ORDINANCES FOR INTRODUCTION

02-17: An Ordinance Amending Chapter IV, General Licensing, of the Revised Ordinances of the Township of Denville, New Jersey, to Amend Chapter IV, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments and Chapter IIA, Fees, Rates and Charges

03-17: An Ordinance Authorizing the Acquisition of Block 31001, Lot 31 (30 Evergreen Road) and Block 30501, Lot 41 (17 Highview Road) in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $37,100 from the
Municipal Open Space Trust Fund, $290,000 from a Grant from the Morris County Open Space Trust Fund and $35,000 from a Grant from New Jersey Green Acres Program

04-17: An Ordinance Authorizing the Acquisition of Block 11101, Lot 3 (43 Smith Road) in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $25,000 from the Municipal Open Space Trust Fund, $240,000 from a Grant from the Morris County Open Space Trust Fund and $25,000 from a Planning Incentive Grant from New Jersey Green Acres Program

05-17: Bond Ordinance Providing for the Acquisition of a Filing System in and by the Township of Denville, In the County of Morris, New Jersey, Appropriating $73,500 Therefor and Authorizing the Issuance of $70,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

ITEMS FOR DISCUSSION AND/OR ACTION
NONE

RESOLUTIONS

CONSENT AGENDA:

R-17-40: Resolution Extending Advice and Consent of the Township of Denville Municipal Council to a Mayoral Appointment to the Township Green Sustainability Committee

R-17-41: Resolution Authorizing a Refund of COAH Development Fees

R-17-42: Resolution Refunding 2016 Utility Overpayment

R-17-43: Resolution Refunding the Overpayment of 2017 Taxes in the Amount of $209.70

R-17-44: Resolution Authorizing Raffle License in the Township of Denville

NON-CONSENT AGENDA:

R-17-45: Resolution Authorizing the Submission of a Grant Application and the Execution of a Grant Contract with the New Jersey Department of Transportation for Old Boonton Road Resurfacing Project

R-17-46: Resolution Authorizing Submission of an Application by the Denville Municipal Alliance Committee for a Grant for Fiscal Year 2018
MOTION TO ADJOURN

January 10, 2017
January 17, 2017
January 21, 2017

MINUTES FOR ADOPTION

- January 10, 2017
- January 17, 2017
- January 21, 2017

MOTION TO ADJOURN
ORDINANCE 02-17

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Amending Chapter IV, General Licensing, of the Revised Ordinances of the Township of Denville, New Jersey to Amend Chapter IV, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments and Chapter IIA, Fees, Rates and Charges

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 Amending Chapter IV, General Licensing, of the Revised Ordinances of the Township of Denville, New Jersey to Amend Chapter IV, Section 4-13, Massage, Bodywork and Somatic Therapy Establishments and Chapter IIA, Fees, Rates and Charges

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a meeting of the Municipal Council of the Township of Denville on 3-07-2017 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: 02-07-2017
ORDINANCE NO. 02-17

AN ORDINANCE AMENDING CHAPTER IV, GENERAL LICENSING, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, NEW JERSEY, TO AMEND CHAPTER IV, SECTION 4-13, MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS AND CHAPTER IIA, FEES, RATES AND CHARGES

WHEREAS, the Township of Denville has a compelling interest in the licensing of massage, bodywork and somatic therapy establishments so as to ensure that such establishments are being operated as legitimate business enterprises and are not engaged in criminal activity; and

WHEREAS, the Township also has a compelling interest in the regulation of such establishments so as to ensure that they meet certain minimum health standards associated with such businesses; and

WHEREAS, this Ordinance is being adopted in order to preserve the public health, safety and general welfare of the residents of the Township of Denville.

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 IV, General Licensing, of the General Ordinances of the Township of Denville, Section 4-13 entitled “Massage, Body Work and Somatic Therapy Establishments” is hereby amended in its entirety to read as follows:

"4-13. MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS

4-13.1 Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:


Massage and bodywork therapies or massage and bodywork shall mean systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, explaining and describing myofascial movement, self-care and stress management...
as it relates to massage and bodywork therapies. Massage, and bodywork therapy practices are designed to affect the soft tissue of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage and bodywork therapies do not include the diagnosis of illness, disease, impairment or disability.

_Massage and bodywork therapist_ shall mean any person licensed pursuant to the provisions of the Act.

_Massage and bodywork therapy establishment_ shall mean any establishment wherein massage and bodywork therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

_Sexual contact_ shall mean the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by one's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the one's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of an employee's or client's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a client's body which is necessary during the performance of a generally accepted and recognized massage and bodywork therapy procedure.

_State Board_ shall mean the New Jersey Board of Massage and Bodywork Therapy.

### 4-13.2 Permits Required.

(a) _Massage and Bodywork Therapy Establishment Permit Required._ No person, firm or corporation shall operate any establishment or utilize any premises in the Township of Denville as or for a massage and/or bodywork therapy establishment unless or until such establishment is registered with the New Jersey Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-76 and there has first been obtained a permit for such establishment or premises from the Township of Denville Division of Health in accordance with the terms and provisions of this ordinance. If the applicant is in the process of obtaining or renewing a registration from the State Board, he/she may submit other evidence from the State Board that an application for registration has been made, provided that the applicant shall submit a copy of the registration once it has been issued by the State Board.

(b) _Massage and Bodywork Therapist's License Required._ No person shall practice massage or bodywork therapies as a massage and/or bodywork therapist or otherwise unless he or she has a valid massage and bodywork therapist's license issued to him or her by the Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37A-1.1 et seq., as same may be amended and supplemented from time to time.

(c) _Establishment Permits._ Establishment Permits shall be issued for a term of one year expiring May 31 and must be renewed annually by June 1. All establishments in existence as of the effective date of this ordinance must submit an application for a permit by June 1, 2017.
4-13.3 Application for Massage and Bodywork Therapy Establishment Permit; Requirements.

Any person desiring a Massage and Bodywork Therapy Establishment Permit shall file a written application with the Division of Health upon a form to be furnished by the Health Officer. The application form for each initial permit and subsequent renewal thereof shall contain the following information:

(a) The type of ownership of the business i.e., whether individual, partnership, corporation, limited liability corporation, limited liability partnership or otherwise.

(b) The trade name, style and designation under which the business is to be conducted.

(c) The business address, email address and all telephone numbers, including cell phone numbers and facsimile, where business is to be conducted.

(d) A complete list of the names and residence addresses of all managers or other persons principally in charge of the operation of the business, which list shall be kept current in the establishment.

(e) A sworn notarized statement indicating that all massage and bodywork therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been issued a license by the New Jersey Board of Massage and Bodywork Therapy and a copy of the license for each such therapist currently employed, as well as the residence address for each such therapist. Within thirty (30) days of the hiring of each additional massage and bodywork therapist, a copy of each such therapist's license, as well as the therapist's residence address shall be provided to the Division of Health.

(f) The following personal information concerning the applicant, if a sole proprietorship, the individual; if a corporation, each stockholder holding more than 10% of the stock of the corporation, each officer and each director; if a partnership or limited liability corporation or limited liability partnership, the members or partners, including limited partners; and, concerning the manager or other person principally in charge of the operation of the business; shall be provided:

(1) The name, including nicknames and aliases, complete residence address and residence telephone number.

(2) The two previous residential and business addresses immediately prior to the present address of the applicant.

(3) Copy of current driver's license or other government issued ID.

(4) Height, weight, sex, color of hair and eyes.
(5) Three (3) front-face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size. The full legal name and any nickname or alias of the individual in the photograph shall be printed on the rear side of each photograph.

(6) The massage therapy or similar business history and experience, including, but not limited to, the two previous business and residential addresses and telephone numbers immediately prior to the date of the application and whether or not such person has previously operated in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.

(7) All disorderly persons and criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted together with details of the offense for the arrest or conviction and the circumstances thereof. A Massage and Bodywork Therapy Establishment permit may be denied to any person who has been convicted of a crime or other offense enumerated in Section 4-13.9 of this ordinance.

(h) All applications shall include a scale drawing of the space proposed to be used for massage and bodywork therapy, including a floor plan, building layout and diagram as well as a copy of the business license, zoning permit and/or certificate of occupancy, as applicable.

(i) A copy of a current New Jersey Massage and Bodywork Employer Registration issued by the New Jersey Board of Massage and Body Work Therapy. If the applicant is in the process of obtaining or renewing a registration, he/she may submit other evidence from the State Board that an application for registration has been made, provided that the applicant shall submit a copy of the registration once it has been issued by the State Board.

(j) Copy of the signed lease for the property location where the proposed establishment will be in operation. The applicant must be listed as the lessee on the lease.

4-13.4 Building Requirements; Inspections.

The Division of Health, upon receiving an application for a massage and bodywork therapy establishment permit, shall make or cause to be made an inspection of the premises to be licensed to ensure compliance with the sanitary and operational requirements set forth in this ordinance and all other applicable Township and State of New Jersey regulations. In addition, the application shall be referred to the Construction Official, Fire Prevention Official, Police Chief, Zoning Official and any other pertinent Township Official who shall inspect the premises proposed to be operated as such an establishment and shall make written recommendations to the Health Officer concerning compliance with the codes that they administer.
Upon completion of the inspection of the premises to be permitted, the Health Officer or his/her designee shall prepare a report detailing all inspection findings, including violations and required corrective measures to be taken prior to the issuance of a permit under this ordinance. A copy of the report shall be provided to the applicant. An applicant that fails to take all required corrective measures detailed in an inspection report issued by the Health Officer or his/her designee shall be subject to the penalties set forth in Section 4-13.14 and/or denial of the permit.

No massage and bodywork therapy establishment shall be issued a permit or be operated, established or maintained in the Township unless an inspection by the Health Officer, Construction Official and Fire Prevention Official reveals that the establishment complies with the minimum requirements of the Building and Health Codes and other applicable regulations for businesses operating in the Township of Denville. Upon the Health Officer’s determination that the establishment complies with all sanitary and operational requirements set forth in this ordinance and all other applicable Township and State of New Jersey regulations, the Health Officer shall endorse the application noting approval or disapproval.

In addition, the establishment must comply with each of the following minimum requirements:

(a) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected, and shall be maintained in a sanitary condition and regularly cleaned and disinfected.

(b) Adequate procedures shall be established and observed to provide for the disrobing in private of the patrons to be served at any given time. In the event that male and female patrons are to be served simultaneously and request separate facilities, separate dressing areas and massage room facilities shall be made available,

(c) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

(d) Adequate hand washing facilities shall be provided at convenient locations as necessary to maintain clean hands and arms of all employees during hours of operation.

(e) The regulations set forth at N.J.A.C. 13:37A-1 et seq. as same may be amended and supplemented from time to time.

4-13.5 Investigating and Fingerprinting of Applicant and Employees.

(a) Unless an applicant for a massage and bodywork therapy establishment permit or renewal thereof can produce proof satisfactory to the Police Chief that a criminal background check was conducted at the time of registration with the New Jersey Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-76 and N.J.S.A. 45-11-80, all applicants seeking a Bodywork Therapy Establishment permit, renewal or temporary permit under this ordinance shall respond to the Denville Township Police Department with a current driver’s license or other
government issued photo identification. The applicant shall be photographed and
provided with a fingerprint application form to obtain fingerprints from a vendor
licensed by the State of New Jersey. The applicant, at the applicant's expense,
shall respond to the authorized fingerprint vendor's location for a fingerprint check.

(b) When said application for a massage and bodywork therapy establishment permit
is properly filled out, signed by the applicant and has been filed with the Health
Officer with all accompanying information, the application shall be referred by the
Health Officer to the Township Police Department. The Chief of Police or his or
her designee shall investigate the information available as to the good moral
character of the applicant, and shall recommend approval or disapproval of the
application within thirty (30) days. Reasons for a recommendation of disapproval
shall be set forth in writing on the reverse side of the application. In evaluating a
criminal record of an applicant, the Chief of Police must consider whether the
offense relates adversely to the occupation of a massage and bodywork therapist
establishment pursuant to the criteria set forth in N.J.S.A. 2A:168A-2 et seq. The
application shall be returned to the Health Officer who will either issue the permit
or notify the applicant of a denial.

(c) Except for massage and bodywork therapists who have been issued a license by
the New Jersey Board of Massage and Bodywork Therapy and other employees
who have been issued a current license pursuant to the Cosmetology and
Hairstyling Act of 1984, N.J.S.A. 45:5B et seq. or have been issued a current
medical license by the State of New Jersey for those professions set forth in
Section 4-13.13 and have had a criminal history background check as a condition
of the issuance of such license, all employees of a massage and bodywork
establishment that is subject to this ordinance, including paid and non-paid
employees and volunteers operating in the establishment, shall apply for a criminal
history background check in accordance with the procedure set forth in paragraphs
(a) and which background check shall be subject to approval of the Chief of Police
as set forth in paragraph (b) of this Section. The disapproval by the Chief of Police
of the background check of any employee will constitute cause for denial or
revocation of a permit.

(d) Before a prospective employee, as defined in paragraph (c) above, may be
employed by an establishment to which a permit has been issued, such
prospective employee must first apply for a criminal history background check in
accordance with the procedure set forth in paragraph (a) of this Section and submit
proof satisfactory to the Health Officer that they have applied for the criminal
history background check. Any such person shall be employed only on a
probationary basis, not to exceed thirty (30) days until the background check has
been provided to and approved by the Chief of Police or his designee as set forth
in paragraph (b) of this Section and the Health Officer so notified.

4-13.6 Review and Approval of Permit. All permit applications under this
chapter shall be reviewed and approved or denied by the Health Officer. Any permit issued
pursuant to this Ordinance shall be valid only to the sole proprietorship, partnership, limited liability
partnership or company, corporation or any other form of business organization to which the
permit was issued and shall not be transferable to another premises.
A new permit application in accordance with the provisions of Section 4-13.3 must be filed prior to any alterations to a previously permitted establishment.

4-13.7 Cause for Closure; Suspension or Revocation of Permit.

(a) Any person, firm, corporation or other entity found to be operating any establishment or utilizing any premises in the Township of Denville as or for a massage and bodywork therapy establishment after having been denied a permit or after failing to renew a permit may be ordered closed by the Health Officer or his/her designee or the Chief of Police or his designee in addition to the general penalties set at Section 3-1 of these Revised General Ordinances.

(b) Permits issued under this section may be suspended by the Health Officer or his/her designee, the Construction Official, the Fire Prevention Official or the Chief of Police or his/her designee, provided that the Health Officer is so notified within 24 hours of the suspension, in accordance with 4-13.7(d), or be revoked or suspended by the Township Council, or by a hearing officer duly appointed by the Township Council, after notice and a hearing, as applicable, for any of the following causes:

(1) Fraud, misrepresentation or false statement in the application for the permit.

(2) Fraud, misrepresentation or false statement made in the course of carrying on the permitted business in the Township.

(3) Conviction of an offense involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution and any offense involving dishonesty.

(4) Conducting the permitted business in the Township in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(5) Failure to submit a valid State of New Jersey Massage & Bodywork Employer Registration issued by the New Jersey Board of Massage and Bodywork Therapy.

(6) Employing or otherwise permitting persons to perform massage or bodywork therapy in the establishment who are not currently licensed by New Jersey Board of Massage and Bodywork Therapy as massage and bodywork therapists.

(7) The owner and/or operator or any employee refuses to permit, hinders, or obstructs, the Health Officer or his/her designee or any duly authorized Police Officer or official to inspect the premises or the operation therein.

(8) Any violation of this section 4-13.
Every massage and bodywork therapy establishment shall comply with the following:

Operating requirements.

4-13.9 The massage and bodywork therapy establishment shall display its state issued registration and the permit issued by the Township as well as the original or duplicate license, in accordance with N.J.A.C. 13:37A-3.4, as same may be amended from time to time, of each and every massage and bodywork therapist employed in the establishment in an open and conspicuous space near the public entrance to the establishment and at eye-level where they may be viewed by all entering the establishment. A 2-inch by 2-inch passport sized color photo of the licensed therapist must be affixed to, in a manner not to obscure, the displayed license of each and every massage and bodywork therapist employed by the establishment. In addition, all therapists on site must have in their possession a valid government issued photo identification.

4-13.8 Display of Permit.

The massage and bodywork therapy establishment shall display its state issued registration and the permit issued by the Township as well as the original or duplicate license, in accordance with N.J.A.C. 13:37A-3.4, as same may be amended from time to time, of each and every massage and bodywork therapist employed in the establishment in an open and conspicuous space near the public entrance to the establishment and at eye-level where they may be viewed by all entering the establishment. A 2-inch by 2-inch passport sized color photo of the licensed therapist must be affixed to, in a manner not to obscure, the displayed license of each and every massage and bodywork therapist employed by the establishment. In addition, all therapists on site must have in their possession a valid government issued photo identification.

4-13.9 Operating requirements.

Every massage and bodywork therapy establishment shall comply with the following:
(a) Every portion of the massage and bodywork therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) The hours of operation for the establishment shall be posted conspicuously and unobstructed where these may be viewed from the outside of the establishment. The following signage shall be posted conspicuously and unobstructed in the reception area where these may be viewed by patrons:

i. Price rates for all services provided by the establishment, provided that price rates may be available in the reception area in pamphlet form in lieu of signage.

ii. A sign reading: “Consumer complaints regarding this establishment may be made by calling the Denville Township Health Department” along with the telephone number for the Denville Health Department. All lettering for the sign shall be a minimum height of two inches (2”) and shall contrast in color to the background of the sign.

(c) The public entrance to the establishment and any door leading to areas wherein corridors for rooms where massage and bodywork therapy work areas are located shall be unlocked while the establishment is providing services to clients. Use of remote locking and unlocking systems and/or intercom systems to permit entry into the establishment shall be prohibited.

(d) A landline telephone shall be made available in the establishment. Emergency telephone numbers for EMS, the Township’s Police Department, Fire Department, and Health Department along with “911” shall be posted conspicuously and unobstructed from view adjacent to the telephone.

(e) All employees shall be clean and wear clean, non-transparent outer-garments. Facilities for patrons to disrobe in private must be available on the premises or suitable procedures for the privacy of patrons while disrobing must be observed. Doors to such facilities shall open inward and shall be self-closing.

(f) All massage and bodywork therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner. Receptacles with lids shall be provided for the depositing of soiled and used linens. Such receptacles shall be kept clean and shall be of non-absorbent and easily-cleanable design. All clean linens shall be stored in such a manner so as to prevent contamination.

(i) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry, clean and sanitary.
(j) Oils, creams, lotions and other preparations used in administering massage and bodywork therapies shall be kept in clean closed containers or cabinets. Single service products shall be used when available.

(k) Animals, except for service animals, shall not be permitted in the massage work area.

(l) Each massage and bodywork therapist shall wash his or her hands up to and including the elbows in hot running water, using a proper soap or disinfectant before administering a massage or bodywork therapy to a patron. All restroom and workstation hand wash sinks are to be stocked with liquid hand soap and paper towels. Dispensers for soap and paper towels are to be wall mounted. Restroom hand wash sinks must have signs conspicuously displayed with the following language: "Employees must wash hands after using the restroom."

(m) Rooms wherein massage or bodywork therapy is provided shall not have any type of locking device nor shall such rooms be locked while occupied by a client and the therapist. This requirement shall not preclude the licensee from using signage on the exterior side of the door to the room to indicate when said room is occupied by a client and a therapist.

(n) No massage establishment shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely provided with a massage or bodywork therapy, prescribing the conditions thereof.

(o) A written disinfection plan for all linens, towels and reusable instruments used by the establishment must be approved by the Division of Health, kept on site and be available for review by the inspecting official at all times. The establishment must operate in conformance with the approved plan at all times.

(p) Client records must be maintained for each and every client who receives services from the massage establishment in accordance with the requirements of N.J.A.C. 13:37A-5.2, as same may be amended and supplemented from time to time. Access to these records shall be provided in accordance with the provisions of N.J.A.C. 13:37A-5.3, as same may be amended and supplemented from time to time.

(q) Access to a sanitary restroom shall be provided for clients at all times.

(r) The massage and bodywork establishment shall conform to and observe all applicable rules, regulations and prohibitions set forth in N.J.A.C. 13:37A, as same may be amended and supplemented from time to time.

4-13.10 Inspections.

The Health Officer, the Police Chief, the Fire Prevention Officer and/or the Construction Official or their qualified designees shall, from time to time, at least once a year, make an inspection of each massage and bodywork therapy establishment granted a permit under the
provisions of this section for the purpose of determining whether there is compliance with the provisions of this section and/or applicable rules, regulations and laws. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

4-13.11 Sleeping Quarters.

No part of any quarters of any massage and bodywork therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor shall any person sleep in such massage and bodywork therapy establishment except for limited periods of time incidental to and directly related to a massage and bodywork therapy treatment or bath. No beds or mattresses shall be permitted in the establishment. This provision shall not preclude the location of massage and bodywork therapy establishments in separate quarters of a building housing a hotel or other separate businesses or clubs.

4-13.12 Prohibited Acts.

(a) No owner or manager of a massage and bodywork therapy establishment shall allow, permit or suffer in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager allow, permit or suffer in his or her establishment any activity or behavior which violates this section.

(b) Any conviction of any employee of a massage and bodywork therapy establishment of a violation of the aforementioned statutes and codes may devolve upon the owner or manager of such establishment, it being specifically declared that following such conviction of an employee, the owner or manager of the establishment may be prosecuted as an accessory to such violation and the permits which have been issued may be revoked pursuant to the procedures set forth in Section 4-13.7, Cause for Closure; Suspension or Revocation of Permit.

(c) It shall be unlawful for any person knowingly, in a massage and bodywork therapy establishment to engage in sexual misconduct as set forth in N.J.A.C. 13:37A-3.5. as same may be amended and supplemented from time to time.

(d) The following activities are prohibited in the licensed establishment:

i. Table showers

ii. Ear Candling

iii. Any procedure that involves ear picks, ear scoops or ear spoons.
iv. Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy including but not limited to fish foot spas.

v. Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient.

vi. Colon cleansing.

(e) Pest control or sprays are prohibited unless performed by NJDEP licensed pest control contractors.

(f) On premises laundering is restricted to only those linens and towels used within the operation.

(g) No bulk food storage or meal preparation is permitted on the premises.

(h) No person under the age of 18 years shall be served unless accompanied by a parent or guardian.

(i) No alcoholic beverages shall be stored or consumed on the premises.

4-13.13 Plans required prior to construction, alterations, or renovation; approval.

(a) Prior to the initial construction and or any subsequent alteration or renovation of an establishment licensed under this article, a floor plan detailing the proposed layout of all equipment and areas shall be submitted to the Denville Health Officer by the applicant. Such plans shall be drawn to scale.

(b) Upon receipt of such plans, the Denville Health Officer shall review the plan for compliance with this Article within thirty (30) days of receipt.

(c) The applicant shall pay the plan review fees as set forth in Chapter IIA to the Denville Health Department simultaneously with the submission of the plans to be reviewed.

(d) No construction, alterations, or renovations shall occur until approval of said plans has been provided by Denville's Health Officer.

(e) No construction, alterations, or renovations shall occur until the said plans have also been approved by the Township Zoning Officer, Construction Official or other departments under all applicable Township Ordinances, and the Planning Board or Board of Adjustment, if required.
4-13.14 Exceptions.

The provisions of this ordinance shall not apply to massage and bodywork therapies given:

(a) In the office of a licensed physician, chiropractor or physical therapist; or,

(b) By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or,

(c) By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or,

(d) By a licensed barber, esthetician or cosmetologist/hair stylist limited to the areas of the face, neck, scalp or upper part of the body, or manicurists or pedicurists, as set forth in the Cosmetology and Hair Styling Act of 1984, N.J.S.A. 45:5B et seq.; or

(e) By a reflexologist, certified accredited by an established reflexology certification board, limited to the areas of the hands, ankles and feet; or

(f) As set forth in N.J.S.A. 45:11-68; or

(g) In a public venue in connection with a public event, such as a street fair or festival or in a private corporate event, where the massage is conducted in public and not in a private setting.

4-13.15 Violations and Penalties.

In addition to the revocation or suspension of the permit granted under this section, any person who violates any provision of this ordinance shall, upon conviction hereof, be subject to the penalties provided in Section 3-1 of these Revised General Ordinances.

4-13.16 Enforcement Agent.

The Health Officer and his/her qualified designee and/or any Police Officer of the Township shall be the enforcement agents for purposes of any permit issued pursuant to or required by this Ordinance.

4-13.17 Conformance with regulations; more restrictive laws control.

No person, firm, corporation or other entity shall operate any establishments or utilize any premises located in the Township of Denville as or for a massage and bodywork therapy establishment without complying with the requirements of this ordinance, as well as the regulations of the State of New Jersey, including N.J.S.A. 45:11-53 through N.J.S.A. 45:11-79 and N.J.A.C. 13:37A-1.1 et seq., as the same may be amended and supplemented from time to time."
SECTION 2. Chapter IIA, Fees, Rates and Charges, Section 2A-6, Health, is hereby amended and supplemented by the addition of the following fees:

"Massage and Bodywork Therapy Establishments

Application fee: $250.00
Late fee: $50.00
Re-inspection fee, per re-inspection: $150.00
Fee for Health's Officer's initial review of a plan: $100.00
Fee for Health Officer's review of any subsequent revised plan: $50.00"

SECTION 3. This ordinance may be renumbered for purposes of codification.

SECTION 4. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 5. 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 6. 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 _____________, 2017

Kathryn Bowditch-Leon, RMC
Municipal Clerk
ORDINANCE 03-17

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Authorizing the Acquisition of Block 31001, Lot 31 (30 Evergreen Road) and Block 30501, Lot 41 (17 Highview Road) in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $37,100 from the Municipal Open Space Trust Fund, $290,000 from a Grant from the Morris County Open Space Trust Fund and $35,000 from a Grant from New Jersey Green Acres Program

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 Authorizing the Acquisition of Block 31001, Lot 31 (30 Evergreen Road) and Block 30501, Lot 41 (17 Highview Road) in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $37,100 from the Municipal Open Space Trust Fund, $290,000 from a Grant from the Morris County Open Space Trust Fund and $35,000 from a Grant from New Jersey Green Acres Program

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a meeting of the Municipal Council of the Township of Denville on 3-07-2017 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 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: 02-07-2017
ORDINANCE NO. 03-17

AN ORDINANCE AUTHORIZING THE ACQUISITION OF BLOCK 31001, LOT 31 (30 EVERGREEN ROAD) AND BLOCK 30501, LOT 41 (17 HIGHVIEW ROAD) IN THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AND PROVIDING FOR THE APPROPRIATION OF $37,100 FROM THE MUNICIPAL OPEN SPACE TRUST FUND, $290,000 FROM A GRANT FROM THE MORRIS COUNTY OPEN SPACE TRUST FUND AND $35,000 FROM A GRANT FROM NEW JERSEY GREEN ACRES PROGRAM

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, Maurice Soussa and Esther Soussa have agreed to convey Block 31001, Lot 31 in consideration of the payment of $355,000 and Block 30501, Lot 41 to the Township in consideration of the payment of $7,100; and

WHEREAS, a grant has been awarded to the Township in the amount of $290,000 from the Morris County Open Space Trust Fund for the acquisition of Block 31001, Lot 31; and

WHEREAS, a Planning Incentive Grant has been awarded to the Township in the amount of $35,000 from the New Jersey Department of Environmental Protection, Green Acres Program for the acquisition of Block 31001, Lot 31; and

WHEREAS, the Municipal Council of the Township of Denville has determined that it is in the interest of the Township to acquire the said properties for open space purposes.

NOW, THEREFORE, 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. The acquisition of Block 31001, Lot 31 for open space purposes for the sum of $355,000 is hereby authorized;

SECTION 2. The acquisition of Block 30501, Lot 41 for open space purposes for the sum of $7,100 is hereby authorized.
SECTION 3. The net sum of $290,000 to be funded by a grant from the Morris County Open Space Trust Fund is hereby appropriated for the purposes set forth in Section 1.

SECTION 4. The net sum of $35,000 to be funded by a grant from the NJDEP, Green Acres Program, is hereby appropriated for the purposes set forth in Section 1.

SECTION 5. The net sum of $30,000 is hereby appropriated from the Open Space Trust Fund of the Township of Denville, County of Morris, State of New Jersey for the purposes set forth in Section 1.

SECTION 6. The net sum of $7,100 is hereby appropriated from the Open Space Trust Fund of the Township of Denville, County of Morris, State of New Jersey for the purposes set forth in Section 2.

SECTION 7. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

SECTION 8. No debt is to be authorized by the enactment and passage of this ordinance.

SECTION 9. The capital budget of the Township of Denville is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk for public inspection.

SECTION 10. 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 11. 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 12. 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:

Kathryn Bowditch-Leon, RMC
Municipal Clerk

APPROVED:

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 ______________, 2017.

Kathryn Bowditch-Leon, RMC
Municipal Clerk
ORDINANCE 04-17

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Authorizing the Acquisition of Block 11101, Lot 3 (43 Smith Road) in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $25,000 from the Municipal Open Space Trust Fund, $240,000 from a Grant from the Morris County Open Space Trust Fund and $25,000 from a Planning Incentive Grant from New Jersey Green Acres Program

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 Authorizing the Acquisition of Block 11101, Lot 3 (43 Smith Road) in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $25,000 from the Municipal Open Space Trust Fund, $240,000 from a Grant from the Morris County Open Space Trust Fund and $25,000 from a Planning Incentive Grant from New Jersey Green Acres Program

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a meeting of the Municipal Council of the Township of Denville on 3-07-2017 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: 02-07-2017
ORDINANCE NO. 04-17

AN ORDINANCE AUTHORIZING THE ACQUISITION OF BLOCK 11101, LOT 3 (43 SMITH ROAD) IN THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AND PROVIDING FOR THE APPROPRIATION OF $25,000 FROM THE MUNICIPAL OPEN SPACE TRUST FUND, $240,000 FROM A GRANT FROM THE MORRIS COUNTY OPEN SPACE TRUST FUND AND $25,000 FROM A PLANNING INCENTIVE GRANT FROM NEW JERSEY GREEN ACRES PROGRAM

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, the Estate of Helen LaPlatte has agreed to convey Block 11101, Lot 3, in consideration of the payment of $290,000, to the Township; and

WHEREAS, a grant has been awarded to the Township in the amount of $240,000 from the Morris County Open Space Trust Fund for this acquisition; and

WHEREAS, a Planning Incentive Grant has been awarded to the Township in the amount of $25,000 from the New Jersey Department of Environmental Protection, Green Acres Program for this acquisition; and

WHEREAS, the Municipal Council of the Township of Denville has determined that it is in the interest of the Township to acquire the said property for open space purposes.

NOW, THEREFORE, 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. The acquisition of Block 11101, Lot 3 for open space purposes for the sum of $290,000 is hereby authorized.

SECTION 2. The net sum of $240,000 to be funded by a grant from the Morris County Open Space Trust Fund is hereby appropriated for the purposes set forth in Section 1.

SECTION 3. The net sum of $25,000 to be funded by a Planning Incentive Grant from the NJDEP, Green Acres Program, is hereby appropriated for the purposes set forth in Section 1.
SECTION 4. The net sum of $25,000 for the acquisition costs is hereby appropriated from the Open Space Trust Fund of the Township of Denville, County of Morris, State of New Jersey for the purposes set forth in Section 1.

SECTION 5. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

SECTION 6. No debt is to be authorized by the enactment and passage of this ordinance.

SECTION 7. The capital budget of the Township of Denville is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk for public inspection.

SECTION 8. 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 9. 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 10. 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: 
Kathryn Bowditch-Leon, RMC Municipal Clerk

APPROVED: 
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 _____________, 2017.

Kathryn Bowditch-Leon, RMC Municipal Clerk
MOTION TO PASS ON FIRST READING

ROLL CALL

COUNCIL PRESIDENT:

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

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a meeting of the Municipal Council of the Township of Denville on 3-07-2017 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: 02-07-2017
ORDINANCE NO. 05-17

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FILING SYSTEM IN AND BY THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING $73,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF $70,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Denville, in the County of Morris, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of $73,500, including the sum of $3,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of $70,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby
authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.  (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a high density filing system for the Construction Office, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the
governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such
statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $70,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding $5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and
Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST: 

TOWNSHIP OF DENVILLE
COUNTY OF MORRIS
STATE OF NEW JERSEY

By: Thomas W. Andes, Mayor

CERTIFICATION

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the forgoing to be a true copy of the Bond Ordinance adopted by the Municipal Council of the Township of Denville at a Regular Council meeting held on , 2017.
RESOLUTION EXTENDING ADVICE AND CONSENT OF THE TOWNSHIP OF DENVILLE MUNICIPAL COUNCIL TO A MAYORAL APPOINTMENT TO THE TOWNSHIP GREEN SUSTAINABILITY COMMITTEE

WHEREAS, Thomas W. Andes, Mayor of the Township of Denville, wishes to appoint Donald Tidey to the Township Green Sustainability Committee; and

WHEREAS, Mayor Andes is requesting the Council's advice and consent for this appointment.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey that advice and consent is extended to the aforementioned appointment made by Mayor Thomas W. Andes.

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 February 7, 2017.

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

RESOLUTION AUTHORIZING A REFUND OF COAH DEVELOPMENT FEES

WHEREAS, the permit payors listed below have overpaid the COAH Development Fees in the amounts shown; and

WHEREAS, the permit payors have requested that the amounts listed below be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that a refund from the Housing Trust Fund be made to the following named individuals as a result of the overpayments.

<table>
<thead>
<tr>
<th>NAME</th>
<th>PERMIT NUMBER</th>
<th>AMOUNT</th>
<th>REVENUE ACCOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senesky</td>
<td>161071</td>
<td>$54.00</td>
<td>17-280-56-000</td>
</tr>
<tr>
<td>DeMarco</td>
<td>160967</td>
<td>$623.00</td>
<td>17-280-56-000</td>
</tr>
</tbody>
</table>

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 of the Township of Denville at their meeting held on February 7, 2017.

Certification Date
Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION REFUNDING 2016 UTILITY OVERPAYMENT

WHEREAS, it has been found that the following overpayment has occurred due to the reason listed below.

NOW, THEREFORE, BE IT RESOLVED that the appropriate Municipal Official is hereby authorized and directed to prepare a voucher in the following name to refund said overpayment, due to said reason stated below.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward the check to the appropriate Municipal Official to be delivered to said person after the refund has been recorded in the property'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>40905/1645</td>
<td>Overpayment of 4th quarter water bill</td>
<td>Donald Griffith % DJ Griffith 324 Frear Hill Rd Tunkhannock, PA 18657</td>
<td>$281.96</td>
</tr>
</tbody>
</table>

Loc: 19 Indian Spring Trail

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 approved by the Municipal Council of the Township of Denville at their meeting held on February 7, 2017.

Dated: ____________________________ Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION REFUNDING THE OVERPAYMENT OF 2017 TAXES

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

NOW, THEREFORE, BE IT RESOLVED that the appropriate Municipal Official is hereby authorized and directed to prepare a voucher in the following name to refund said overpayment.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward the check to the appropriate Municipal Official to be delivered to said taxpayer 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>20801 45</td>
<td>Lot deleted for 2017. Now being taxed in Randolph. 1st and 2nd quarters for 2017 were paid on 10/11/16</td>
<td>Conceptual Landscapes %CBS Outdoor 185 Route 46 Fairfield, NJ 07004</td>
<td>$209.70</td>
</tr>
</tbody>
</table>

Loc: 3180 Route 10

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 February 7, 2017.

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

BE IT RESOLVED by the Municipal Council of the Township of Denville that the application for the following raffle be approved and the Municipal Clerk be authorized to issue said license 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>St Peters Episcopal Church</td>
<td>Off Premises 50/50</td>
<td>04/01/2017</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 February 7, 2017.

Certification Date:   Kathryn Bowditch-Leon, RMC
                      Municipal Clerk
RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OLD BOONTON ROAD 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-2017-Old Boonton Road Resurfacing Project-00038 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 February 7, 2017.
Grant Application for State Aid to
Counties and Municipalities
Municipal Aid 2017
MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

**TYPE OF IMPROVEMENT**

<table>
<thead>
<tr>
<th>Infrastructure</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Bikeway</td>
<td>Primary project purpose is for constructing new bikeways (e.g. bike lanes, bike paths, bike compatible roadways).</td>
</tr>
<tr>
<td>☐ Bridge Preservation</td>
<td>Primary project purpose is for improving the condition of Bridge infrastructure (e.g. new deck, rehabilitation, replacement).</td>
</tr>
<tr>
<td>☐ Mobility</td>
<td>Primary project purpose is to enhance mobility and reduce congestion (e.g. adding lanes, park &amp; ride, signal optimization).</td>
</tr>
<tr>
<td>☐ Pedestrian Safety</td>
<td>Primary project purpose is to enhance pedestrian safety (e.g. new sidewalks, new crosswalks, traffic calming, pedestrian overpass).</td>
</tr>
<tr>
<td>☐ Quality of Life</td>
<td>Primary project purpose is for beautification, environmental mitigation, economic development or historic preservation.</td>
</tr>
<tr>
<td>☑ Roadway Preservation</td>
<td>Primary project purpose is for improving the condition of roadway infrastructure (e.g. resurfacing, reconstruction, drainage).</td>
</tr>
<tr>
<td>☐ Roadway Safety</td>
<td>Primary project purpose is to enhance vehicular safety (e.g. guide rail, signing, warning devices, striping).</td>
</tr>
</tbody>
</table>
Project Name

Note: If you have multiple locations for the same type of improvement and scope of work, you may enter “various” for the project limits, download an excel spreadsheet, fill it out and attach it below.

Project Title: Old Boonton Road Resurfacing Project

From: Pocono Road

To: Bush Road (CR 603)

Project Distance (Miles): 1.2
Grant Application for State Aid to

Counties and Municipalities
Municipal Aid 2017

MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

PROJECT LOCATION

County to filter by:

Morris County

Municipalities:

Denville Township
The Township of Denville is committed to infrastructure and road improvement projects within the Municipality. The proposed project by the Township of Denville will include a 2-inch surface course milling and a complete 2-inch bituminous overlay for Old Boonton Road from Pocono Road to Bush Road (CR 603). A section of Old Boonton Road within the project limits, approximately 500-feet long, was recently paved by a developer. As such, the Township crack seal the road as necessary in this section in order to extend the service life of the pavement. Under this grant application, the proposed improvements in that 500-foot stretch would be limited to 4" yellow centerline striping and 4" fog lines on both sides of the roadway.

The proposed project will conform to AASHTO design standards, as well as the Americans with Disability Act (ADA) and all current design standards for bicycle safety. Drainage inlets will be upgraded and all sidewalk ramps will be reconstructed to meet ADA requirements, if and where necessary. The project also proposes the installation of bicycle 2Share the Road¥ (W11-1 & W16-1) signs to improve safety for bicyclists that utilize the roadway.

Old Boonton Road is a major municipal artery for access to the Tourne County Park, Downtown Denville, St. Clares Hospital, Boonton Township, and the Borough of Mountain Lakes. A significant amount of traffic, both commuter and school traffic, utilize Old Boonton Road. Bicyclists also use Old Boonton Road regularly. There are many public facilities within the vicinity of Old Boonton Road, including the Tourne County Park, McCarter Park, Taft Memorial Field, and St. Clare's Hospital. The numerous residential communities within the vicinity of Old Boonton Road utilize the roadway daily to access major transportation routes such as Route 80, Route 46, Route 10, Route 53, and Route 287. The present condition of the roadway is extremely poor and is in immediate need of repair.

The improvements to Old Boonton Road will result in a pavement surface with superior riding characteristics, and an improved pavement structure which will reduce expenditures
Scope Of Work

MA-2017-Old Boonton Road Resurfacing Project-00038

txtScopeWork continued

for future pavement maintenance. The proposed project will benefit the immediate community in addition to the overall transportation system in the area. Additionally, the project is a benefit to the quality of life for the residents and visitors to the Township of Denville through improved roadways.

The Township is prepared to design, permit, bid, and award the contract for the project within 24 months from the date of grant notification.
Grant Application for State Aid to
Counties and Municipalities
Municipal Aid 2017
MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

Scope of Work cont’d

Location Map - 8.5 x 11 only - showing project limits
1476218-2017MUNICIPALAID_DENVILLE_OLDBOONTONROAD.pdf

Note: All information must be clear and legible with street names labeled.

You may include photos with your application by uploading them here:
1476218-Denville_OldBoontonRd_PhotoLog

Does this project include a traffic signal?  □ Yes  □ No
If Yes, please attach authorization to design or install if available.

Will the project meet AASHTO standards?  □ Yes  □ No
If No, list Design Exceptions below
Grant Application for State Aid to

Counties and Municipalities
Municipal Aid 2017

MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

Roadway Data Sheet

Project Classification
- Resurfacing
- Reconstruction
- Surface Treatment
- Drainage
- Widening
- New Roadway

Note: If your application includes various locations use a weighted average value according to distance.

Current ADT: 4000
Truck Traffic over 5 Tons(%): 10
Legal Speed Limit (mph): 25

Are there commuter bus stops within the project limit?  ☐ Yes  ☐ No
Please identify the approximate location in the box below:
Grant Application for State Aid to

Counties and Municipalities
Municipal Aid 2017

MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

Roadway Data Sheet (continued)

Right of Way Width (feet): 48
Pavement Width (feet): 24
Shoulder Width (feet): 0

Curbing: ○ One Side ○ Both Sides ○ Neither
Sidewalk: ○ One Side ○ Both Sides ○ Neither
Existing Minimum Width (feet): 5

Parking Restrictions: N/A

Proposed Improvements. Please enter minimum widths (if applicable).

Right of Way Width (feet): 48
Pavement Width (feet): 24
Shoulder Width (feet): 0

Curbing: ○ One Side ○ Both Sides ○ Neither
Sidewalk: ○ One Side ○ Both Sides ○ Neither
Existing Minimum Width (feet): 5

Parking Restrictions: N/A
Grant Application for State Aid to

Counties and Municipalities
Municipal Aid 2017
MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

Roadway Data Sheet (continued)

Does the project serve any of the public facilities listed below?  O Yes  O No

Private Run Hospital
Parks/Recreational Facilities
Grant Application for State Aid to

Counties and Municipalities
Municipal Aid 2017

MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

Roadway Data Sheet (continued)

Does the project involve any safety improvements? If yes, listed below: ☐ Yes ☐ No

Traffic Control Device
Grant Application for State Aid to
Counties and Municipalities
Municipal Aid 2017
NJ-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

Roadway Data Sheet (continued)

Narrative of proposed safety improvements:

The project proposes the installation of bicycle "Share the Road" (W11-1 & W16-1) signs to improve safety for bicyclists that utilize the roadway.
Grant Application for State Aid to
Counties and Municipalities
Municipal Aid 2017
MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway_Preservation

TOTAL ESTIMATED COST OF IMPROVEMENT

Construction Cost: $217,080.00

Please attach a Detailed Construction Cost Estimate 1476888-ConstructionCostEstimate2017 (.Word, Excel, or PDF format please)

Design Engineering: $0
(List only if eligible for Urban Aid or as a Depressed Rural Center)

Right-Of-Way: $0
(List only if eligible for Urban Aid or as a Depressed Rural Center)

Construction Inspection and Material Testing if requesting: $21,708.00
(15% of the final allowable construction cost maximum)

Total Estimated Cost: $238,788.00

Total Requested Amount: $190,000.00

If you have submitted or plan to submit other applications, Please prioritize your applications by assigning them a priority rating. Use number 1 for the highest priority. If you only plan to submit this application, please enter 1 as the priority rating.
Grant Application for State Aid to
Counties and Municipalities
Municipal Aid 2017
MA-2017-Old Boonton Road Resurfacing Project-00038
Roadway Preservation
Applicant Information

Name of Grantee: Denville Township
Organization Address: Denville Township
One Saint Mary's Place
Denville, NJ 07834-2122
Phone: (973) 625-8300

Email Address:
Federal Tax Identification Number: 226001748
Vendor Number: 22-6001748
Vendor Unit: Township of Denville
Vendor Unit Address: 1 St. Mary's Place
Denville, NJ 07834

Application Initiation Date: 12/06/2016

Mayor Information
First Name: Thomas
Last Name: Andes
County: Morris
Municipality: Denville Township
Address 1: 1 St. Mary's Place

Address 2
City: Denville
State: New Jersey
Zip: 07834
Phone: 973-625-8300
E-mail: tandes@denvillenj.org
Applicant Information

Clerk Information

First Name       Kathryn
Last Name        Bowditch-Leon
County           Morris
Municipality     Denville Township
Address 1        1 St. Mary’s Place
Address 2
City             Denville
State            New Jersey
Zip              07834
Phone            973-625-8300
E-mail           clerk@denvillenj.org

Municipal Engineer

First Name       John
Last Name        Ruschke
County
Municipality
Address 1        412 Mt. Kemble Avenue
Address 2        Suite G22
City             Morristown
State            New Jersey
Zip              07960
Phone            908-238-5000
E-mail           john.ruschke@mottmac.com
Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2017

MA-2017-Old Boonton Road Resurfacing Project-00038

Roadway_Preservation

SIGNATURE PAGE

Title of presiding officer who will be signing this application/agreement:
Steven Ward, Twp Administrator
# CONSTRUCTION COST ESTIMATE

TOWNSHIP OF DENVILLE, MORRIS COUNTY, NEW JERSEY  
OLD BOONTON ROAD RESURFACING PROJECT

Total Length: 6,560 ft (1.2 miles)

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<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<td>UNIT</td>
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Total Construction Cost: $217,080.00

Construction Inspection and Material Testing (10%): $21,708.00

Total Cost: $238,788.00
TOWNSHIP OF DENVILLE
MORRIS COUNTY, NEW JERSEY

2017 MUNICIPAL AID
OLD BOONTON ROAD RESURFACING PROJECT
LOCATION MAP

SCALE: 1"=800'
PHOTO LOG

OLD BOONTON ROAD RESURFACING PROJECT
Denville Township, Morris County
OLD BOONTON ROAD RESURFACING PROJECT
Denville Township, Morris County
PHOTO LOG

OLD BOONTON ROAD RESURFACING PROJECT
Denville Township, Morris County
RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION BY THE DENVILLE MUNICIPAL ALLIANCE COMMITTEE FOR A GRANT FOR FISCAL YEAR 2018

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Municipal Council of the Township of Denville, County of Morris and State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Municipal Council further recognizes that it is incumbent upon not only public officials, but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Municipal Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

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. The Municipal Council does hereby authorize the submission of a grant application by the Denville Municipal Alliance for fiscal year 2018 in the amount as follows:
   i. Alliance DEDR Allocation $13,642.00
   ii. Cash Match $3,410.50
   iii. In-Kind Match $10,231.50
   **TOTAL Allliance Budget $27,284.00**

2. The Municipal Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

   **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 February 7, 2017.

Certification Date: ____________________
Kathryn Bowditch-Leon, RMC
Municipal Clerk
If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.

APPLICANT MUNICIPALITY/IES: Denville
COUNTY: Morris

ALLIANCE NAME: Denville Municipal Alliance Committee

ALLIANCE STREET ADDRESS: 1 St. Mary's Place
TOWN: Denville STATE: NJ ZIP: 07834

TELEPHONE: (973) 625-8300, Ext.296

ALLIANCE CHAIRPERSON: Margaret McCluskey

STREET ADDRESS: 35 Birch Run Road
TOWN: Denville STATE: NJ ZIP: 07834

EMAIL: peg3510@gmail.com

DATE OF RESOLUTION AUTHORIZING THE STRATEGIC PLAN (MM/DD/YYYY): / /

A) Alliance DEDR Allocation $ 13,642.00
B) Cash Match (must be 25% of DEDR Allocation) $ 3,410.50
C) In-Kind Match (must be 75% of the DEDR Allocation) $ 10,231.50

TOTAL ALLIANCE BUDGET (add A+ B+C) $ 27,284.00

Denville

* MUNICIPALITY

NAME/MAYOR

SIGNATURE

Denville

* MUNICIPALITY

NAME/TITLE OF GOVERNING BODY REPRESENTATIVE

SIGNATURE

* MUNICIPALITY

NAME/TITLE OF GOVERNING BODY REPRESENTATIVE

SIGNATURE

Margaret McCluskey

ALLIANCE CHAIRPERSON

SIGNATURE

DATE

* If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.
RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 WITH DENVILLE LINE PAINTING, INC. FOR THE FRANKLIN ROAD / FRANKLIN AVENUE ROAD RESURFACING NJ DOT GRANT PROJECT

WHEREAS, the Township of Denville entered into a contract with Denville Line Painting, Inc. under the Morris County Co-op Contract #36, Traffic Striping on Roadways, for the Franklin Road/Franklin Avenue Resurfacing NJ DOT Grant Project; and

WHEREAS, the Township Engineer has recommended that a change order be authorized for the adjustment in the quantities which results in a net decrease in the amount of $371.40; and

WHEREAS, the Township is agreeable to granting the requested changes as reflected in Change Order No. 1 which will decrease the contract sum from $2880.00 to $2,508.60.

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 contract between the Township and Denville Line Painting, Inc. under the Morris County Co-op Contract #36 shall be amended as described in the attached Change Order No. 1; and that the Mayor and Township Clerk be authorized and directed to execute said Change Order No. 1 on behalf of the Township.

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 February 7, 2017.

Certification Date: ___________________________ Kathryn Bowditch-Leon, RMC Municipal Clerk
NEW JERSEY DEPARTMENT OF TRANSPORTATION
LOCAL AID PROJECTS
CHANGE ORDER NUMBER - 01
STATE AID PROJECT

<table>
<thead>
<tr>
<th>Project</th>
<th>Franklin Road &amp; Franklin Avenue Resurfacing (2016 Municipal Aid)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipality</td>
<td>Township of Denville</td>
</tr>
<tr>
<td>County</td>
<td>Morris County</td>
</tr>
<tr>
<td>Contractor</td>
<td>Denville Line Painting, Inc.</td>
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</tbody>
</table>

In accordance with the project Supplementary Specification, the following are changes in the contract. Location and Reason for Change (Attach additional sheet if required) -

As Built Quantities

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>(Quantity +/-)</th>
<th>Unit Price</th>
<th>Amount</th>
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<td>- $433.80</td>
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<td>+ 208</td>
<td>$0.30</td>
<td>$62.40</td>
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</table>

Amount of Original Contract ("As-Ordered") $2,880.60
Adjusted Amount Based on Change $3,508.60

% Increase in Contract (Indicate Decrease or Increase) 12.8%

Extra $………………
Supplemental $62.40
Reduction $433.80
Penalties $………………
Total Change $3,214.00

Approved by
(Local Aid District Engineer) (Date)

(Submit four (4) copies to the Local Highway Design District Office)
RESOLUTION AUTHORIZING TREATMENT WORKS APPROVAL (TWA) FOR 73 WATCHTOWER ROAD (BLOCK 70502, LOT 317) IN THE TOWNSHIP OF DENVILLE

WHEREAS, the Township of Denville will be applying to the State of New Jersey Department of Environmental Protection for a Treatment Works Approval (TWA) for the Watchtower Road Sewer Main Extension Project; and

WHEREAS, the Township Engineer has reviewed the application and takes no exception to the endorsement of the Treatment Works Approval (TWA) Application by the Township of Denville.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that authorization is hereby granted for execution by all appropriate Township of Denville officials of the attached Treatment Works Approval (TWA) Permit Application Statement of Consent form (WQM-003) for property located at 73 Watchtower Road in the Township of Denville and further known as Block 70502, Lot 317.

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 February 7, 2017.

Certification Date: ___________________________  Kathryn Bowditch-Leon, RMC
Municipal Clerk
We have reviewed the above documents pursuant to our prior approval letter dated December 2, 2016 and January 6, 2017. Based on our review of the materials received, we take no exception to the endorsement of the Treatment Works Approval (TWA) Application by the Township of Denville. However, prior to final engineering approval for construction, the TWA construction specifications

Mott MacDonald has reviewed the following documents received in connection with the above referenced application:

- Site plan drawings consisting of a 4-sheet set titled “Preliminary & Final Site Plan, 73 Watchtower Road, Lot 317, Block 70502 Situated in: Township of Denville, Morris County, New Jersey” prepared by Jeffrey J. Careaga, PE, of Careaga Engineering, Inc. dated June 27, 2016 with revisions dated January 11, 2017.
- Letter from Andrew M. Hanson of Careaga Engineering, Inc. regarding 73 Watchtower Road, Lot 317, Block 70502, Township of Denville, Morris County, NJ dated January 11, 2017.
- Engineer’s Report for Domestic Treatment Works Approval Application for Watchtower Road prepared on behalf of the Township of Denville by Jeffrey J. Careaga, PE, of Careaga Engineering, Inc. dated December 10, 2017.
- Statements of Consent for Treatment Works Approval Application for Watchtower Road prepared on behalf of the Township of Denville by Jeffrey J. Careaga, PE, of Careaga Engineering, Inc.
- Construction Specifications for Sanitary Sewer Main Extension, Watchtower Road, Denville, New Jersey prepared on behalf of the Township of Denville by Careaga Engineering, Inc. dated December 19, 2016 with revisions dated January 11, 2017

We have reviewed the above documents pursuant to our prior approval letter dated December 2, 2016 and January 6, 2017. Based on our review of the materials received, we take no exception to the endorsement of the Treatment Works Approval (TWA) Application by the Township of Denville. However, prior to final engineering approval for construction, the TWA construction specifications
(specifically paragraph four under "Temporary Pavement Replacement in Municipal Roads"), and pavement repair detail (shown in two places on the plans), should be revised for an initial road restoration of 6" of 1-2 placed and compacted in two lifts. After six months, the top 2" is to be milled out and replaced with 2" of 1-5. Additionally, prior to construction, the applicant must enter into a Developer’s Agreement with the Township of Denville for the work.

If you have any questions concerning this review, please do not hesitate to contact my office.

Very truly yours,

Mott MacDonald

John K. Ruschke, PE
Vice President
john.ruschke@mottmac.com
T 908.238.5000  F 973.267.2660

JKR:sja

Cc: Ted Heider, Owner/Applicant
Jeffrey J. Careaga, PE, Careaga Engineering, Inc.
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Quality

STATEMENTS OF CONSENT

A supplement to the TWA-1 or NJPDES-1 Forms

General Information

Applicant/Owner/Operator: Township of Denville
Location of Work Site: Watchtower Road, Township of Denville
Name of Project/Facility: Watchtower Road Sewer Main Extension
Type of permit application: TWA
(TWA, NJPDES/SIU)
NJPDES Permit Number (if applicable): n/a

A-1 Consent By Governing Body**

(Consent by the municipality in which the project is located.)

As an authorized representative of the governing body, I hereby certify that the

Township of Denville
(Name of Municipality or Municipal Authority)

consents to the submission of the above listed application to the Department of Environmental Protection for approval. I further certify that the project as proposed conforms with the requirements of all municipal ordinances.

Signed: ___________________________ Date: ___________________________

Type Name and Position: ___________________________

* Cite authorization to sign for the governing body

Resolution# _________________ Dated _________________
(Submit the resolution with the application. If no such resolution granting authority to sign exists, the Governing Body's full resolution, consenting to the project, must be submitted with the application.)

** Note

For most Treatment Works Approval (TWA) applications, this section may be omitted if a sewerage entity (for example, sewerage authority, utilities authority, municipal utilities authority, joint meeting, etc.) has responsibility for regulating the construction and operation of wastewater treatment and conveyance facilities within the municipality. In such cases, the governing body consent requirement may be satisfied by completing Section A-2. Applicants for TWAs for industrial/commercial facilities discharging pursuant to NJPDES/DSW or DGW permits must complete section A-1.
**A-2 Consent by Sewerage Authority**

As an authorized representative of this agency, I hereby certify that the

(Name of Agency)

consents to the submission of the above listed application to the Department of Environmental Protection for approval. I further certify that the project as proposed conforms with the requirements of this agency.

Signed* ___________________________ Date

Type Name and Position

* Cite authorization to sign for the agency

Resolution# ___________________________ Dated

(Submit the resolution with the application. If no such resolution granting authority to sign exists, the Governing Body’s full resolution, consenting to the project, must be submitted with the application.)

** Note

For TWA applications, this section must be completed when a sewerage entity (for example, sewerage authority, utilities authority, municipal utilities authority, joint meeting, etc.) has responsibility for regulating the construction and operation of wastewater treatment and conveyance facilities within the municipality.

**A-3 Consent by Owner of Wastewater Treatment Facility**

(For NJPDES/SIU applications only)

As an authorized representative of this agency, I hereby certify that the

(Name of Agency)

consents to the submission of the above listed application to the Department of Environmental Protection for approval. I further certify that the project as proposed conforms with the requirements of this agency and the agency agrees to accept wastewater from the project for treatment.

Signed* ___________________________ Date

Type Name and Position

* Cite authorization to sign for the agency

Resolution# ___________________________ Dated

(Submit the resolution with the application. If no such resolution granting authority to sign exists, the Agency’s full resolution, consenting to the project, must be submitted with the application.)

** Note

For NJPDES/SIU applications, this section must be completed when the owner of the receiving wastewater treatment plant is different than the entity listed under A-2.
B. Certification by Wastewater Conveyance System Owner**

By agreeing to accept wastewater from the project, I (we) hereby certify that to the best of my (our) knowledge the wastewater conveyance system into which the project proposed under this application will connect, has adequate capacity in accordance with N.J.A.C. 7:14A-1.2 ("Adequate conveyance capacity"). Furthermore, I (we) am (are) not aware of inadequate conveyance capacity conditions in any portion of the downstream facilities necessary to convey the wastewater from this project to the treatment plant.

Name of Municipality or Authority: Township of Denville

Signed* ___________________________ Date ________________

* Cite authorization to sign for the governing body

Resolution# ____________ Dated ________________
(Submit the resolution with the application. If no such resolution granting authority to sign exists, the governing body's full resolution, consenting to the project, must be submitted with the application.)

** Note
1. For TWA applications, this section must be completed by the owner/operator of the wastewater conveyance system into which the project named herein will directly connect.
2. For NJPDES/SIU applications, this section must be completed when the owner/operator wastewater conveyance system into which the project named herein will directly connect is different that the entity listed under A-3.

C. Certification by Wastewater Treatment Facility Owner**

(For TWA applications that include a sewer connection/extension.)

I (we) hereby certify that the committed flow*** to the

Rockaway Valley Regional Sewerage Authority

(Name of Wastewater Treatment Plant)

does not exceed the presently permitted design capacity and with the additional flow proposed by this application, the permitted design capacity is not anticipated to be exceeded. I (we) further certify that the treatment plant is currently complying with its conventional and non-conventional NJPDES permit requirements (see N.J.A.C. 7:14A-22.17(b)-(d), percent removal and toxicity requirements excluded from this certification) as determined by a rolling average of the three most recent monthly discharge monitoring reports that were required to be submitted to the Department as of this date, and based upon my (our) assessment of all information pertinent to this permit request, is anticipated to continue to do so with the additional flow from this project.

Accepted for Treatment by,

(Name of Treating Authority)

Signed* ___________________________ Date ________________

* Cite authorization to sign for the governing body

Resolution# ____________ Dated ________________
(Submit the resolution with the application. If no such resolution granting authority to sign exists, the governing body's full resolution, consenting to the project, must be submitted with the application.)

** For TWA applications, this section must be completed by the owner of the wastewater treatment facility receiving the wastewater identified in this application.
Additional Information (For TWA Applications)

1. Approvals, permits, service contracts, or other reservations of flow capacity issued or agreed to by any participating municipality or sewerage agency do not constitute the required approval of the DEP.

2. For computation of actual flow at the receiving wastewater treatment plant, the average flow processed by the facility for the three (3) month period immediately preceding the submission of the application shall be used. Pursuant to the NJPDES regulations (N.J.A.C. 7:14A), no application shall be submitted to the DEP if the wastewater treatment facility is not meeting its discharge permit requirements.

Lack of Consent*

1. The affected sewerage authority or municipality must consent to the application or submit comments to the DEP within 60 days of the applicant’s request for consent. Prior to the expiration of the 60-day period to respond to a request for a written statement of consent, the municipality or sewerage authority may request a 30-day time extension.

2. Any document issued by a sewerage authority or municipality which is a tentative, preliminary, or conditional approval shall not be considered a statement of consent.

3. When the affected sewerage authority or municipality does not consent to a project, it shall state all reasons for rejection or disapproval in a resolution and send a certified copy of the resolution to the DEP.

4. When the affected sewerage authority or municipality expressly denies a request for a written statement of consent for a project, the permit application may be determined by the DEP to be incomplete for processing; or in the alternative, the DEP may review the reasons for denial. Any such reasons shall be considered by the DEP in determining whether to issue a draft permit in accordance with N.J.A.C. 7:14A-15.6, or a Treatment Works Approval or sewer connection approval in accordance with N.J.A.C. 7:14A-22.

5. When the affected sewerage authority or municipality does not issue a written statement of consent in accordance with (1) above, or a denial in accordance with (3) above, the DEP, upon receipt of proof that the applicant has delivered to the affected agency a written request for a statement of consent, shall review the reasons therefore, if known on the basis of reasonably reliable information. Any such reasons shall be considered by the DEP in determining whether to issue a draft permit in accordance with N.J.A.C. 7:14A-15.6, or a Treatment Works Approval in accordance with N.J.A.C. 7:14A-22. The DEP, may in its discretion, deem the application to be incomplete pending the expiration of the time period set forth in (1) above.

* This section has been excerpted from the NJPDES regulations for guidance purposes only. Please refer to N.J.A.C. 7:14A-22.8(a)3 for the complete requirements concerning statements of consent.

Notice: False statements, representations, or certifications, in any application, record, or document are subject to fines and penalties as set forth in the Water Pollution Control Act (N.J.S.A. 58:10A-10F 2 and 3.)
WHEREAS, at the December 6, 2016 Municipal Council Meeting Resolution R-16-266, Resolution Endorsing the Township of Denville's Application for and Authorizing Acceptance of a Subgrant Award of the Federal Fiscal Year 2016 Department of Homeland Security Emergency Management Performance Grant Program Funding, was adopted by the Municipal Council; and

WHEREAS, Resolution R-16-266 stated the Township of Denville has been awarded a Subgrant consisting of a total amount of up to $18,800.00, including up to $9,400.00 Federal Award and up to $9,400.00 Local Matching Funds; and

WHEREAS, due to a change in salary for the OEM Coordinator, the amount of Local Matching Funds should now be $9,544.17 which would therefore increase the total amount to $18,944.17; and

WHEREAS, the New Jersey State Police Office of Emergency Management Region Representative requires the changes to be made to the amounts.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Denville does hereby approve the changes to Resolution R-16-266 to include the previously stated amendments to the amount of Local Matching Funds and to the total amount due to the reasons stated above.

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 February 7, 2017.
RESOLUTION AUTHORIZING THE EXPENDITURE OF AN ADDITIONAL $3,000 IN FURTHERANCE OF THE PURPOSES OF THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT ('MSSDA')

WHEREAS, the Municipal Council of the Township of Denville entered into the Municipal Shared Services Defense Agreement ('MSSDA') for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ('Litigation') that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ('Decision'); and

WHEREAS, by the adoption of Resolution R-15-155 on June 23, 2015, the Municipal Council authorized the expenditure of $2,000 for the preparation of the expert report; and

WHEREAS, an Amendment to the MSSDA ('Amendment') was authorized by Resolution R-15-211 adopted on September 15, 2015 to substitute Econsult Solutions, Inc. as the expert for the municipalities participating in the MSSDA ('the consortium'); and

WHEREAS, by the adoption of Resolutions #16-118 on April 19, 2016, and #16-172 on June 29, 2016, the Municipal Council authorized the expenditure of a total additional sum of $4,000 for further reports and legal matters to be addressed by the consortium; and

WHEREAS, the consortium is in need of additional funding and the Municipal Council of the Township of Denville recognizes that the Litigation requires further reports to be prepared as well as other legal matters to continue to be addressed by the consortium; and

WHEREAS, the Municipal Council of the Township of Denville has determined that it is in the best interests of the citizens of the Township of Denville to approve additional funding to enable the consortium and its expert to address the multiplicity of issues raised and associated with the Litigation and the continued implementation of the MSSDA.

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 amount of $3,000 is hereby authorized to be expended by the Township of Denville in furtherance of the purposes of the MSSDA.

2. This Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Municipal Council of the Township of Denville, at its meeting held on February 7, 2017.

Kathryn Bowditch-Leon, RMC, Municipal Clerk
Township of Denville
RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR MUNICIPAL PUBLIC DEFENDER SERVICES FOR THE YEAR 2017

WHEREAS, the Township of Denville has a need to acquire the professional services of a municipal public defender without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of the services will not exceed $17,500; and

WHEREAS, the anticipated term of the contract is one (1) year; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Township wishes to retain Clifford J. Weininger, Esq. of the firm Clifford J. Weininger, Attorney at Law, as Municipal Public Defender; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection.

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 hereby authorizes execution by the Mayor and Municipal Clerk of a professional service agreement with Clifford J. Weininger, Esq., of the firm Clifford J. Weininger, Attorney at Law, 94 Diamond Spring Road, Denville, New Jersey 07834 as Municipal Public Defender for the year 2017.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. This resolution shall take effect as provided herein.

4. A notice of this action shall be printed once in the Citizen of Morris County as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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 February 7, 2017.
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 01/10/17

Clifford J. Weininger, Esq
94 Diamond Spring Road
Denville, NJ 07834
Name and Address of Contractor

Municipal Public Defender  Rates per Contract
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>Misc. Contractual Services</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>01-201-43-495-256</td>
<td>Rates per Contract</td>
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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):

<table>
<thead>
<tr>
<th></th>
<th>Rates per Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-201-43-495-256</td>
<td></td>
</tr>
</tbody>
</table>

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

Signature: ___________________________ Date: 01/10/17
Michael J Guarino  Chief Financial Officer

Certification # 17-05
AGREEMENT

THIS AGREEMENT, made this day of 2017, by and between:

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

(Hereinafter, "Township")

and:

CLIFFORD J. WEININGER, ESQ.
94 Diamond Spring Road
Denville, New Jersey 07834

(Hereinafter, "Firm")

WITNESSETH:

WHEREAS, the Township of Denville desires to enter into an agreement with Clifford J. Weininger, Esq. for municipal court public defender services; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. requires that all contracts be in writing; and

WHEREAS, the Township desires to retain Clifford J. Weininger, Esq. of Denville, New Jersey to provide the above-referenced services.

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants and agreements herein contained, the parties hereto, for themselves, their successors and assigns, hereby agree as follows:

1. The Firm agrees to provide municipal court public defender services as outlined in the Township of Denville letter dated January 31, 2017, attached hereto as Exhibit A, to the extent that it is consistent with this Agreement.
2. The firm shall be compensated in accordance with the fees established in Exhibit A. Payment shall be made to the firm upon submission of vouchers to be provided by the Township. There shall be no retainer. The Firm shall not be entitled to interest on payments that are past due or any collection costs incurred as a result of this Agreement.

3. The Firm shall be entitled to be reimbursed for actual out-of-pocket costs for all postage, parking fees, express mail, photocopies ($0.10 per copy); facsimile charges ($0.10 per fax), long distance telephone calls, filing fees, recording fees, and other disbursements made on behalf of the Township under this Agreement.

4. The Firm shall furnish the Township with a Certificate of Insurance, which shall clearly show that policies with the following minimum limits of liability will be in effect for the duration of this agreement:

   Professional Liability: $1,000,000 per occurrence

5. During the term of this agreement, the parties hereto agree to comply with the Affirmative Action requirements set forth in N.J.A.C. 17:27, and hereby incorporate by reference the mandatory Affirmative Action language set forth in Exhibit B which is attached hereto and made a part hereof.

6. The term of this agreement shall be for one year unless sooner terminated by either party upon 90 days' prior written notice.

7. A copy of the Firm’s New Jersey Business Registration Certificate is attached hereto as Exhibit C.

8. The Firm is advised of the responsibility to file an annual statement on political contributions with the New Jersey Election Law Enforcement Commission when fees in excess of $50,000 are paid pursuant to a contract with a public entity in a calendar year. It is the Firm's responsibility to determine if filing is necessary.

9. Political Contribution Disclosure. This contract has been awarded to Firm based on the merits and abilities of Firm to provide the goods or services as described
herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that the Firm and its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Denville if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

ATTEST:

Kathryn Bowditch-Leon, Clerk

TOWNSHIP OF DENVILLE

By: ________________________________

Thomas W. Andes, Mayor

ATTEST:

By: ________________________________

Clifford J. Weininger, Esq.
STATE OF NEW JERSEY:
COUNTY OF MORRIS:

I CERTIFY that on , 2017, KATHRYN BOWDITCH-LEON personally came before me and this person acknowledged under oath, to my satisfaction, that: (a) this person is the Municipal 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 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 , 2017.

Kathryn Bowditch-Leon, Municipal Clerk

(Notary sign, seal, stamp)

STATE OF NEW JERSEY:
COUNTY OF MORRIS:

I CERTIFY that on , 2017, Clifford J. Weininger, Esq. personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):
(a) is named in and personally signed the attached document; and
(b) signed, sealed and delivered this document as his or her act and deed.

A Notary Public of New Jersey
My Commission expires
January 31, 2017

Cliff Weininger, Esq.
94 Diamond Spring Road
Post Office Box 1154
Denville, New Jersey 07834

RE: PROFESSIONAL SERVICE AGREEMENT
MUNICIPAL PUBLIC DEFENDER

Dear Mr. Weininger:

Pursuant to your inquiry and request, we have reviewed the compensation you are provided for serving as the Municipal Public Defender for Denville. It seems despite an increase in Public Defender activity, your compensation for providing these services has remained unchanged since 2015.

Therefore, the Mayor and I are in agreement that effective (retroactive to) January 1, 2017, your annual Public Defender compensation shall be $17,000 per year.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,

Steven Ward, Township Administrator
TOWNSHIP OF DENVILLE, NEW JERSEY

cc: Mayor Thomas Andes
Municipal Clerk Kathy Bowditch-Leon
Court Administrator Lorrie Garabrant
Chief Finance Officer Michael Guarino
During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual
orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.
<table>
<thead>
<tr>
<th>Taxpayer Name:</th>
<th>WEININGER, CLIFFORD</th>
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</thead>
<tbody>
<tr>
<td>Trade Name:</td>
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<tr>
<td>Address:</td>
<td>94 DIAMOND SPRING RD</td>
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<td>DENVILLE, NJ 07835</td>
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<td>Certificate Number:</td>
<td>0077403</td>
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<tr>
<td>Date of Issuance:</td>
<td>November 22, 2004</td>
</tr>
</tbody>
</table>

For Office Use Only:
20041122110617834
WHEREAS, the Township of Denville desires to constitute the 2017 Temporary Capital budget of said municipality by inserting therein an acquisition of a filing system.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Denville is hereby constituted by the adoption of a schedule to read as follows:

1. The 2017 Temporary Capital Budget of the Township of Denville is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget of
The Township of Denville
County of Morris, New Jersey

Project Scheduled for 2017
Acquisition of a Filing System

Method of Financing

<table>
<thead>
<tr>
<th>Project</th>
<th>Budget Appropriation</th>
<th>Capital Improvement Fund</th>
<th>Capital Surplus</th>
<th>General Bonds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition of a Filing System</td>
<td>$73,500</td>
<td>$3,500</td>
<td>$0</td>
<td>$70,000</td>
</tr>
</tbody>
</table>

2. The Municipal Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three (3) days after the adoption of this project for the 2017 Temporary Capital Budget, to be include in the 2017 Permanent Capital Budget as adopted.

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 February 7, 2017.

Certification Date
Kathryn Bowditch-Leon, RMC
Municipal Clerk