TOWNSHIP OF DENVILLE MUNICIPAL COUNCIL
REGULAR MEETING
September 4, 2018, 7:30 P.M.

- Salute to Our Flag
- Invocation
- Statement of Compliance with Open Public Meetings Act
- Roll Call:

Council Members

_____ Murphy  _____ Buie  _____ Witte
_____ Bergen  _____ Lyden  _____ Borowiec
_____ Gabel, Council President

In Attendance

_____ Mayor Andes  _____ Administrator Ward
_____ Township Attorney Jansen  _____ Other: __________

PRESENTATIONS / CEREMONIAL MATTERS
(Presentations are coordinated in advance with the Council President and are limited to thirty (30) minutes or less)

ADMINISTRATION OF THE OATH OF OFFICE
PROMOTION TO CAPTAIN
Frank Perna

PROMOTION TO LIEUTENANT
Scott Welsch

CLASS III SPECIAL POLICE OFFICERS
Matthew Kazaba
John Koval
Joseph Krentz
Robert Scheetz

PRESENTATION OF GIFT CARDS TO SOCIAL SERVICES
Quintin Fitzpatrick

- Council Liaison/Committee Reports
- Mayor’s Report
- Administrator’s Report
- Correspondence

Public Portion (Please limit comments to a maximum of three (3) minutes)

Matters of Old/New Business
ORDINANCES FOR PUBLIC HEARING - ADOPTION

20-18: An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 19, Land Use, Subsection 19-1.2, Definitions and Subsection 19-5.1401, Primary Intended Use, of the Revised General Ordinances to Update and Clarify Various Requirements

21-18: An Ordinance of the Township of Denville, County of Morris, and State of New Jersey to Amend Chapter 19, Land Use, to Establish Requirements for Shingle Signs in the Business Improvement District

22-18: An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend Chapter 3-13, Removal of Solid Waste, of the Revised General Ordinances to Limit the Collection of Garbage, Recycling, or Other Refuse from All Premises to Between 6 A.M. and 8 P.M. Monday Through Saturday, to Establish Permitted Time Periods for Placement and Removal of Cans, and to Amend Existing Chapter 3 Penalty Provisions

ORDINANCES FOR INTRODUCTION

24-18: An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 19, Land Use, Subsection 19-1.2, Definitions and Subsection 19-5.1401, Primary Intended Use, of the Revised General Ordinances to Update and Clarify Various Requirements

ITEMS FOR DISCUSSION AND/OR ACTION

NONE

RESOLUTIONS

CONSENT AGENDA:

R-18-165: Resolution Authorizing Raffle Licenses in the Township of Denville

R-18-166: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville

R-18-167: Resolution Authorizing Refund of Recreation Department Fees

R-18-168: Resolution Authorizing the Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control

R-18-169: Resolution to Cancel Interest in the Amount of $24.00
MOTION TO ADJOURN

NON-CONSENT AGENDA:

R-18-170: Resolution Authorizing the Execution of a Release of Lien for Certain Property

R-18-171: Resolution Authorizing the Refund of Money Due to the Redemption of Tax Sale Certificates

R-18-172: Resolution Refunding the Overpayment of 2018 Taxes

R-18-173: Resolution Authorizing the Award of a Two-Year Contract for Janitorial Services

R-18-174: Resolution Authorizing the Submission of a Grant Application and the Execution of a Grant Contract with the New Jersey Department of Transportation for the Franklin Avenue & Knoll Drive Resurfacing Project

R-18-175: Resolution Requesting the Director of the Division of Local Government Services to Approve a "Dedication by Rider" for Acceptance of Grants for the Downtown Denville Business Improvement District

R-18-176: Resolution Authorizing the Transfer of Funds from the Affordable Housing Trust Fund to the Denville Township General Trust Fund for Affordable Housing Related Administrative Costs

R-18-177: Resolution Authorizing a Shared Services Agreement Between the Township of Denville and Morris Catholic High School

R-18-178: Resolution Authorizing a Shared Services Agreement Between the Township of Denville and Celebrate the Children

MINUTES FOR ADOPTION

- August 7, 2018

MOTION TO ADJOURN
ORDINANCE NO. 20-18

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 19, Land Use, Subsection 19-1.2, Definitions and Subsection 19-5.1401, Primary Intended Use, of the Revised General Ordinances to Update and Clarify Various Requirements

Be Read by Title on Second Reading and a Hearing Held Thereon:

COUNCIL PRESIDENT: MOTION TO READ BY TITLE
ROLL CALL
OPEN PUBLIC HEARING
CLOSE PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 19, Land Use, Subsection 19-1.2, Definitions and Subsection 19-5.1401, Primary Intended Use, of the Revised General Ordinances to Update and Clarify Various Requirements

Be passed on Final Reading and that a Notice of Final Passage be published in the 09/12/2018 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 09/04/2018
ORDINANCE NO. 20-18

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT CHAPTER 19, LAND USE, SUBSECTION 19-1.2, DEFINITIONS AND SUBSECTION 19-5.1401, PRIMARY INTENDED USE, OF THE REVISED GENERAL ORDINANCES TO UPDATE AND CLARIFY VARIOUS REQUIREMENTS

WHEREAS, it is the intention of this Ordinance to clarify the location of certain uses in the central business zone (B-1) in the Township; and

WHEREAS, the first, or ground floor, of a building in the B-1 zone should be utilized for retail sales and limited retail services; and

WHEREAS, retail services is a broad land use category that could encompass businesses such as a dry cleaner, health club, or SAT preparatory company; and

WHEREAS, each of these uses have distinct customer types and traffic and pedestrian patterns; and

WHEREAS, the goal of this ordinance is to restrict the majority of those types of uses that typically have longer customer interactions to the second floor, while advocating uses with typically faster customer interactions to the first floor.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 19, Land Use, Subsection 19-1.2, Definitions, of the Revised General Ordinances is hereby amended and supplemented to add the following definitions:

Educational Facilities – An establishment that educates students in a skill, art or trade in a non-institutional setting. Such facilities consist of, but are not limited to, ACT/SAT preparation course, computer classes, and after school tutoring.
Health Club and Facilities – An establishment that provides facilities for aerobic exercises, running, exercise equipment, court games, swimming facilities, saunas and the like. Education or instruction in any physical activities shall also constitute a health club facility, such as, but not limited to, martial arts training, yoga, and rock climbing facilities.

Professional or Service Office – An establishment that contains occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some professional services require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. Other professional services involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, IT services or providing management advice.

Recreational Facilities – A place designed and equipped for the conduct of sports and leisure time activities. Such facilities consist of, but are not limited to, facilities offering classes in voice, dance, ballet or musical instruments.

Retail Sales – Establishments engaged in the selling or rental of goods or merchandise to the general public for consumption.

Retail Services – Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, personal services such as, but not limited to, cleaners, tailors, cobblers, beauty salons and barbershops, theaters, museums and galleries.

Social Services – Establishments providing assistance and aid to those persons requiring counseling for job training, employment, psychological problems, or learning and physical disabilities.
SECTION 2. Chapter 19, Land Use, Section 19-5.14, B-1 Central Business District, Subsection 19-5.1401, Primary intended use, of the Revised General Ordinances is hereby amended and supplemented to read as follows:

This zone is designed for businesses of a retail sales and retail services type, but also permits professional or service offices on the second floor.

a. The following uses are permitted on the first or ground floor:
   1. Retail sales
   2. Retail Services, excluding the following:
      (a) Health clubs and facilities
      (b) Educational facilities
      (c) Recreational facilities
      (d) Social services

b. The following uses are permitted on the second floor:
   1. Retail sales
   2. All retail services

c. The following uses are permitted in this zone:
   1. Parking facilities conforming to Section 19-5.8
   2. Institutional uses as regulated by Subsection 19-5.1001
   3. Signs as regulated in Section 19-5.9

SECTION 3. The Township Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith
transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 4. This ordinance may be renumbered for purposes of codification.

SECTION 5. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST: 

APPROVED:

Kathryn Bowditch-Leon, RMC
Municipal Clerk

Mayor Thomas W. Andes
Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on ____________, 2018

Kathryn Bowditch-Leon, RMC
Municipal Clerk
ORDINANCE NO. 21-18

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, and State of New Jersey to Amend Chapter 19, Land Use, to Establish Requirements for Shingle Signs in the Business Improvement District

Be Read by Title on Second Reading and a Hearing Held Thereon:

COUNCIL PRESIDENT: MOTION TO READ BY TITLE
ROLL CALL
OPEN PUBLIC HEARING
CLOSE PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, and State of New Jersey to Amend Chapter 19, Land Use, to Establish Requirements for Shingle Signs in the Business Improvement District

Be passed on Final Reading and that a Notice of Final Passage be published in the 09/12/2018 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 09/04/2018
ORDINANCE NO. 21-18

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO ESTABLISH REQUIREMENTS FOR SHINGLE SIGNS IN THE BUSINESS IMPROVEMENT DISTRICT

BE IT ORDAINED by the Municipal Council of the Township of Denville, in the County of Morris, and State of New Jersey as follows:

SECTION 1. Chapter 19, Land Use, Article 5, Zone Regulations, §19-5.9, Signs, is hereby amended to establish §19-5.910, Shingle signs in the Business Improvement District, to read as follows:

“§19-5.910, Shingle signs in the Business Improvement District.

a. Definitions.

Shingle Sign. A sign that hangs from a canopy or awning, or from the roof of an arcade or passageway, or projects from the building façade.

Guy wire. A tensioned cable designed to add stability to a free-standing structure.

b. Purpose. The purpose of this ordinance is to identify and promote businesses located within the Business Improvement District (BID) to pedestrians and to serve as a graphic and design enhancement to the area.

c. Applicability. This ordinance is applicable to any commercially utilized property located within the BID.

d. Design and Construction

1. Dimensions

(a) Shall not exceed 12 inches in height and 34 inches in width or

(b) If the design of the shingle sign is in the form or shape of a product sold or icon for the business, the total square footage of the sign shall not exceed 408 square inches.

2. Shingle signs shall be perpendicular to the business building wall.

3. Shingles signs shall not be internally lit.

4. Shingle signs shall not be less than ½ inch and not more than 1 inch thick.
5. Brackets and decorative mounting features may exceed the thickness requirements as reasonably required to create an attractive graphic or design element. Guy wire cables and similar stabilization methods shall not be permitted.

6. Shingle signs shall be limited to no more than two sign faces.

7. The following color palette shall be utilized:
   (a) Font color: black, white, gold, and/or silver
   (b) Shingle: hunter green, burgundy, or wood (walnut, cherry, maple, oak)

8. The material of the shingle must be wood or synthetic wood or any other material whose design bears a resemblance to wood.

9. The bracket for the shingle must be ornamental in nature and must be made of metal.

e. Content

1. Shingle signs shall not display the business phone number, address, website, or merchandise pricing information. Symbols or logos used to identify the business are encouraged.

2. Corporate logos shall be discouraged unless such logo is an integral part of the store identification.

3. Logo size shall be limited to 4 inches by 4 inches.

4. Logos shall be to the left of any lettering

f. Location and Dimensions

1. Shingle signs shall be attached to a wall or the underside of an awning, canopy, marquee, or building overhang.

2. Shingle signs shall be located as close as practical to the storefront entrance.

3. No portion of a shingle sign shall maintain less than a 10-foot horizontal separation from any other shingle sign.

4. No portion of a shingle sign shall maintain less than an 8-foot vertical clearance over the pedestrian walkway.

5. No portion of a shingle sign shall exceed a height of 15 feet above the pedestrian walkway.

6. On a two-story building, a second shingle sign shall be permitted to be attached to the bottom of the first shingle sign.
7. A shingle sign shall not project more than 4 feet from the building and shall not be closer than 2 feet from the face of the curb.

8. A shingle sign attached to the underside of an awning, canopy, marquee, or building overhang shall not extend out beyond the outer edge of the element to which it is attached.

9. A shingle sign shall not be mounted in such a manner as to obstruct vehicular traffic in any passageway, alleyway, or designated loading/unloading area.

10. No portion of a shingle sign shall project above the top of an eave or parapet.

g. Approvals

1. Brackets and colors require zoning officer approval.”

SECTION 2. All ordinances of the Township of Denville, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST: APPROVED:

Kathryn Bowditch-Leon, RMC Mayor Thomas W. Andes Municipal Clerk Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on ______________, 2018

Dated ______________ Kathryn Bowditch-Leon, RMC
ORDINANCE NO. 22-18

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend Chapter 3-13, Removal of Solid Waste, of the Revised General Ordinances to Limit the Collection of Garbage, Recycling, or Other Refuse from All Premises to Between 6 A.M. and 8 P.M. Monday Through Saturday, to Establish Permitted Time Periods for Placement and Removal of Cans, and to Amend Existing Chapter 3 Penalty Provisions

Be Read by Title on Second Reading and a Hearing Held Thereon:

COUNCIL PRESIDENT:   MOTION TO READ BY TITLE
                      ROLL CALL
                      OPEN PUBLIC HEARING
                      CLOSE PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend Chapter 3-13, Removal of Solid Waste, of the Revised General Ordinances to Limit the Collection of Garbage, Recycling, or Other Refuse from All Premises to Between 6 A.M. and 8 P.M. Monday Through Saturday, to Establish Permitted Time Periods for Placement and Removal of Cans, and to Amend Existing Chapter 3 Penalty Provisions

Be passed on Final Reading and that a Notice of Final Passage be published in the 09/12/2018 edition of The Citizen newspaper.

COUNCIL PRESIDENT:   MOTION TO ADOPT
                      ROLL CALL ON ADOPTION

Dated: 09/04/2018
ORDINANCE NO. 22-18

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND CHAPTER 3-13, REMOVAL OF SOLID WASTE, OF THE REVISED GENERAL ORDINANCES TO LIMIT THE COLLECTION OF GARBAGE, RECYCLING, OR OTHER REFUSE FROM ALL PREMISES TO BETWEEN 6 A.M. AND 8 P.M. MONDAY THROUGH SATURDAY, TO ESTABLISH PERMITTED TIME PERIODS FOR PLACEMENT AND REMOVAL OF CANS, AND TO AMEND EXISTING CHAPTER 3 PENALTY PROVISIONS

BE IT ORDAINED, by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 3, Police Regulations, 3-13, Removal of Solid Waste, § 3-13.2, Mandatory collection services, is hereby amended to add the following paragraph:

d. Collection of garbage, recycling, or other refuse from all premises shall take place between the hours of 6 a.m. and 8 p.m. on Monday through Saturday. Collection at any time outside of the prescribed hours and days is prohibited. Officers, employees, and agents of the Township Police Department, DPW, Health Department, and the Zoning Officer and/or Property Maintenance Code Official are authorized to enforce this paragraph against any hauler that violates its provisions.

SECTION 2. Chapter 3, Police Regulations, 3-1, Penalty, § 3-1.1, Maximum penalty, is hereby amended to read as follows:

Whenever, under this code or any rule, regulation or order duly promulgated by an officer or agency of the Township by authority of this code, any act is prohibited or declared to be unlawful, or the doing of any act is required and no specific penalty is provided with respect thereto, the violation of any such provision of the ordinance, rules, regulation or order shall be punishable by one or more of the following: (a) imprisonment in the county jail or in any place provided by the Township for the
Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

SECTION 3. Chapter 3, Police Regulations, 3-1, Penalty, § 3-1.6, Minimum penalty, is hereby amended to read as follows:

The governing body may prescribe that, for the violation of any particular code provision or ordinance, at least a minimum penalty shall be imposed, which shall consist of a fine which may be fixed at an amount not exceeding $100 pursuant to N.J.S.A. 40:69A-29.

SECTION 4. Chapter 3, Police Regulations, 3-13, Removal of Solid Waste, § 3-13.3, Placement of garbage cans, is hereby amended to read as follows:

The owners of any premises receiving refuse collection services from the Township may place, no earlier than 4 p.m. one day before the scheduled collection day, up to two garbage cans, which cans must have tight-fitting lids, within five feet of the street or traveled way in front of the premises or at such location as designated by the Division of Health. All cans must be removed no later than 8 a.m. on the day after collection has occurred. The owners shall comply with rules and regulations detention of prisoners for any term not exceeding 90 days; (b) a period of community service not exceeding 90 days; or (c) by a fine not exceeding $2,000.
promulgated by the Division of Health scheduling and regulating curbside garbage
can collection and bulky waste collection.

SECTION 5. This ordinance may be renumbered for purposes of codification.

SECTION 6. Ordinances, resolutions, regulations or parts of ordinances, resolutions
and regulations inconsistent herewith are hereby repealed to the extent of such
inconsistencies.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance
is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction,
such a decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage,
approval, and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF
THE TOWNSHIP OF DENVILLE

ATTEST: 

APPROVED:

Kathryn Bowditch-Leon, RMC
Municipal Clerk

Mayor Thomas W. Andes
Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal
Council of the Township of Denville at its meeting held on ____________, 2018.

Kathryn Bowditch-Leon, RMC
Municipal Clerk
ORDINANCE NO. 24-18

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 19, Land Use, Subsection 19-1.2, Definitions and Subsection 19-5.1401, Primary Intended Use, of the Revised General Ordinances to Update and Clarify Various Requirements

Be Introduced and Read by Title on First Reading:

COUNCIL PRESIDENT: MOTION TO INTRODUCE
DISCUSSION ON ORDINANCE
ROLL CALL ON INTRODUCTION

BE IT RESOLVED that an Ordinance entitled

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 19, Land Use, Subsection 19-1.2, Definitions and Subsection 19-5.1401, Primary Intended Use, of the Revised General Ordinances to Update and Clarify Various Requirements

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at the meeting of the Municipal Council of the Township of Denville on 10-16-2018 at 7:30 p.m. in the evening, prevailing time, at the municipal building in said Township of Denville at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the Municipal Clerk be authorized and directed to advertise this ordinance in The Citizen newspaper according to law.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL

Dated: 09-04-2018
ORDINANCE NO. 24-18

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT CHAPTER 19, LAND USE, SUBSECTION 19-1.2, DEFINITIONS, AND SUBSECTION 19-5.1401, PRIMARY INTENDED USE, OF THE REVISED GENERAL ORDINANCES TO UPDATE AND CLARIFY VARIOUS REQUIREMENTS

WHEREAS, it is the intention of this Ordinance to clarify the location of certain uses in the central business zone (B-1) in the Township; and

WHEREAS, the content of this ordinance is applicable exclusively to the B-1 zone and is not applicable to any other zone that permits uses referenced or listed within the B-1 zone; and

WHEREAS, the first, or ground floor, of a building in the B-1 zone should be utilized for retail sales and limited retail services; and

WHEREAS, retail services is a broad land use category that could encompass businesses such as a dry cleaner, health club, or SAT preparatory company; and

WHEREAS, each of these uses have distinct customer types and traffic and pedestrian patterns; and

WHEREAS, the goal of this ordinance is to restrict the majority of those types of uses that typically have longer customer interactions to the second floor, while advocating uses with typically faster customer interactions to the first floor.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Denville, County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 19, Land Use, Subsection 19-1.2, Definitions, of the Revised General Ordinances is hereby amended and supplemented to add the following definition:
**Educational Facilities** – An establishment that educates students in a skill, art or trade in a non-institutional setting. Such facilities consist of, but are not limited to, ACT/SAT preparation course, computer classes, or after-school tutoring.

**Craft Service Facilities** – A retail establishment designed and equipped specifically for conducting leisure time activities wherein through an educational process, the patron leaves the establishment with a product they had a part in creating. Such facilities consist of, but are not limited to, facilities offering classes in painting, ceramics, knitting, or cooking.

**Health Club and Facilities** – An establishment that provides facilities for aerobic exercises, running, exercise equipment, court games, swimming facilities, saunas and the like. Education or instruction in any physical activities shall also constitute a health club facility, such as, but are not limited to, martial arts training, yoga, and rock climbing facilities.

**Professional or Service Office** – An establishment that contains occupations in the tertiary sector of the economy requiring special training in the arts or sciences. Some professional services require holding professional licenses such as architects, auditors, engineers, doctors and lawyers. Other professional services involve providing specialist business support to businesses of all sizes and in all sectors; this can include tax advice, supporting a company with accounting, IT services or providing management advice.
Recreational Facilities – A place designed and equipped for the conduct of sports and leisure time activities. Such facilities consist of, but are not limited to, facilities offering classes in voice, dance, ballet or music instruments.

Retail Sales – Establishments engaged in the selling or rental of goods or merchandise to the general public for consumption.

Retail Services – Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, personal services such as, but not limited to, cleaners, tailors, cobblers, beauty salons and barbershops, theaters, museums and galleries.

Social Services – Establishments providing assistance and aid to those persons requiring counseling for job training, employment, psychological problems, or learning and physical disabilities.

SECTION 2. Chapter 19, Land Use, Section 19-5.14, B-1 Central Business District, Subsection 19-5.1401, Primary intended use, of the Revised General Ordinances is hereby amended and supplemented to read as follows:

This zone is designed for businesses of a retail sales and retail services type, but also permits professional or service offices on the second floor.

a. The following uses are permitted on the first or ground floor:

1. Retail sales
2. Craft service facilities
3. Retail Services, excluding the following:
   (a) Health clubs and facilities
   (b) Educational facilities
   (c) Recreational facilities
   (d) Social services

b. The following uses are permitted on the second floor or higher:
   1. Professional or Service offices
   2. Retail sales
   3. Craft service facilities
   4. Educational facilities
   5. All retail services

c. The locational aspect of this zone (first- or second-floor restriction) is applicable only to the B-1 zone and is not applicable to any other zone that permits uses referenced or listed within the B-1 zone.

d. Parking facilities conforming to Section 19-5.8

e. Institutional uses as regulated by Subsection 19-5.1001

f. Signs as regulated in Section 19-5.9

SECTION 3. The Township Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning
SECTION 4. This ordinance may be renumbered for purposes of codification.

SECTION 5. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

ATTEST:                                  APPROVED:

Kathryn Bowditch-Leon, RMC               Mayor Thomas W. Andes
Municipal Clerk                          Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on _____________, 2018

Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

BE IT RESOLVED by the Municipal Council of the Township of Denville that the applications for the following raffles be approved and the Municipal Clerk be authorized to issue said licenses on behalf of the Municipality.

<table>
<thead>
<tr>
<th>NAME OF ORGANIZATION</th>
<th>TYPE OF RAFFLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boonton Twp. Education Foundation</td>
<td>On-Premise 50/50</td>
<td>10/15/2018</td>
</tr>
<tr>
<td>Foundation of Denville, Inc.</td>
<td>Tricky Tray</td>
<td>9/24/2018</td>
</tr>
<tr>
<td>OL of Mt. Carmel Church</td>
<td>On Premise 50/50</td>
<td>10/1/2018</td>
</tr>
<tr>
<td>OL of Mt. Carmel Church</td>
<td>On Premise Merchandise</td>
<td>10/1/2018</td>
</tr>
<tr>
<td>Morris Catholic H.S.</td>
<td>Casino Night</td>
<td>11/3/2018</td>
</tr>
</tbody>
</table>

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at the Council meeting held on

Certification Date: ___________________________  Kathryn Bowditch-Leon, RMC
Municipal Clerk

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE
RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

WHEREAS, on February 14, 2012, the Municipal Council confirmed sewer assessments for certain properties in the Township of Denville; and

WHEREAS, the resolution confirming said assessments authorized the payment of the assessments in yearly installments over a twenty year period commencing April 14, 2012; and

WHEREAS, certain property owners have failed to make their installment payments when they became due; and

WHEREAS, N.J.S.A. 40:56-35 provides in pertinent part that if any such installment shall remain unpaid for 30 days after the time when said payment shall become due, either the whole assessment shall immediately become due, or the governing body may, by resolution, permit any person who is delinquent in the payment of such an installment to pay only the amount of the delinquent payment due, plus accrued interest, and have the payment of said assessment placed back on the regular installment payment schedule; and

WHEREAS, the following property owners:
Loosemore

have petitioned the Council to permit the reinstatement of their original installment plan and have tendered to the Tax Collector the requisite amount to bring their accounts current in accordance with the above-referenced statute; and

WHEREAS, the Municipal Council wishes to allow the above referenced property owners to resume payment of their assessments on the original installment schedules approved for their properties.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, that the Tax Collector be authorized to accept payment of the delinquent installments due, plus interest, from the above referenced property owners for their sewer assessments and that said property owners be permitted to pay all subsequent installments established for their properties over the balance of the twenty year installment period previously authorized by the Municipal Council.

BE IT FURTHER RESOLVED, that should any of the above referenced property owners default on any future installments, the full amount of the sewer assessment shall become due.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of a resolution approved by the Municipal Council at their meeting held on

Certification Date: ___________________________ Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING REFUND
OF RECREATION DEPARTMENT FEE

WHEREAS, certain residents of the Township of Denville have paid program fees to the Recreation Department; and

WHEREAS, these residents did not avail themselves of the program for which said fees were paid.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that refunds, in the amounts designated in this resolution, are authorized to be issued to the residents named in said resolution as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>REFUND AMOUNT</th>
<th>PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Emerson</td>
<td>$54.00</td>
<td>Summer Plus Trip – Week 5 (2 Children)</td>
</tr>
<tr>
<td>Laurie Newton</td>
<td>$45.00</td>
<td>Kid’s Triathlon (3 Children)</td>
</tr>
<tr>
<td>Stacey Para</td>
<td>$15.00</td>
<td>Kid’s Triathlon (1 Child)</td>
</tr>
<tr>
<td>Adrianne Whitney</td>
<td>$30.00</td>
<td>Kid’s Triathlon (2 Children)</td>
</tr>
<tr>
<td>Donna Douglass</td>
<td>$30.00</td>
<td>Kid’s Triathlon (2 Children)</td>
</tr>
<tr>
<td>Jaime Young</td>
<td>$45.00</td>
<td>Kid’s Triathlon (3 Children)</td>
</tr>
<tr>
<td>Christine Bernardino</td>
<td>$15.00</td>
<td>Kid’s Triathlon (1 Child)</td>
</tr>
<tr>
<td>Angela Preuss</td>
<td>$55.00</td>
<td>Kid’s Triathlon (2 Children) &amp; Facility Use</td>
</tr>
<tr>
<td>Sandra Marques</td>
<td>$30.00</td>
<td>Kid’s Triathlon (2 Children)</td>
</tr>
<tr>
<td>Kelly Miniter</td>
<td>$15.00</td>
<td>Kid’s Triathlon (1 Child)</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date:                                    Kathryn Bowditch-Leon, RMC
                                                        Municipal Clerk
RESOLUTION AUTHORIZING ISSUANCE OF A SOCIAL AFFAIR PERMIT BY THE STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, the below listed organization has applied for a Social Affair Permit; and

WHEREAS, the Municipal Council, the License Issuing Authority of the Township of Denville, has no objection to the granting of the Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the issuance of said Social Affair Permit is not contrary to any Township ordinance, resolution, regulation or policy.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that authorization is hereby granted for the issuance of a Social Affair Permit for the following organization and event:

<table>
<thead>
<tr>
<th>ORGANIZATION</th>
<th>EVENT</th>
<th>LOCATION</th>
<th>DATES</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denville Police Athletic League</td>
<td>Food Truck &amp; Family Festival</td>
<td>Gardner Field</td>
<td>10/7/2018</td>
<td>11:00 A.M. to 6:00 P.M.</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date: ____________________________

Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION TO CANCEL INTEREST IN THE AMOUNT OF $24.00

WHEREAS, on August 28, 2018, the below named homeowner contacted the Tax Collector to question whether his third quarter tax payment had been received as the check had not yet cleared his bank and he stopped payment on the check; and

WHEREAS, the below named homeowner explained that on August 2, 2018 he dropped the payment for third quarter taxes in the box on the counter of the Tax/Utilities Office; and

WHEREAS, he submitted proof to the Tax Collector that said check was submitted for payment of the third quarter taxes; and

WHEREAS, the check should have been deposited and posted the next day, but it was accidentally lost; and

WHEREAS, interest has since accrued and should be canceled due to the Township's error.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, that the Tax Collector is hereby authorized and directed to cancel the interest on the below named property.

<table>
<thead>
<tr>
<th>BLOCK / LOT</th>
<th>OWNER</th>
<th>CANCELED</th>
</tr>
</thead>
<tbody>
<tr>
<td>40301 6</td>
<td>Thomas L. Ciccarelli</td>
<td>$24.00</td>
</tr>
<tr>
<td></td>
<td>351 Franklin Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Denville, NJ 07834</td>
<td></td>
</tr>
</tbody>
</table>

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF LIEN FOR A CERTAIN PROPERTY

WHEREAS, the Township of Denville ("the Township") holds a lien on property known as 65 River Road, Block 50801, Lot 2; and

WHEREAS, the lien has been paid in full; and

WHEREAS, the Municipal Council wishes to authorize the execution of a Release of Lien for the said property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute a Release of Lien for property known as 65 River Road, Denville, New Jersey.

This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk of the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council at their meeting held on

Certification Dated: ___________________________  Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES

BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, that the Tax Collector is hereby authorized and directed to prepare vouchers to refund the amounts shown below to the named lien holders; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized and directed to forward the checks to the Tax Collector to be delivered to the following lien holders after proper notation has been made on the Tax Records.

<table>
<thead>
<tr>
<th>Cert #</th>
<th>Block</th>
<th>Lot</th>
<th>Address</th>
<th>Purchaser of Lien</th>
<th>Refund Amt.</th>
<th>Premium Amt.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-041</td>
<td>70501</td>
<td>379</td>
<td>167 Hillcrest Dr</td>
<td>US Bank Cust for Tower DB VII Trust 2017-1</td>
<td>16,325.12</td>
<td>$9,900.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50 South 16th St- Ste 2050</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Philadelphia, PA 19102</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017-003</td>
<td>20901</td>
<td>1</td>
<td>42 Dalton Ct.</td>
<td>US Bank Cust BV002 Trst &amp; Crdtrs.</td>
<td>$11,887.42</td>
<td>$7,300.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50 South 16th Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Suite 2050</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Philadelphia, PA 19102-2513</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on:

Certification Date: ___________________________ Kathryn Bowditch-Leon, RMC Municipal Clerk

R-18-171
RESOLUTION REFUNDING THE OVERPAYMENT OF 2018 TAXES

WHEREAS, it has been found that the following overpayments have occurred due to the reasons listed below.

NOW, THEREFORE, BE IT RESOLVED that the appropriate Municipal Official is hereby authorized and directed to prepare vouchers in the following names to refund said overpayments.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward the checks to the appropriate Municipal Official to be delivered to said taxpayers/mortgage company after the refund has been recorded in the taxpayer's history file.

<table>
<thead>
<tr>
<th>Block/Lot</th>
<th>Reason for Refund</th>
<th>Owner or Mortgage Co.</th>
<th>Refund Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>11502/7</td>
<td>In Dec. 2017, homeowner paid 2018 taxes. Mtg. Co then paid 1st qtr. 2018 taxes plus there was a County Judgment for 2018 for this property.</td>
<td>Nimish/Purvi Shah 2 Leslie Ann Ct Denville, NJ 07834</td>
<td>$5,952.85</td>
</tr>
<tr>
<td>20101/3</td>
<td>In Dec. 2017, homeowner paid 2018 taxes. Mtg. Co then paid 1st qtr. 2018 taxes. Property was sold in Aug. 2018 and this refund is to the seller.</td>
<td>Laura/Kevin Curran 10308 N. Prospect Ave. Kansas City, MO 64155</td>
<td>$5,993.29</td>
</tr>
<tr>
<td>40517/29</td>
<td>Mortgage Co. paid 3rd qtr. 2018 taxes on a non-escrow account. Homeowner is responsible for paying the taxes.</td>
<td>Nationstar Mortgage c/o Lereta Attn: Refunds PO Box 35605 Dallas, TX 75235</td>
<td>$2,167.68</td>
</tr>
</tbody>
</table>

Loc: 2 Leslie Ann Ct
Loc: 2 Neben Place
Loc: 90 West Shore Rd.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING THE AWARD OF A TWO-YEAR CONTRACT FOR JANITORIAL SERVICES

WHEREAS, on August 22, 2018, the Township of Denville received six (6) bids for the two-year contract for Janitorial Services; and

WHEREAS, Chelbus Cleaning Co., Inc. of Newton, NJ submitted the lowest responsible and responsive bid in the amount of $41,122.08; and

WHEREAS, the Municipal Council wishes to award the two-year contract for janitorial services to Chelbus Cleaning Co., Inc. in accordance with its bid proposal; and

WHEREAS, the Chief Financial Officer of the Township of Denville has certified in certification #18-32, which is annexed hereto and made a part thereof, that this contract will be charged to the following budget appropriation and that adequate funds are available under the following line item account:

01-201-26-310-225 $41,122.08

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, as follows:

1. A two-year contract for janitorial services is hereby awarded to Chelbus Cleaning Co., Inc., 275 Newton-Sparta Road, Newton, NJ 07860 in accordance with its bid in the amount of $41,122.08.

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute a two-year contract with Chelbus Cleaning Co., Inc. for janitorial services.

3. This Resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk of the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council at their meeting held

Certification Dated:  Kathryn Bowditch-Leon, RMC,
Municipal Clerk
TOWNSHIP OF DENVILLE

Request For And Certification As To The Availability
Of Adequate Funds For A Contract Which Is Pending Approval
By The Governing Body

Date of Request 08/27/18

Chelbus Cleaning Co., Inc.
275 Newton-Sparta Road
Newton, NJ 07860
Name and Address of Contractor

Janitorial Services  $41,122.08
Name of Description of Pending contract Amount of Contract

This contract will be charged to the following budget appropriations as per the detailed budget:

<table>
<thead>
<tr>
<th>DEPT., ACCT. #, ORD. #</th>
<th>Current</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-201-26-310-225</td>
<td>$41,122.08</td>
<td>$41,122.08</td>
</tr>
</tbody>
</table>

TOTAL $41,122.08

Signed:__________________________
Department or Division Head

PLEASE ATTACH A COPY OF PROPOSED CONTRACT

I hereby certify that adequate funds are available in the Current Fund under the following line item account(s):

01-201-26-310-225  $41,122.08

All Certification Payments should be placed on white vouchers with the Certification Number shown on the voucher.

COMMENTS:
Fund availability are predicated on available budget

Michael J. Guarino  Date
Chief Financial Officer

CERT18-32
TWO-YEAR CONTRACT FOR THE TOWNSHIP OF DENVILLE
JANITORIAL SERVICES

THIS CONTRACT made this ______ day of ___________, 2018, by and between:

TOWNSHIP OF DENVILLE, a municipal corporation
of the State of New Jersey, with offices at
1 St. Mary's Place
Denville, NJ 07834

(Hereinafter, "Owner")

AND

CHELBUS CLEANING CO., INC.
275 Newton-Sparta Road
Newton, NJ 07860

(Hereinafter, "Contractor")

WITNESSETH:

In consideration of the agreements herein contained, to be performed by the parties hereto, and of the payments hereinafter agreed to be made, it is mutually agreed as follows:

1. The Contractor will furnish "JANITORIAL SERVICES", as specified in the contract documents, which are incorporated herein by reference.

2. The Contractor will furnish all of the materials, supplies, tools, equipment, labor and all things necessary for the provision of "JANITORIAL SERVICES", in an expeditious, substantial and workmanlike manner, to the satisfaction of the Owner, and in compliance with the specifications.

3. The Contractor will begin the work as soon as practicable after receipt of the Notice to Proceed from the Owner and will complete the same within the time periods as set forth in the contract documents, unless the period for completion is extended pursuant to the contract documents. Contract period shall commence on September 1, 2018 and run through August 31, 2020.
4. The Contractor agrees to perform all of the work described in the contract documents and agrees to comply with all the terms and conditions therein for the price or prices submitted by him in his proposal and as accepted by the governing body of the Owner. Said prices shall be full compensation for the furnishing of "JANITORIAL SERVICES" and for all losses and damages arising out of the nature of the work or from any unforeseen difficulty encountered in the prosecution of the work and for all risks of any kind connected with the work and for all expenses incurred by or in consequence of the work.

5. The Township reserves the right to terminate this Contract in the event the Contractor fails to comply with any of the terms and conditions of the Contract documents and fails to perform the services in a satisfactory manner. In the event the Contractor's work is deemed unsatisfactory and/or the Contractor fails to comply with any of the terms and conditions of the Contract documents, the Township shall provide the Contractor with notice of said deviation and allow the Contractor three (3) days to remedy the issue(s). The Contractor may be given a chance to be heard by the Township Administrator within ten (10) days from said deviation should the Contractor dispute the notice presented to him/her. Should the Contractor fail to alleviate the issues presented by the Township, the Township may terminate the Contract by sending a written letter to the Contractor indicating same. Upon breach of contract and termination thereof, the Township may seek any and all appropriate remedies and damages against the Contractor in the Superior Court of New Jersey, Law Division which shall include the difference in price between this Contract and the subsequent Contract the Township would have to enter into in order to mitigate its damages.

6. The term "contract documents" means and will consist of all of the bid documents including, but not limited to, the Notice to Bidders, Instruction to Bidders, Proposal, Bid Bond, Form of Contract, General Conditions, Performance Bond, Notice of Award, Notice to Proceed, Drawings, Plans, Detailed Specifications, General Requirements and Addenda.
The contract documents enumerated above are hereby made a part of this contract as though they were physically attached hereto and by execution of this contract the Contractor acknowledges that he has examined and is familiar with the contents of the said contract documents.

7. The Owner will make payment to the Contractor in the manner and at such time as is set forth in the contract documents and in such amount as is required by the contract documents.

8. This Contract shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

9. The Contractor herein represents that neither the Contractor nor any person owning five percent or more of the stock or equity interest in the Contractor’s business has been convicted of an offense under N.J.S.A. 2C:27-2, 2C:27-6, 2C:27-7, or 2C:29-4 subsequent to September 13, 1977. This representation is made pursuant to P.L. 1977 Chapter 214.

10. This agreement may be extended for two (2) one (1) year extensions, if both parties are in agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper corporate officers and their proper corporate seals to be affixed hereto the day and year as indicated in the acknowledgments attached hereto and made a part hereof.

ATTEST:

Kathryn M. Bowditch, Municipal Clerk

TOWNSHIP OF DENVILLE

By: Thomas W. Andes
Mayor

WITNESS:

By: ____________________________
STATE OF
COUNTY OF

I certify that on the day of , 2018, personally came before me and this person acknowledged under oath to my satisfaction that: (a) this person is the Clerk of the TOWNSHIP OF DENVILLE, the municipal corporation named in the attached document; (b) this person is the attesting witness to the signing of this document by the proper municipal officer who is THOMAS W. ANDES, the Mayor of the municipal corporation; (c) this document was signed and delivered by the municipal corporation as its voluntary act duly authorized by a proper resolution of the Township Committee; (d) this person knows the proper seal of the municipal corporation which was affixed to this document; and (e) this person signed this proof to attest to the truth of these facts.

Sworn and Subscribed to before me this day of , 2018.

________________________

Notary

Kathryn Bowditch-Leon, Municipal Clerk

(Notary sign, seal, stamp)
RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FRANKLIN AVENUE & KNOLL DRIVE RESURFACING PROJECT.

BE IT RESOLVED that the Municipal Council of the Township of Denville formally approves the submission of a grant application for the above stated project.

BE IT FURTHER RESOLVED that the Township Engineer, on behalf of the Township, is hereby authorized to submit an electronic grant application identified as MA-2018-Franklin Avenue & Knoll Drive Resurf-00087 to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Denville and that their signatures constitute the acceptance of the terms and conditions of the grant agreement.

By Order of the Municipal Council of the Township of Denville

My signature and the Municipal Seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Thomas W. Andes, Mayor

Kathryn Bowditch-Leon, RMC
Municipal Clerk

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date: Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION REQUESTING THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE A “DEDICATION BY RIDER” FOR ACCEPTANCE OF GRANTS FOR THE DOWNTOWN DENVILLE BUSINESS IMPROVEMENT DISTRICT

WHEREAS, pursuant to N.J.S.A. 40A:5-30, municipalities are authorized and empowered to accept grants made to them and to utilize the revenues in the manner set forth in such grants provided such use is consistent with the laws of this State and of the United States; and

WHEREAS, the permission of the Director of the Division of Local Government Services to use the mechanism of a “Dedication by Rider” for such grants received for the Downtown Denville Business Improvement District is required when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, the dedicated revenues anticipated during the year from such sources can likewise be appropriated for the purposes to which said revenue is dedicated.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

1) The Municipal Council does hereby request that the Director approve a “Dedication by Rider” for acceptance of grants received for the Downtown Denville Business Improvement District pursuant to N.J.S.A. 40A:4-39.

2) The Municipal Clerk of the Township of Denville, County of Morris is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on ____________.

Certification Date:

Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND TO THE DENVILLE TOWNSHIP GENERAL TRUST FUND FOR AFFORDABLE HOUSING RELATED ADMINISTRATIVE COSTS

WHEREAS, the Township has collected fees from Developers pursuant to the approval of the Council on Affordable Housing ("COAH") and a Development Fee Ordinance approved by COAH; and

WHEREAS, the collected funds may only be expended in accordance with the approved spending plan; and

WHEREAS, the spending plan provides for the use of up to twenty percent (20%) of such funds for administrative costs, including but not limited to consulting and legal fees; and

WHEREAS, the Township previously transferred the anticipated administrative costs for 2018 from the Affordable Housing Trust Fund to the Denville General Trust Fund; and

WHEREAS, those funds have been exhausted and the Township desires to transfer an additional $10,000 for administrative costs for calendar year 2018 actual and anticipated expenses to the Denville General Trust Fund; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the Affordable Housing Trust Fund for these purposes.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris, and State of New Jersey, as follows:

1. That the sum of $10,000 be transferred from the Affordable Housing Trust Fund to the Denville General Trust Fund for COAH related administrative costs.

2. This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk of the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council at their meeting held on

Certification Dated: ___________________________ Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF DENVILLE AND MORRIS CATHOLIC HIGH SCHOOL

WHEREAS, the Township of Denville and Morris Catholic High School desire to enter into a shared services agreement for the purpose of sharing the services of a Class III Special Officer ("Officer") with each party providing a portion of the cost of the Officer; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris and State of New Jersey, as follows:

1. That the Mayor and Municipal Clerk are hereby authorized to execute the shared services agreement entitled "Shared Services Agreement By and Between Morris Catholic High School and Township of Denville".

2. A copy of the shared services agreement is on file in the office of the Municipal Clerk for inspection by the public.

3. A copy of the shared services agreement shall be filed, for information purposes, with the Department of Community Affairs, Division of Local Government Services, pursuant to rules and regulations promulgated by the Director.

This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC Municipal Clerk
SHARED SERVICES AGREEMENT

BY AND BETWEEN

MORRIS CATHOLIC HIGH SCHOOL
200 Morris Avenue
Denville, New Jersey 07834

-and-

TOWNSHIP OF DENVILLE
1 St. Mary's Place
Denville, New Jersey 07834

THIS AGREEMENT made this day of August 15, 2018 by and between Morris Catholic High School (hereinafter referred to as "MCHS"), and the Township of Denville (hereinafter referred to as the "Township");

WHEREAS, MCHS and Township are interested in entering into an Interlocal Services Agreement for the purpose of sharing the services of a Class III Special Officer ("Officer"); and

WHEREAS, MCHS and the Township have agreed to share the cost of the Officer;

NOW THEREFORE, it is hereby agreed by and between the parties as follows:

1. Services

The Township, through its police department, shall assign a Class III Special Officer who will serve as security for MCHS. At all times during the assignment, the Officer shall be a Township employee, will work under the rules and regulations of the Township's police department, the Township of Denville, and the policies and regulations of MCHS when present on school grounds.

The Officer shall report directly to the Township Chief of Police and while on school grounds shall work in cooperation with MCHS president/principal and MCHS Dean of Students.

2. Schedule of Services

The Officer shall provide services to the MCHS for approximately 25 to 29 hours per week while school is in session under a schedule to be mutually determined by the Township's Police Chief and MCHS.

3. Cost of Services

MCHS agrees to be responsible for all salary costs for the Officer. The Township agrees to be responsible for all other costs including but not limited to social security, training, uniforms, weapons, vehicles, etc.
4. **Duration**

This Agreement shall commence on August 28, 2018 and shall end on June 28, 2019. Any renewal of the Agreement shall be in writing and approved by each party by formal resolution before becoming effective.

5. **Indemnification and Insurance**

Each party assumes all liability for, and agrees to indemnify and hold the other party and its agents, servants, employees, students, guests, licensees and invitees, harmless from and against any and all claims, losses, damages, injuries and expenses, including reasonable attorney's fees, arising out of, resulting from, or incurred in connection with, any acts or omissions by the party, its agents, servants or employees related to the performance of its obligations under the terms of this Agreement.

Both parties shall maintain full and complete liability insurance, in limits not less than the maximum amounts of liability coverage now maintained by each party, throughout the term of this Agreement and cause the other party to be designated on its policy as an additional insured.

6. **Modification**

This Agreement may only be modified by an instrument in writing signed by both parties to the Agreement.

7. **Severability**

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

8. **Termination**

This agreement may be terminated by either party giving the other party thirty (30) days written notice.

9. **Governing Law**

This Agreement shall be governed, construed and interpreted in accordance with the law of the State of New Jersey. Specifically, this agreement is entered into pursuant to NJSA.40A:65-I et seq.
10. **Assignment**

Neither party may transfer or assign any of its rights or obligations under this Agreement without the prior written consent of the other, and any such transfer or assignment or attempt thereafter shall be null and void.

11. **Counterparts**

This Agreement may be executed in any number of counterparts, which, taken together, shall constitute but one instrument. It is not necessary that all parties sign all or any one of the counterparts, but each party must sign at least one counterpart for the Agreement to be effective.

IN WITNESS WHEREOF, the parties have hereunto caused these documents to be signed by their proper corporate officers and caused their proper corporate seals to be hereunto affixed, the day and year first above written.

ATTEST:

MORRIS CATHOLIC HIGH SCHOOL

By: __________________________

By: __________________________

President

For Peter Clarke

TOWNSHIP OF DENVILLE

By: __________________________

By: __________________________

Municipal Clerk

Mayor
RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF DENVILLE AND CELEBRATE THE CHILDREN

WHEREAS, the Township of Denville and Celebrate the Children desire to enter into a shared services agreement for the purpose of sharing the services of a Class III Special Officer (‘Officer”) with each party providing a portion of the cost of the Officer; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris and State of New Jersey, as follows:

1. That the Mayor and Municipal Clerk are hereby authorized to execute the shared services agreement entitled “Shared Services Agreement By and Between Celebrate the Children and Township of Denville”.

2. A copy of the shared services agreement is on file in the office of the Municipal Clerk for inspection by the public.

3. A copy of the shared services agreement shall be filed, for information purposes, with the Department of Community Affairs, Division of Local Government Services, pursuant to rules and regulations promulgated by the Director.

This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC
Municipal Clerk
SHARED SERVICES AGREEMENT

BY AND BETWEEN

CELEBRATE THE CHILDREN
230 Diamond Spring Road, Denville, New Jersey 07834

-and-

TOWNSHIP OF DENVILLE
1 St. Mary's Place
Denville, New Jersey 07834

THREE AGREEMENT made this day _____ of __________, 20___, by and between Celebrate the Children "School"), and the Township of Denville (hereinafter referred to as the "Township");

WHEREAS, School and Township are interested in entering into an Interlocal Services Agreement for the purpose of sharing the services of a Class III Special Officer ("Officer"); and

WHEREAS, the School and Township have agreed to share the cost of the Officer;

NOW THEREFORE, it is hereby agreed by and between the parties as follows:

1. Services

The Township, through its police department, shall assign a Class III Special Officer who will serve as security for the Denville Township Public Schools. At all times during the assignment the Officer shall be a Township employee, will work under the rules and regulations of the Township's police department, the Township of Denville, and the policies and regulations of the School when present on school grounds.

The Officer shall report directly to the Township Chief of Police and while on school grounds shall work in cooperation with the building administration.

2. Schedule of Services

The Officer shall provide services to the School for approximately 25 to 29 hours per week while school is in session under a schedule to be mutually determined by the Township's Police Chief and the School's administration.

3. Cost of Services

The School agrees to be responsible for all salary costs for the Officer. The Township agrees to be responsible for all other costs including but not limited to social security, training, uniforms, weapons, vehicles, etc.
4. **Duration**

This Agreement shall commence on July 1, 2018 and shall end on June 30, 2019. Any renewal of the Agreement shall be in writing and approved by each party by formal resolution before becoming effective.

5. **Indemnification and Insurance**

Each party assumes all liability for, and agrees to indemnify and hold the other party and its agents, servants, employees, students, guests, licensees and invitees, harmless from and against any and all claims, losses, damages, injuries and expenses, including reasonable attorney's fees, arising out of, resulting from, or incurred in connection with, any acts or omissions by the party, its agents, servants or employees related to the performance of its obligations under the terms of this Agreement.

Both parties shall maintain full and complete liability insurance, in limits not less than the maximum amounts of liability coverage now maintained by each party, throughout the term of this Agreement and cause the other party to be designated on its policy as an additional insured.

6. **Modification**

This Agreement may only be modified by an instrument in writing signed by both parties to the Agreement.

7. **Severability**

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

8. **Termination**

This agreement may be terminated by either party giving the other party thirty (30) days written notice.

9. **Governing Law**

This Agreement shall be governed, construed and interpreted in accordance with the law of the State of New Jersey. Specifically, this agreement is entered into pursuant to *N.J.S.A. 40A:65-1* et seq.
10. **Assignment**

Neither party may transfer or assign any of its rights or obligations under this Agreement without the prior written consent of the other, and any such transfer or assignment or attempt thereat shall be null and void.

**11. Counterparts**

This Agreement may be executed in any number of counterparts, which, taken together, shall constitute but one instrument. It is not necessary that all parties sign all or any one of the counterparts, but each party must sign at least one counterpart for the Agreement to be effective.

**IN WITNESS WHEREOF,** the parties have hereunto caused these presents to be signed by their proper corporate officers and caused their proper corporate seals to be hereunto affixed, the day and year first above written.

**ATTEST:**

CELEBRATE THE CHILDREN

By: ___________________________ By: ___________________________

Business Manager/Board Secretary Executive Director

TOWNSHIP OF DENVILLE

By: ___________________________ By: ___________________________

Municipal Clerk Mayor