Council Members

__ Murphy Buie
__ Bergen Lyden
__ Gabel, Council President

In Attendance
__ Mayor Andes
__ Township Attorney Jansen
__ Administrator Ward

PROCLAMATIONS / PRESENTATIONS / CEREMONIAL MATTERS

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

ADMINISTRATION OF THE OATH OF OFFICE
PROMOTION TO LIEUTENANT
Scott Revis

R-19-93: Resolution to Read the 2019 Budget for the Township of Denville Downtown Business Improvement District by Title

PUBLIC COMMENT ON THE TOWNSHIP OF DENVILLE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2019 BUDGET

R-19-94: Resolution Authorizing Adoption of 2019 Budget of the Township of Denville Downtown Business Improvement District

Council Liaison/Committee Reports
Mayor's Report
Administrator's Report
Correspondence

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

Matters of Old/New Business

ORDINANCES FOR ADOPTION

07-19: Bond Ordinance Providing for Various Capital Improvements in and by the Township of Denville, in the County of Morris, New Jersey, Appropriating $3,071,080 Therefor and Authorizing the
Issuance of $2,124,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

08-19: An Ordinance Providing for Various Improvements or Purposes in the Sum of $313,500 from the General Capital Improvement Fund of the Township of Denville

An Ordinance Providing for Various Improvements or Purposes in the Sum of $1,267,500 from the Township of Denville Open Space Trust Fund and $445,000 from Morris County Open Space and Farmland Preservation Trust Fund

An Ordinance Appropriating $44,000 from the Dog Trust Fund of the Township of Denville for the Purchase of a Replacement Animal Control Vehicle

11-19: An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend Chapter 22, Parks and Recreation Areas, of the Township Code to Extend the Turf Field Season at Veterans Memorial Park

ORDINANCES FOR INTRODUCTION

12-19: An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend §2-18.2, Police Department, of the Township Code to Increase the Number of Police Sergeants by One

ITEMS FOR DISCUSSION AND/OR ACTION

2018 Municipal Audit
Corrective Action Plan

RESOLUTIONS

CONSENT AGENDA:

R-19-95: Resolution Authorizing the Issuance of Social Affair Permits by the State of New Jersey Division of Alcoholic Beverage Control

R-19-96: Resolution Authorizing the Waiver of Fees for Police Services for the Events Held by Community Groups, Civic Organizations and Schools for the Overall Benefit of the Township of Denville

NON-CONSENT AGENDA:

R-19-97: Governing Body Certification of Review of the Annual Audit

R-19-98: Resolution Authorizing the Refund of Money Due to the Redemption of Tax Sale Certificates
R-19-99: Resolution Appointing Suzanne V. Walsh as Township of Denville Deputy Municipal Clerk

R-19-100: Resolution Authorizing the Award of a Professional Services Contract Not to Exceed $17,500

MINUTES FOR ADOPTION

- April 2, 2019
- April 9, 2019
- April 16, 2019

MOTION TO ADJOURN
RESOLUTION TO READ THE 2019 BUDGET FOR THE TOWNSHIP OF DENVILLE
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT BY TITLE

WHEREAS, N.J.S.A. 40:56-84f provides that the Budget of the Township of Denville Downtown Business Improvement District as advertised shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one (1) week prior to the date of the hearing a complete copy of the approved Budget:

   a. Shall be posted in a public place where public notices are customarily posted in the principal municipal building of the municipality, but if there is no principal municipal building, then in that public place where notices are usually posted in the municipality; and

   b. Is made available to each person requesting the same, during said week and during the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that it is hereby declared that the conditions of N.J.S.A. 40:56-84f, set forth in subsections 1(a) and 1(b), have been met and therefore the 2019 Budget for the Township of Denville Downtown Business Improvement District shall be read by title only.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

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

Certification Date

Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING ADOPTION OF THE 2019 BUDGET OF THE TOWNSHIP OF DENVILLE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Township of Denville Downtown Business Improvement District budget for calendar year 2019; and

BE IT FURTHER RESOLVED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey that the budget set forth is hereby adopted and shall constitute an appropriation for the purposes stated below.

<table>
<thead>
<tr>
<th></th>
<th>2018 ACTUAL</th>
<th>2019 BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment</td>
<td>$104,247.00</td>
<td>$104,160.00</td>
</tr>
<tr>
<td>Township Contribution</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>E.D.C. Grant</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>Fundraising</td>
<td>$40,716.80</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Fund Balance/Initial Contributions</td>
<td>$60,086.00</td>
<td>$35,469.00</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>$237,049.80</strong></td>
<td><strong>$209,629.00</strong></td>
</tr>
</tbody>
</table>

<p>| | | |
|                |               |               |
| <strong>EXPENSES</strong>   |               |               |
| Regular Salary Plus Payroll Tax | $70,995.72 | $67,700.00 |
| Incentive/Bonus | $              | $10,000.00 |
| Employee Insurance | $4,755.06 | $4,200.00 |
| Payroll Tax     | $              | $13,000.00 |
| Employer Portion | $              | $8,000.00 |
| Payroll Service | $1,955.00     | $1,200.00    |
| Deferred Comp.  | $              | $2,500.00    |
| Part-Time Hourly Help (Marketing) | $3,553.14 | $11,700.00 |
| Temporary Help  | $              | $5,000.00    |
| Rent &amp; Supplies |               |               |
| Office Space    | $3,025.00     | $3,300.00    |
| Storage Space   | $190.45       | $            |
| Supplies        | $5,531.22     | $2,000.00    |
| Beautification/Improvements | $16,935.86 | $15,000.00 |
| Subscriptions   | $1,150.96     | $10,000.00   |
| Meetings        | $2,233.41     | $2,000.00    |
| Postage         | $705.20       | $2,000.00    |
| Advertising/Marketing | $5,267.08 | $15,000.00 |
| Office Expenses |               |               |
| Mobile Service  | $1,404.67     | $1,500.00    |
| * Multi-use Printer, Fax, Scanner | $ | $ |
| * Office Furniture | $63.16 | $1,000.00 |
| Computer Expenses | $              | $            |
| *Software       | $              | $2,000.00    |</p>
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Modem, Printer, Hardware, Internet Service</td>
<td>$1,441.60</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Special Events</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarterly Breakfast (4)</td>
<td>$115.64</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Lunar New Year</td>
<td>$536.08</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Hop Into Denville</td>
<td>$110.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Sidewalk Sale</td>
<td>$1,521.88</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Art Walk</td>
<td>$207.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Restaurant Week</td>
<td>$726.87</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Pink Witches</td>
<td>$(7,129.18)</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Decorate A Bear</td>
<td></td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Holiday Open House &amp; Small Business Saturday</td>
<td>$2,589.12</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Misc. Contractual Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Services</td>
<td></td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Audit/Accounting Service</td>
<td>$5,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Travel/Entertainment</td>
<td>$2,233.41</td>
<td>$2,329.00</td>
</tr>
</tbody>
</table>

Total Expenses: $125,118.35 $209,629.00

Total: $111,931.45 $0.00

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

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

Certification Date
Kathryn Bowditch-Leon, RMC
Municipal Clerk
ORDINANCE NO. 07-19

BE IT RESOLVED that an Ordinance entitled:

Bond Ordinance Providing for Various Capital Improvements in and by the Township of Denville, in the County of Morris, New Jersey, Appropriating $3,071,080 Therefor and Authorizing the issuance of $2,124,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

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

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

BE IT RESOLVED that an Ordinance entitled:

Bond Ordinance Providing for Various Capital Improvements in and by the Township of Denville, in the County of Morris, New Jersey, Appropriating $3,071,080 Therefor and Authorizing the Issuance of $2,124,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

Be passed on Final Reading and that a Notice of Final Passage be published in the 05/15/2019 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 05/07/2019
ORDINANCE NO. 07-19

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING $3,071,080 THEREFOR AND AUTHORIZING THE ISSUANCE OF $2,124,000 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Denville, in the County of Morris, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $3,071,080, including grants expected to be received from the State of New Jersey Department of Transportation, $615,880 of which is for First Avenue Street Scape (the "$615,880 Grant") and $225,000 of which is for Franklin Road and Knoll Drive (the "$225,000 Grant" and, together with the $615,880 Grant, the "Grants"), as more specifically described in Section 3(b) hereof, and further including the aggregate sum of $106,200 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made 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 several improvements or purposes not covered by application of the several down payments or the Grants, negotiable bonds are
hereby authorized to be issued in the principal amount of $2,124,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Appropriation &amp; Estimated Cost</th>
<th>Estimated Maximum Amount of Bonds &amp; Notes</th>
<th>Period of Usefulness</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Improvement of municipal-owned facilities and purchase of equipment, including a Department of Public Works storage building, Building and Grounds general scheduled repairs and installation of all equipment, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the specifications therefor on file in the office of the Township Clerk and hereby approved, which specifications are hereby incorporated by reference as if set forth at length.</td>
<td>$468,300</td>
<td>$446,000</td>
<td>10 years</td>
</tr>
<tr>
<td>(b) Improvement of various streets and locations in and by the Township by the construction, reconstruction, surfacing or resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
of said Local Bond Law), including, but not limited to, Benedict Crescent, Shongum Road, Parks Road, Mabro Drive, Barnes Pass, Walnut Street, Maywood Avenue, Luger Road, Rockaway Avenue, Cooper Road, Larsens Drive, Elm Street, Wetmore Drive, Ivy Crest Lane, First Avenue Street Scape* and Franklin Road and Knoll Drive**, together with all structures, catch basin repairs, appurtenances, milling, curb and sidewalk reconstruction, drainage improvements, guide rails, utility poles, equipment and crack sealing, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the specifications therefor on file in the office of the Township Clerk and hereby approved, which specifications are hereby incorporated by reference as if set forth at length.

(c) Acquisition by purchase of vehicles and equipment, including Scott Packs, firefighter gear, replacement of a fire engine, a sports utility vehicle for the Police Department, used truck bodies for sanders, a 4x4 pickup truck for Parks and Roads, a mason truck and a construction sports utility vehicle, together with all attachments, accessories and equipment necessary therefor or incidental thereto and further including all related costs and expenditures incidental thereto, all as shown on and in accordance with the specifications therefor on file in the office of the Township Clerk and hereby approved, which specifications are hereby

$1,502,380
(Includes the $225,000* State Grant and the $615,880** State Grant) $630,000 10 years
The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose and the Grants, as applicable.

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, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 or other applicable 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7.53 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 $2,124,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $300,000 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 purposes or improvements.
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 or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than as referred to in Section 1 hereof, 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.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST:                APPROVED:

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

Adopted:
ORDINANCE NO. 08-19

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Providing for Various Improvements or Purposes in the Sum of $313,500 from the General Capital Improvement Fund of the Township of Denville

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

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Providing for Various Improvements or Purposes in the Sum of $313,500 from the General Capital Improvement Fund of the Township of Denville

Be passed on Final Reading and that a Notice of Final Passage be published in the 05/15/2019 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 05/07/2019
ORDINANCE NO. 08-19

AN ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $313,500 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE

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 sum of $313,500 is hereby appropriated from the General Capital Improvement Fund of the Township of Denville for the purposes set forth in Section 2 of this Ordinance.

SECTION 2. The improvements authorized to be paid by this Ordinance include Pagers $11,000; Scott Bottles $5,000; Fire Suppression Equipment $25,000; Portable Radios $18,000; First Aid Stretchers $57,000; Sign Materials $19,000; Beast Server $10,000; L3 Mobile Vision Server $22,000; Shotguns $12,500; Camera Upgrades $20,000; Hot Box $30,000; Skyjack Scissor Lift $18,000; Building & Grounds Scheduled Repairs $36,000; Senior Center Upgrades $4,000; Administration Vehicle $26,000 for items located in and for the Township and all work necessary in connection therewith.

SECTION 3. No debt is to be authorized by the enactment and passage of this Ordinance.

SECTION 4. 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 capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

SECTION 5. 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 6. 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 7. 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: 
Thomas W. Andes, Mayor
Township Of Denville

Adeption.Date:
ORDINANCE NO. 09-19

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Providing for Various Improvements or Purposes in the Sum of $1,267,500 from the Township of Denville Open Space Trust Fund and $445,000 from Morris County Open Space and Farmland Preservation Trust Fund

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

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Providing for Various Improvements or Purposes in the Sum of $1,267,500 from the Township of Denville Open Space Trust Fund and $445,000 from Morris County Open Space and Farmland Preservation Trust Fund

Be passed on Final Reading and that a Notice of Final Passage be published in the 05/15/2019 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 05/07/2019
ORDINANCE NO. 09-19

AN ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $1,267,500 FROM THE TOWNSHIP OF DENVILLE OPEN SPACE TRUST FUND AND $445,000 FROM MORRIS COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND

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 sum of $1,267,500 is hereby appropriated from the Open Space Trust Fund and $445,000 from the Morris County Open Space and Farmland Preservation Trust Fund for the purposes set forth in Section 2 of this Ordinance.

SECTION 2. The improvements authorized to be paid by this Ordinance include Various Fields and Parks $100,000; Valley View Fields $237,500; Ayres-Knuth Farm House $15,000; Trails Plan Implementation $20,000; Cook's Pond Spillway $435,000; Donaldson Property $80,000 and Diocese of Paterson Property $825,000 for items located in and for the Township and all work necessary in connection therewith.

SECTION 3. No debt is to be authorized by the enactment and passage of this Ordinance.

SECTION 4. 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 capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

SECTION 5. 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 6. 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 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

ATTEST: APPROVED:

Kathryn Bowditch-Leon, RMC
Municipal Clerk

Thomas W. Andes, Mayor
Township of Denville

Adoption Date:
ORDINANCE NO. 10-19

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Appropriating $44,000 from the Dog Trust Fund of the Township of Denville for the Purchase of a Replacement Animal Control Vehicle

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

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Appropriating $44,000 from the Dog Trust Fund of the Township of Denville for the Purchase of a Replacement Animal Control Vehicle

Be passed on Final Reading and that a Notice of Final Passage be published in the 05/15/2019 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 05/07/2019
ORDINANCE NO. -0-19

AN ORDINANCE APPROPRIATING $44,000 FROM THE DOG TRUST FUND OF THE TOWNSHIP OF DENVILLE FOR THE PURCHASE OF A REPLACEMENT ANIMAL CONTROL VEHICLE

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 sum of $44,000 is hereby appropriated from the Dog Trust Fund of the Township of Denville for the purpose set forth in Section 2 of this Ordinance.

SECTION 2. The improvement authorized to be paid by this Ordinance is for a replacement Animal Control Vehicle, together with all attachments, accessories and equipment necessary therefore and incidental thereto.

SECTION 3. No debt is to be authorized by the enactment and passage of this Ordinance.

SECTION 4. 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 capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

SECTION 5. 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 6. 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 7. 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: 
Thomas W. Andes, Mayor Township Of Denville

Adoption Date:
ORDINANCE N0.11M19

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend Chapter 22, Parks and Recreation Areas, of the Township Code to Extend the Turf Field Season at Veterans Memorial Park

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

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend Chapter 22, Parks and Recreation Areas, of the Township Code to Extend the Turf Field Season at Veterans Memorial Park

Be passed on Final Reading and that a Notice of Final Passage be published in the 05/15/2019 edition of The Citizen newspaper.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

Dated: 05/07/2019
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS
AND STATE OF NEW JERSEY, TO AMEND CHAPTER 22, PARKS AND
RECREATION AREAS, OF THE TOWNSHIP CODE TO EXTEND THE TURF FIELD
SEASON AT VETERANS MEMORIAL PARK

WHEREAS, pursuant to § 22-6.1(b) of the General Code of the Township of Denville, the turf fields of Veterans Memorial Park may be used for regular season activities from the first Monday after the first Sunday in March to November 15th of each year; and

WHEREAS, in response to requests from various sports programs for extended use of the turf fields, the Township conducted a trial program permitting such use during the winter months of 2017 and 2018; and

WHEREAS, based on the success of the trial program, the Township wishes to permanently provide for use of the turf fields during the winter months.

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. Chapter 22, Parks and Recreation Areas, § 22-6.1, Park hours, paragraph b, Veterans Memorial Park, number 1. Seasons, is hereby amended to read as follows:

(a) Regular season.

   (1) All fields except turf fields: April 1 to October 31.

   (2) Turf fields: Open February 15 - December 18.
                    Closed December 19 - February 14.

SECTION 2. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. 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 4. This Ordinance shall take effect immediately upon final passage, approval, 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

Adopted:
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend §2-18.2, Police Department, of the Township Code to Increase the Number of Police Sergeants by One

Be Introduced and Read by Title on First Reading:

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

BE IT RESOLVED that an Ordinance entitled

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend §2-18.2, Police Department, of the Township Code to Increase the Number of Police Sergeants by One

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at the meeting of the Municipal Council of the Township of Denville on 06-11-2019 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: 5/7/2019
ORDINANCE NO. 12-19

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND §2-18.2, POLICE DEPARTMENT, OF THE TOWNSHIP CODE TO INCREASE THE NUMBER OF POLICE SERGEANTS BY ONE

WHEREAS, the Township of Denville’s 2019 municipal budget authorizes an increase in the number of police officers by one (1); and

WHEREAS, the Township wishes to accordingly increase the number of police sergeants from five (5) to six (6) in the Town Code.

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. Chapter 2, Administration, Article VI, Administrative Departments, § 2-18, Department of Public Safety, § 2-18.2, Police Department, paragraph a, is hereby amended to read as follows:

a. The Police Department shall consist of a Chief of Police, who shall be appointed by the Director of the Department of Public Safety, and shall be the head of the Police Department and not more than one captain, not more than two lieutenants, not more than six sergeants, and not more than 23 patrol officers. The officers and members of the Police Department shall be appointed and designated by the Director of the Department of Public Safety and shall receive such salary as the Township Council may determine.

SECTION 2. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. 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 4. This Ordinance shall take effect immediately upon final passage, approval, and publication in accordance with law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST:aghetti

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 , 2019.

Kathryn Bowditch-Leon, RMC
Municipal Clerk
TOWNSHIP OF DENVILLE  
COUNTY OF MORRIS  
CORRECTIVE ACTION PLAN  
FOR THE AUDIT DATED MARCH 18, 2019

Finding #1

Description: An adequate segregation of duties be maintained with respect to the recording and treasury functions.

Analysis: Current staffing levels prohibit the segregation of said duties.

Corrective Action: Should circumstances change in the future to enable an increase in staffing levels, all recording and treasury functions will be adjusted to provide for the adequate segregation of duties.

Implementation Date: At such point the Township can hire additional staff.

Finding #2

Description: The Municipal Court make disbursements by the 15th of the following month.

Analysis: The Court Administrator’s absences prohibited disbursement of court fees in a timely fashion.

Corrective Action: The new Court Administrator and the CFO have discussed and confirm the distribution of funds will be processed by the 15th of the following month.

Implementation Date: As of February 4, 2019 with the hiring the new Court Administrator.
RESOLUTION AUTHORIZING ISSUANCE OF SOCIAL AFFAIR PERMITS BY THE
STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, the below listed organizations applied for Social Affair Permits; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township
of Denville that authorization is hereby granted for the issuance of Social Affair Permits
to the following organizations for the identified events:

<table>
<thead>
<tr>
<th>ORGANIZATION</th>
<th>EVENT</th>
<th>LOCATION</th>
<th>DATES</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rotary Club Denville</td>
<td>Rotary Street Festival</td>
<td>Broadway and Center Street</td>
<td>6/2/2019</td>
<td>12:00 to 6:00 P.M.</td>
</tr>
<tr>
<td>Denville Fire Department</td>
<td>Annual Carnival</td>
<td>Fireman's Field, 2 Indian Road</td>
<td>06/25/2019</td>
<td>4:00 to 11:59 P.M.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>06/26/2019</td>
<td></td>
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<tr>
<td></td>
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<td>06/27/2019</td>
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<td></td>
<td>06/28/2019</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>06/29/2019</td>
<td></td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

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

Certification Date: Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING THE WAIVER OF FEES FOR POLICE SERVICES FOR THE EVENTS HELD BY COMMUNITY GROUPS, CIVIC ORGANIZATIONS AND SCHOOLS FOR THE OVERALL BENEFIT OF THE TOWNSHIP OF DENVILLE

WHEREAS, the Township of Denville (hereinafter “Township”) has historically waived the Police Service fees associated with certain events organized by community groups, civic organizations and schools to ensure the safety and security of the participants of these events that serve to benefit the Township as a whole; and

WHEREAS, the Mayor and Administration support providing Police Services to the following ten (10) annual events as the overall benefit to the local businesses and Township residents, both financially and inspirationally, far exceed these costs; and

WHEREAS, the Police Department has provided an estimate, based upon the historic scope of these annual events, of the total estimated 2019 Police Service cost associated therewith; and

WHEREAS, the annual events and the estimated 2019 Police Service fee, based upon the average hourly rate of overtime compensation for a Denville Police Officer of $82.83 per hour (1.5 Step Sgt.), are estimated as follows:

<table>
<thead>
<tr>
<th>Event</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Mary’s 5K Run</td>
<td>$2,650</td>
</tr>
<tr>
<td>Morris Catholic 5K Run</td>
<td>$2,319</td>
</tr>
<tr>
<td>Morris Knolls 5K Run (MK5K)</td>
<td>$1,987</td>
</tr>
<tr>
<td>Joey Bella Denville Triathlon</td>
<td>$3,644</td>
</tr>
<tr>
<td>Rotary Street Festival</td>
<td>$4,970</td>
</tr>
<tr>
<td>Fire Department’s Carnival</td>
<td>$5,384</td>
</tr>
<tr>
<td>Fire Department’s Halloween Parade</td>
<td>$994</td>
</tr>
<tr>
<td>Food Truck Festival Fundraiser</td>
<td>$4,970</td>
</tr>
<tr>
<td>Holiday Parade</td>
<td>$2,733</td>
</tr>
<tr>
<td>BID Open House</td>
<td>$994</td>
</tr>
</tbody>
</table>

WHEREAS, a change in scope of the historic activity in the above listed events resulting in an increased amount for Police Services for any of the above listed events shall require the organization to submit a request to the Mayor/Administrator for their review/recommendation and the Township Council for ultimate approval; and

WHEREAS, any new community groups, civic organizations and schools seeking to promote an event for the overall benefit of the Township shall be required to submit a request to the Mayor/Administrator for review/recommendation and the Township Council for ultimate approval.

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 fees associated with the Police Services in connection with the St. Mary’s 5K Run, Morris Catholic SK Run, Morris Knolls SK Run, the Rotary Street Festival, Joey Bella Denville Triathlon, Fire Department’s Carnival, the Fire
Department's Halloween Parade, Food Truck Festival Fundraiser, the Holiday Parade and the BID Open House are hereby waived.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

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

Certification dated: Kathryn Bowditch-Leon, RMC Municipal Clerk
WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:2788-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:2788-52, to wit:

R.S. 52:27 BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Denville hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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

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

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

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

<table>
<thead>
<tr>
<th>Cert#</th>
<th>Block</th>
<th>Lot</th>
<th>Address</th>
<th>Purchaser of Lien</th>
<th>Refund Amt.</th>
<th>Premium Amt.</th>
</tr>
</thead>
</table>
| 2018-002 | 20301 | 5   | 159 Casterline Rd  | US Bank Cust/Actlien Holding, Inc.  
50 South 16th St. Ste 2050  
Philadelphia, PA 19102 | $360.79     | $0            |
| 2018-007 | 21601 | 1   | 4 Kathay Terr      | US Bank Cust/Actlien Holding, Inc.  
50 South 16th St. Ste 2050  
Philadelphia, PA 19102 | $2,751.36  | $1,100.00      |

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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

Certification Date:  
Kathryn Bowditch-Leon, RMC  
Municipal Clerk
RESOLUTION APPOINTING SUZANNE V. WALSH AS TOWNSHIP OF DENVILLE DEPUTY MUNICIPAL CLERK

WHEREAS, N.J.S.A. 40A:9-135 allows for the creation of the office of Deputy Municipal Clerk; and

WHEREAS, Section 2-9.1 of the Revised General Ordinances of the Township of Denville creates the position of Deputy Municipal Clerk; and

WHEREAS, the Municipal Council of the Township of Denville is desirous of appointing Suzanne V. Walsh to the position of Deputy Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED that Suzanne V. Walsh is hereby appointed to the position of Deputy Municipal Clerk of the Township of Denville for the term beginning May 20, 2019 and extending through May 19, 2022; and

BE IT FURTHER RESOLVED that Suzanne V. Walsh be and she is hereby vested with the authority and responsibility of said office including but not limited to Deputy Election Official pursuant to law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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

Certification Date: Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT NOT TO EXCEED $17,500

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

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

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

WHEREAS, the following professional has indicated he will provide the noted services for a sum not to exceed $17,500; and

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

WHEREAS, the Township wishes to retain the following professional for the services as noted; 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 contracts themselves must be available for public inspection.

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 hereby authorizes execution by the Mayor and Municipal Clerk of a professional services agreement with the following professional for the year 2019:

   Daniel P. Agatino, Esq.
   Law Office of Gruber, Colabella, Liuzza & Thompson
   41 Lakeside Blvd.
   Hopatcong, NJ 07843

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 statues 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. 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

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

Certification Date

Kathryn Bowditch-Leon, RMC
Municipal Clerk
AGREEMENT

THIS AGREEMENT, made this day of , 2019, 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:

DANIEL P. AGATINO, ESQ.
of the firm of Law Office of Gruber, Colabella, Liotta & Thompson
with offices at 41 Lakeside Blvd.
Hopatcong, New Jersey 07843

(Hereinafter, "Firm")

WITNESSETH:

WHEREAS, the Township of Denville desires to enter into an agreement with Daniel P. Agatino, 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 Daniel P. Agatino, Esq. of the firm of Law Office of Gruber, Colabella, Liotta & Thompson, 41 Lakeside Blvd., Hopatcong, 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 for $17,000 per year, prorated for the balance of 2019.
2. 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 A which is attached hereto and made a part hereof.

6. The term of this agreement shall be for the balance of 2019 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 B.

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.
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: TOWNSHIP OF DENVILLE

By: ____________________________ ____________________________

Kathryn Bowditch-Leon, Clerk Thomas W. Andes, Mayor

ATTEST:

By: ____________________________

Daniel P. Agatino, Esq.
STATE OF NEW JERSEY:
COUNTY OF MORRIS

I CERTIFY that on , 2019, 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 , 2019.

Kathryn Bowditch-Leon, Municipal Clerk

(Notary sign, seal, stamp)

STATE OF NEW JERSEY:
COUNTY OF MORRIS

I CERTIFY that on , 2019, Daniel P. Agatino, 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