Committee at a Public Meeting within 30 days from the date of such sale.
10. In the event the Township of Montville is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of Montville in connection with the quality of title conveyed.
11. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
12. The Township Committee of the Township of Montville reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
13. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
14. If no adjoining property owner's bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.

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15. A public notice of sale shall be published in the Township’s official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
16. In the event the successful bidder fails to close on the property, he/she shall forfeit ten percent (10%) of the purchase price.

This Resolution shall take effect immediately.

Schedule A						
#	BLOCK	LOT	APPROX ACREAGE	ZONE	LOCATION	TAX ASSESSOR SUGGESTED MINIMUM BID
1.	163	33	0.380	R-3A	77 Hook Mountain Road	\$19,411

Motion: Gallopo. Second: Cooney. Discussion: Canning stated this is an undersized piece of property, and the Attorney is asking the adjacent property owners if they are interested in purchasing it. We know one property owner is interested, but we have to offer it to all adjacent property owners. The Township has no use for this piece of property.

Semrau stated the Administrator will set the date of the sale.

Roll call vote – all yes. Resolution adopted.

NO. 3 – RESOLUTION AUTHORIZING THE LISTING OF BILLS AND SIGNING OF CHECKS: Motion: Nielson. Second: Cooney. Roll call vote – all yes, except Sandham abstained on page 1 – 3 bond refunds to Holiday @ Montville and on page 3 – payment to Knights of Columbus for \$125. Resolution adopted.

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH JERSEY CENTRAL POWER & LIGHT FOR IN THE MATTER OF THE PETITION OF JERSEY CENTRAL POWER & LIGHTS COMPANY PURSUANT TO N.J.S.A. 40:55D-19 FOR A DETERMINATION THAT THE MONTVILLE-WHIPpany 230 KV TRANSMISSION PROJECT IS REASONABLY NECESSARY FOR THE SERVICE, CONVENIENCE OF WELFARE OF THE PUBLIC, BPU DOCKET NO. EO-15030383, OAL DOCKET NO. PUC 08235-2015N:

WHEREAS, the Township of Montville has been involved in litigation with Jersey Central Power & Light Company (“JCP&L”) as In the Matter of the Petition of Jersey Central Power & Light Company Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Montville-Whippany 230 kV Transmission Project is Reasonably Necessary for the Service, Convenience of Welfare of the Public, BPU Docket No. EO-15030383, OAL Docket No. PUC 08235-2015N; and

WHEREAS, the Township of Montville and JCP&L have been working toward an amicable resolution of the matter as between the parties; and

WHEREAS, the Township of Montville and JCP&L have come to an agreement as to terms and conditions of settlement; and

WHEREAS, the Governing Body has been apprised of the terms and conditions of settlement and have agreed to a settlement of the matter in accordance with those terms and conditions; and

WHEREAS, the Township of Montville and JCP&L hereby acknowledge and agree that the terms and conditions shall be reduced to a written Settlement Agreement to be executed by both parties in order to fully effectuate settlement of this matter between the parties.

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:

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1. The Township of Montville hereby authorizes the Mayor and Township Clerk to execute a Settlement Agreement with JCP&L for the matter of In the Matter of the Petition of Jersey Central Power & Light Company Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Montville-Whippany 230 kV Transmission Project is Reasonably Necessary for the Service, Convenience of Welfare of the Public, BPU Docket No. EO-15030383, OAL Docket No. PUC 08235-2015N, subject to Township Attorney and Administration review and comment.

This Resolution shall take effect immediately.

Motion: Gallopo. Second: Nielson. Discussion: Sandham stated this is subject to Township Attorney and Administrator review and comments. This is giving us the ability to execute the agreement.

Roll call vote – all yes. Resolution adopted.

REVIEW OF MEETING ACTION ITEMS:

NO. 1 – ADMINISTRATOR: Property acquisition zoning information; Dog Park; property sale date.

NO. 2 – ATTORNEY: JCP&L agreement; public land sale; Verizon Wireless resolution.

NO. 3 – TOWNSHIP COMMITTEE: None.

Meeting adjourned at 9:20 p.m. Motion: Nielson. Second: Cooney. All in favor. Motion approved.

Respectfully submitted,

Approved June 28, 2016
Montville Township Committee

Gertrude H. Atkinson, Township Clerk

James Sandham, Jr., Mayor