

**MONTVILLE TOWNSHIP COMMITTEE  
MEETING MINUTES— February 26, 2019**

Montville Township Committee Regular Meeting  
Tuesday, February 26, 2019 6:30 p.m.  
Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

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

Roll Call Township Committee:

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

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

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

1. Contract Negotiations: Montville Township Policemen's Benevolent Association # 140 (PBA); Dr. Golub / Rt. 202 property; Old Lane Sewer Project; Sewer Treatment Service Contract (added to CES).
2. Litigation: Affordable Housing; Police.
3. Potential Litigation: IT incident; Foreclosed property; Police; Sewer Treatment Service Contract (added to the agenda at the meeting).
4. Discussion: Water/Sewer bills.

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

At 6:30 p.m. – Closed Session.

**8:00 p.m. – Public Session**

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

Roll Call

Prayer & Pledge of Allegiance

**Approval of Meeting Minutes:**

May 22, 2018           Township Committee Regular Meeting Minutes.

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

Roll Call

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

No:-0-

June 12, 2018           Township Committee Regular Meeting Minutes.

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

Roll Call

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

No:-0-

June 26, 2018           Township Committee Regular Meeting Minutes.

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

Roll Call

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

No:-0-

May 22, 2018 Township Committee Closed Executive Session Meeting Minutes.

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

Roll Call

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

No:-0-

June 12, 2018 Township Committee Closed Executive Session Meeting Minutes.

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

Roll Call

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

No:-0-

June 26, 2018 Township Committee Closed Executive Session Meeting Minutes.

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

Roll Call

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

No:-0-

**Adoption of the Montville Township Redevelopment Plan:**

- Adoption of the Non – Condemnation Redevelopment Plan (Avalon Bay)

Chairman Conklin stated this Redevelopment Plan will be withdrawn but we will open the public hearing on the Redevelopment Plan.

Motion by Cooney second by Witty to open the public hearing for the Non – Condemnation Redevelopment Plan (Avalon Bay). All in favor. Motion adopted.

No comments.

Motion by Cook second by Cooney to close the public hearing on the Non – Condemnation Redevelopment Plan (Avalon Bay). All in favor. Motion adopted.

Joseph Burgis, Township Planner explained this is the site of Route 46 and end of Bloomfield Avenue; the property is 37 acres in size and it is part of the Affordable Housing Plan. This site has been designated for 349 age restricted units but we are going to remove the age restriction. The reason we are not going to proceed with this Non – Condemnation Redevelopment Plan (Avalon Bay) is because it needs to be amended to address the concerns of all the parties that are involved.

Fred Semrau, Township Attorney stated this Non – Condemnation Redevelopment Plan (Avalon Bay) will be withdrawn by the Township Committee and a new Redevelopment Plan will be introduced at the next Township Committee Meeting. He requested the Township Committee to do a motion and a second to withdraw the Redevelopment Plan that is on the agenda.

Motion by Cooney second by Kayne to withdraw the Non – Condemnation Redevelopment Plan (Avalon Bay).

Roll Call

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

No:-0-

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**Public Hearings on Ordinances for Final Adoption:**

None.

**Reports:**

1. ADMINISTRATOR

Administrator Victor Canning reported on the following items:

- **2019 Budget and Capital Improvement Projects-** Administration, with our Chief Financial Officer (CFO) and staff, continue to finalize our 2019 Budget. However, after further consultation and review with our staff, Administration has determined that the following items are being recommended for the Township Committee's approval to be included in our 2019 Capital Improvement Projects Budget: Informational/Technology Upgrades; Fire Insulated file cabinets for sensitive documentation; Carpeting/Flooring upgrades at our Public Safety Building; and the purchase of a Clock for the Towaco Center.
- **2019 Goals and Objectives- Energy efficiency audit of municipal buildings/facilities-** Administration, on Friday, February 22, 2019, with Direct Install began our town-wide municipal buildings/facilities energy efficiency audit under the New Jersey's Clean Energy Program.
- **Community Park Playground Project-** Administration is excited to announce the completion of our new Community Park Playground Project. Administration would like to acknowledge the efforts placed into this very extensive recreational facilities upgrade project by our Recreational Director, Lori Dent, our DPW and staff. Administration recommends final payment approval by the Township Committee (2/26/19-Township Meeting), which amounts to \$653,968.09, to BCI-Burke Company, L.L.C.
- **2019 Morris County Community Development Block Grant (CDBG) Application-** Administration on Monday, February 25, 2019, presented our 2019 Morris County Community Development Block Grant Application for 2019. We are seeking \$25,000 for the Senior House for improvements/upgrades to existing doorway to be ADA compliant, along with safety/security upgrades.

2. ATTORNEY'S REPORT

No official report.

3. TOWNSHIP COMMITTEE LIAISON REPORTS AND COMMENTS

Committeeman Kayne- Board of Health met - no report. The Long Term Financial Planning Committee (LTFC) is postponed this month and the Environmental Commission will meet tomorrow night. I attended the North Jersey Chinese Association New Year and it was a wonderful and joyous event. I look forward to the Montville Township Chamber of Commerce Annual Awards Dinner on March 9, 2019. I would be remiss if I did not mention personal concerns regarding the continuous blackouts in the Township. I understand that JCP & L (Jersey Central Power and Light) is going to make upgrades, I will be paying close attention to this. He asked Administrator Victor Canning whether a follow up letter can be sent out to JCP & L because this weekend 500 homes did not have power.

Committeewoman Witty- Drug Awareness – Municipal Alliance Council (DAC) is working on Project Graduation- if anyone is interested in helping please reach out to DAC. Students will pay \$25.00 towards Project Graduation. She reported on the following upcoming events:

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- DAC is sponsoring the movie Angst on March 12, 2019 and Beautiful Boy on March 13, 2019.
- Due to changes in recycling pick up another Round Table will be held.
- Relay for Life will be held on June 1, 2019.
- Open Space Committee will be blazing new trails. We need community groups or individuals to sponsor the trails.
- Montville Moms are having a town discussion on March 19, 2019 at the Senior Center – the Police will be presenting various items going on in town.
- Montville Township VFW will be selling poppies.

Committeeman Cook – Towaco Civic Association (TCA) will be holding a comedy night at The Barn Theatre on March 22, 2019. It will be for a good cause. The Recreation Commission had an informal discussion on usage of the St. Pius X Church gym- if we can address that with St. Pius X Church. The Historic Preservation Review Commission meeting was cancelled.

Deputy Mayor Cooney - he asked when the Township will have their next recycling day. He also asked if there will be recycling containers to hand out and if they have lids?

Assistant Administrator June Hercek – April 6, 2019 is the next Recycling Day and there will be recycling containers with lids to hand out to the residents.

Chairman Conklin - he reported the Rockaway River Watershed Cabinet Representatives did not have a meeting. Pine Brook Fire Department had their Annual Dinner. He thanked the Pine Brook Fire Department for everything that they do. We attended the Chinese New Year event and had a great time. Demolition by Neglect- we need to have a final debate on it. Everyone take a look at the draft Ordinance for Demolition by Neglect and make a decision. I sent a little note regarding OEM (Office of Emergency Management) Resolution. I would like to reach out to the legislature to come up with some funding for them and we need to adopt a Resolution.

**Old Business:**

1. Project Status Report

**New Business:**

None.

**Ordinance Introductions:**

**Ord. # 2019 – 07** Calendar Year 2019 Ordinance to establish and preserve a Cap Bank (N.J.S.A. 40A: 4-45.14)

Motion by Cook second by Kayne to introduce Ordinance # 2019-07 and have the public hearing on March 12, 2019.

Roll Call

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

No:-0-

**Public Portion**

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

Kathy Gaspar, 10 Constitution Court – she asked if a letter was written to the Paterson Archdiocese regarding the property near The Meadows at Montville.

Township Attorney Fred Semrau - I wrote a letter to their attorney who responded the same day. There is a contract in place and they are not interested in selling the property to the Township.

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Irene Farkas, 9 Constitution Court - I attended the last Open Space Committee meeting they are in favor of purchasing the land (205 – 207 Changebridge Road Property). Even though the land is under contract, you can still do an appraisal. Are the letters that the Township Attorney wrote to the Paterson Archdiocese open to the public for their review?

Township Attorney Fred Semrau - yes the letters will be available to the public for their review. The second question when a property is under contract you have to be very careful in discussing this matter in a committee meeting. We cannot appraise the property.

Irene Farkas, 9 Constitution Court - are you saying if it is under contract you cannot do an appraisal?

Township Attorney Fred Semrau - the Township Committee cannot discuss this in the public. The property owner has to come to the Township with a development plan. Then they will feel that the Township Committee is trying to interfere with the application.

Irene Farkas, 9 Constitution Court - but the property is wetlands. Is there an end date to the contract?

Township Attorney Fred Semrau - I do not know. Private matter.

Petrusia Paslawsky, 8 Mabey Lane – this is a request for Mabey Lane, designated as a D road. We have lived there since 2004. We have Municipal services- sewer, water, snow removal. We respectfully ask the Township Committee to accept this road as a public road.

Chairman Conklin - we will pass this on to the Township Attorney and Administrator.

Barbara Hertz, 77 Orchard Drive - there is Montville water and sewer on this street (Orchard Drive). The Township of Montville agreed to provide water and sewer to the entire Orchard Drive but not all residents receive this water and sewer. There is no determination whether they are in the Montville or Lincoln Park. There should be an actual boundary line.

Chairman Conklin - what is your question tonight?

Barbara Hertz, 77 Orchard Drive - My question is about the sewer line. In order to sell my property I need water and sewer services.

Chairman Conklin - so you are asking us to make the determination? I am requesting Administrator Victor Canning to have the Department of Public Works Supervisor and the Township Engineer look at the area.

John Rosellini, 5 Matilda Terrace - I beg to differ with your attorney. All the Open Space properties that we bought were under contract. We never interfered with the contract but we did go ahead with appraisals. I was at the Open Space meeting the other night. It was horrible to find out how long ago we have purchased Open Space property. The 2014 referendum was for purchasing Open Space- do not be afraid to appraise properties and come up with strategies to purchase Open Space. The owners of the property have to go to the Zoning Board and you are not going to tell the Zoning Board what to do. The Jean Drive proposal is to develop 300 town houses. The only piece of land open is owned by the Archdiocese. Please do not take \$450,000 out of the Open Space Fund for the playground. If you look at the Morris Canal we need to preserve our Open Space.

Committeewoman Witty- what kind of action should we take?

John Rosellini, 5 Matilda Terrace - I am not telling you what to do. Just maybe get an appraisal. I look forward to your leadership. Put the Open Space on the next agenda for discussion.

Chairman Conklin - you have been on both sides of the dias. We do not want to make too many comments on this as per our Attorney's advice. This Township Committee is very aware that we received

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a petition from the residents with around 600 signatures and we are going to take their request into consideration.

Committeeman Cook - we are in much better shape right now. Our debt service is lower now.

John Rosellini, 5 Matilda Terrace - put something on the next meeting agenda for discussion on Open Space.

Administrator Victor Canning - he read the Open Space referendum from November 4, 2014. Administrator Victor Canning affirmed Open Space funding can be designated for purchase of Open Space property and to maintain facilities which includes playgrounds, etc.

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

**Resolution Authorizing Consent Agenda No. 2019-CA05:**

**Resolution # 2019 – 69** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the waiver of nonprofit event Temporary Food License Fees – Montville Pet Parents Spring Boutique

**Resolution # 2019 – 70** resolution providing for the cancellation of a check and transfer of monies to the Township of Montville General Fund from the Municipal Court

**Resolution # 2019 – 71** resolution authorizing the granting of a special permit to the Montville Township First Aid Squad to allow the consumption of alcoholic beverages (beer and wine) at an event being held at the Senior House on May 10, 2019

**Resolution # 2019 – 72** resolution authorizing the processing of certain tax sale certificate redemptions

**Resolution # 2019 – 73** resolution approving request from Tax Collector for refund of overpayment

**Resolution # 2019 – 74** resolution authorizing the issuance of a one year solicitor's license – Edward Jones (financial service advisors)

**Resolution # 2019 – 75** a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of maintenance bond for the work performed at Konner Avenue, Block 139.06, Lot 19.01

**Resolution # 2019 – 76** a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of cash bond and maintenance bond for the work performed at Two Bridges Road, Block 100, Lots 4, 6, 7

**Resolution # 2019 – 77** resolution accepting a safety and stabilization bond for DRA 350 Main Self Storage, 350 Main Road, Block 57.01, Lot 6

**Resolution # 2019 – 78** resolution authorizing the return of cash bonds posted with the Township of Montville

**Resolution # 2019 – 79** resolution of the Township of Montville, County of Morris and State of New Jersey approving program fees set by the Montville Township Recreation Department for 2019

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

Roll Call

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

No:-0-

**Resolution # 2019 – 69** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the waiver of nonprofit event Temporary Food License Fees – Montville Pet Parents Spring Boutique

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WHEREAS, Montville Township Code Chapter 169 requires a fee for a temporary food license;  
and

WHEREAS, the Township Committee desires to waive the temporary food license fee for applicants participating in certain Township events and nonprofit group events within the Township upon favorable recommendation of the Health Officer; and

WHEREAS, the Montville Pet Parents is a non-profit, all volunteer animal welfare group dedicated to helping the Montville Animal Shelter; and

WHEREAS, each year the Montville Pet Parents host a Spring Boutique to raise funds to help offset the costs associated with running the Montville Animal Shelter; and

WHEREAS, the Health Officer recommends the waiver of temporary food license fees for applicants participating in the Montville Pet Parents Spring Boutique on April 6, 2019.

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:

The temporary food license fees are waived for applicants participating in the Montville Pet Parents Spring Boutique on April 6, 2019.

This Resolution shall take effect immediately.

**Resolution # 2019 – 70** resolution providing for the cancellation of a check and transfer of monies to the Township of Montville General Fund from the Municipal Court

WHEREAS, the following check has not been cashed, and the recipient claims no monies due:

Check #4749, dated August 8, 2018 - \$50.00

WHEREAS, the Township of Montville has been notified by the bank, Lakeland, that the check was not cashed,

NOW THEREFORE, BE IT RESOLVED THAT THESE MONIES, \$50.00 be transferred to the Montville Township General Fund, as of this date.

**Resolution # 2019 – 71** resolution authorizing the granting of a special permit to the Montville Township First Aid Squad to allow the consumption of alcoholic beverages (beer and wine) at an event being held at the Senior House on May 10, 2019

WHEREAS, Montville Township Code Chapter 85-16 permits the issuance of special permits for the consumption of alcohol on public property; and

WHEREAS, the Montville Township First Aid Squad will hold an event on May 10, 2019 at the Senior House and have requested that the Township grant a "special permit" to allow the consumption of alcohol (beer and wine) at this event; and

WHEREAS, the Montville Township First Aid Squad has submitted their request in accordance with Chapter 85-16 and have agreed to comply with the conditions of said Chapter, which include compliance with all insurance requirements and compliance with all requirements of the Police and Fire Departments; and

WHEREAS, the Township Committee has reviewed the request and has determined that a special permit be granted to allow the consumption of alcohol at the event.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that a "special permit" shall be granted to allow the consumption

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of alcohol (beer and wine) at the Montville Township First Aid Squad event to be held at the Senior House on May 10, 2019 .

**Resolution # 2019 – 72** 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 107 Lot 1	
13 Forest Pl	
Lien Redemption Certificate #18000014	\$ 774.41
Premium Money	<u>\$ 400.00</u>
Total Payment	\$1,174.41

To: Palmisano, Robert

**Resolution # 2019 – 73** resolution approving request from Tax Collector for refund of overpayment

WHEREAS, due to duplicate payments received creating an overpayment of tax for the year 2019

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:

Lereta LLC		
Block: 16 Lot: 13	6 Glenwood Dr	\$ 2,626.48
Block: 149.3 Lot: 19	12 Buckingham Cir	<u>\$ 3,190.96</u>
TOTAL REFUND		\$ 5,817.44

Wells Fargo Real Estate Tax Services, LLC		
Block: 52.02 Lot: 4.04	34 Wedgewood Dr	\$ 3,430.29
Block: 20 Lot: 4	1A Fox Rd	\$ 4,386.68
Block: 152 Lot: 11	44 Woodmont Rd	<u>\$ 2,331.42</u>
		\$10,148.39

**Resolution # 2019 – 74** resolution authorizing the issuance of a one year solicitor’s license – Edward Jones (financial service advisors)

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

WHEREAS, Edward Jones solicitor has filed an application and all necessary fees for solicitor’s license for the duration of one year; and

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

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 solicitor’s license for Edward Jones for one year from the date of issuance be issued to the following applicant:

Pauline Morley



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BE IT FURTHER RESOLVED that Montville Township's "No Solicitation List" as per Township Code Chapter 281-7 (E) be issued to each solicitor upon the issuance of their solicitor's permit.

**Resolution # 2019 – 75** a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of maintenance bond for the work performed at Konner Avenue, Block 139.06, Lot 19.01

WHEREAS, the developer, Whispering Oaks, has requested a release of the maintenance bond for the work performed at Block 139.06, Lot 19.01, PMSP/F99-08, in the Township of Montville; and

WHEREAS, the Township Engineer and Land Use Department have reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated January 16, 2019 and February 6, 2019, that the maintenance bond held in connection with this project, which is in the amount of \$42,731.00, 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 maintenance bond held in connection with this project, which is in the amount of \$42,731.00, be released to the developer.

**Resolution # 2019 – 76** a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of cash bond and maintenance bond for the work performed at Two Bridges Road, Block 100, Lots 4, 6, 7

WHEREAS, the developer, Glover Family Partnership, has requested a release of the cash bond and maintenance bond for the work performed at Block 100, Lots 4, 6, 7, PC95-04, PC97-16 and PMS97-19, in the Township of Montville; and

WHEREAS, the Township Engineer and Land Use Department have reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated January 16, 2019 and February 6, 2019, that the cash bond in the amount of \$2,940 and the maintenance bond in the amount of \$16,677.24, held in connection with this project, 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 in the amount of \$2,940 and the maintenance bond in the amount of \$16,677.24, be released to the developer.

This Resolution shall take effect immediately.

**Resolution # 2019 – 77** resolution accepting a safety and stabilization bond for DRA 350 Main Self Storage, 350 Main Road, Block 57.01, Lot 6

WHEREAS, DRA 350 Main, LLC, the developer of property known as Block 57.01, Lot 6, is required to submit a Safety and Stabilization Bond to the Township of Montville; and

WHEREAS, DRA 350 Main, LLC has submitted check number 2123 in the amount of \$5,000.00 representing the Safety and Stabilization Bond for the project; and

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WHEREAS, the Conflict Engineer, Township Land Use Department and Township Attorney have reviewed the Safety and Stabilization Bond submitted and have recommended its acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the Safety and Stabilization Bond stated above submitted by DRA 350 Main, LLC is hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to the developer.

This Resolution shall take effect immediately

**Resolution # 2019 – 78** resolution authorizing the return of cash bonds posted with the Township of Montville

WHEREAS, certain cash bonds have been posted with the Township of Montville to secure the performance of obligations; and

WHEREAS, the Engineering Department has verified that the improvements, the installation of which were secured by the cash bonds, have been installed in a satisfactory manner and has recommended the release of cash bonds.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the following cash performance bonds shall be released:

<u>NAME &amp; LOCATION</u>	<u>PURPOSE</u>	<u>AMOUNT/DATE</u>
Manual Silva 51 Upper Mtn. Ave. Montville B. 79, L. 21	Road Opening	\$215.00 / 10-17
Peter Nagle Builders 916 Main Street Boonton, NJ 07005 Location: 6 Gunther's View B. 109, L.30.04	Driveway	\$2,500.00 / 11-18

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Chief Financial Officer and the Township Engineer.

**Resolution # 2019 – 79** resolution of the Township of Montville, County of Morris and State of New Jersey approving program fees set by the Montville Township Recreation Department for 2019

WHEREAS, the Montville Township Recreation Director 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 program fees as memorialized in the attached Exhibit A.

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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 fees for 2019 for the programs run by the Montville Township Recreation Department as shown on the attached Exhibit A are hereby approved.

This Resolution shall take effect immediately.

**RESOLUTIONS:**

1. **Resolution** approving the listing of bills and signing of checks for February 26, 2019.

Motion by Kayne second by Cook to approve the listing of bills and signing of checks for February 26, 2019.

Roll Call

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

No: -0-

2. **Resolution # 2019 – 80** resolution for the Computation of Reserve for Uncollected Taxes – 2019 Budget

WHEREAS, pursuant to N.J.S.A. 40A:4-41, a municipality must include an appropriation for “Reserve for Uncollected Taxes” in its annual budget where less than 100% of current tax collections may be and are anticipated; and

WHEREAS, receipts from the collection of taxes levied or to be levied in the municipality and payable in the fiscal year shall be anticipated in an amount which is not in excess of the percentage of taxes levied and payable during the next preceding fiscal year which was received in cash by the last day of the preceding fiscal year; and

WHEREAS, if tax appeal judgments of the county tax board pursuant to R.S. 54:3-21 et seq. and/or the State tax court pursuant to R.S. 54:48-1 et seq. result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments; and

WHEREAS, Sheet 22 of the Township’s Annual Financial Statement for the year 2018 reflects reductions due to tax appeals of \$71,295 which when reduced from the 2018 tax levy results in the 2018 tax collection rate being 99.16 percent; and

WHEREAS, the election of this choice to calculate the “Reserve for Uncollected Taxes” for the 2019 municipal budget shall be made by resolution approved by a majority of the full membership of the governing body prior to the introduction of the 2019 municipal budget pursuant to N.J.S.A. 40A:4-5.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville elects to calculate the “Reserve for Uncollected Taxes” appropriation for the 2019 municipal budget by reducing the certified tax levy of the prior year by the amount of tax levy adjustments of the county tax board pursuant to R.S. 54:3-21 et seq., and State tax court pursuant to R.S. 54:48-1 et seq., in order to calculate the prior year tax collection rate.

Motion by Cook second by Cooney to approve Resolution # 2019 – 80.

Roll Call

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

No:-0-

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3. **Resolution # 2019 - 81** resolution authorizing the acceptance of the Community Park Playground Project

WHEREAS, the Recreation Director performed the final inspection on February 21, 2019 of the Community Park Playground Project; and

WHEREAS, the Recreation Director finds that all items that are part of the contract with BCI Burke Company LLC have been completed and are acceptable to the Township; and

WHEREAS, the Recreation Director recommends release of the payment of \$653,958.09 which encompasses the original contract amount totaling \$650,648.09, and change order #1 totaling \$3,310.00.

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 of Montville accepts the Community Park Playground Project and approves final payment to BCI Burke Company LLC in the amount of \$653,958.09.

This Resolution shall take effect immediately.

Motion by Kayne second by Cook to approve Resolution # 2019 – 81.

Roll Call

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

No:-0-

**REVIEW OF MEETING ACTION ITEMS:**

1. Administrator
  - Follow up with JCP & L regarding power outages.
  - Speak to Recreation Director regarding St. Pius.
  - Work on OEM Resolution.
2. Attorney
  - Work on the OEM Resolution with Administration.
3. Township Committee

Committeewoman Witty – she requested from the Township Committee to work on a policy and procedure for Montville Township Youth Center and she also requested the Township adopt an ordinance that would prohibit the marijuana industry from coming into the Township.

Township Attorney Fred Semrau stated once marijuana is legalized we can adopt an ordinance to prohibit it in the Township.

**Adjournment**

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

Time adjourned: 9:10 p.m.

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Respectfully submitted,

Approved: May 14, 2019  
Montville Township Committee

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Leena M. Abaza, Township Clerk

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Richard D. Conklin, Mayor