

**SPECIAL MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - July 7, 2021**

**5:00pm – PUBLIC SESSION**

Statement of Open Public Meetings Act Compliance read by Mayor

In accordance with the Open Public Meetings Act, adequate notice of this meeting has been provided by emailing notice to the Daily Record and the Citizen newspapers, posting notice on the Township website and posting notice on the bulletin boards of the Municipal Building, 195 Changebridge Road, Montville, NJ 07045, and sending notice to those individuals requesting same.

Roll Call Township Committee

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

Also present: June E. Hercek, Assistant Administrator  
Fred Semrau, Township Attorney  
Stacy Sullivan-Gruca, Township Clerk  
Margaret Shepard, Deputy Clerk

Absent: Victor Canning, Township Administrator

Prayer and Pledge of Allegiance by Committeeman Conklin

Mayor adjusts agenda to begin public portion before the other items.

**PUBLIC PORTION**

Reminder to the public to state your name and address for the record, and there is a 3 minute time limit on all public comments

Motion by Kayne second by Witty to open public portion

All in favor – Motion Carried

The Township Attorney offers a brief explanation of the reason for tonight's special meeting and the consideration of the Resolution and Ordinance Introduction on the agenda.

The Township's Housing Element and Fair Share Plan that was approved by the Superior Court in 2019 governs the Township's affordable units, including the 30-year affordability controls on properties, and stipulates that the Township can extend these controls to preserve affordable units. There are 100 total units in the Hunting Hills Condominium Complex, 22 of which are affordable and created after the State adopted the New Jersey Fair Housing Act. All affordable unit owners were offered, by the Township, to extend the controls. If the units were to be

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released from the controls by the Township, the homeowners would still be limited to the maximum resale price, plus 5% of the price difference between the fair market value and the maximum resale price. 95% of the price difference will go back into the Township's Affordable Housing Trust Fund.

The Township received a lawsuit filed by the Hunting Hills Condominium Association attempting to invalidate the extension of controls with an allegation that the controls automatically expire in July of this year. The Township does not agree with this allegation, however the attorney recommended that the Governing Body consider the Resolution and Ordinance and taking action to extend the affordability controls in order to protect these affordable units to they remain affordable. The Township continues to support the maintenance of units and residents who have the need for their affordability. The Ordinance will be further considered after a public hearing scheduled at a Special Meeting of the Township Committee on July 19, 2021.

*Public Comments*

Jeffrey Kinkead, 66 Heritage Court, Towaco

A long term resident of Montville, supports what is best for the Township, uncertain if the current consideration reflects what is best. However, reserves further comment until he gathers additional information.

Arleen Silver, 90 Heritage Court, Towaco

Concerns over the noticing of today's meeting. Looking up an unrelated item on the Township website, saw a notice about a special meeting which ultimately stated the reason for the meeting, however the online newspaper (Montville Patch) only stated that there was a special meeting, not purpose of such. Believes notice of the meeting should have been sent directly to the Hunting Hills Condo Association and/or their lawyer.

Dan Heinkel of Heinkel Law, on behalf of Hunting Hills Condominium Association

States for the record, that the Hunting Hills Condominium development of affordable units were not created pursuant to the Affordable Housing Act. Rather the original settlement agreement was entered into in 1985, and those terms are the terms that govern. Mr. Heinkel recognizes that the Fair Share Housing Act, COAH and UHAC regulations allow the Township to extend affordability controls, however he believes the Hunting Hills units are not part of those regulations.

Township Attorney questions whether the unit owners or the association authorized the suit.

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Heinkel states that the bylaws allow the association to bring suit upon the Township and they do not need authorization from unit owners. Association has now notified the entire membership of the suit.

Township Attorney offers plans to notice the unit owners before the public hearing and consideration of adoption. Time was limited as the suit was very recently received.

Motion by Conklin second by Kayne to close public portion

All in favor – Motion Carried

**ORDINANCE INTRODUCTIONS**

**Ordinance 2021-19** Ordinance of the Township of Montville extending the affordability controls on all low and moderate income units within the Hunting Hills at Montville Condominium Complex

Motion by Cook second by Conklin to introduce Ordinance 2021-19

All in Favor - Motion Carried

Clerk set public hearing date for July 19, 2021

**RESOLUTION**

**Resolution 2021-196** Resolution of the Township Committee of the Township of Montville, extending the affordability controls on all low-and-moderate-income units within the Hunting Hills at Montville Condominium Complex

Motion by Witty second by Kayne to adopt Resolution 2021-196

Roll Call: Yes - Kayne, Witty, Cook, Conklin, Cooney No – 0

**REVIEW OF MEETING ACTION ITEMS**

Deputy Mayor Cook asks for clarification that if affordability controls expire, do taxes and fees for the units increase to fair market rate? Attorney confirms that to be true.

Motion by Kayne second by Witty to adjourn

**ADJOURNMENT** at 5:24pm

All in favor – Motion carried

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Approved:  
Montville Township Committee

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Stacy Sullivan-Gruca, Township Clerk

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Frank W. Cooney, Mayor