TOWNSHIP OF DENVILLE MUNICIPAL COUNCIL
REGULAR MEETING
September 17, 2019, 7:30 P.M.

o Salute to the Flag
  • Invocation
c  Statement of Compliance with Open Public Meetings Act
  • Roll Call:
  Council Members
  __ Mul'phy Buie __ Witte
  __ Bergen Lyden __ Borowiec
  __ Gabel, Council President

  In Attendance
  __ Mayor Andes __ Administrator Ward
  __ Township Attorney Jansen __ Other: __________

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

RECOGNITION OF DENVILLE TRIATHLON COMMITTEE

• 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
NONE

ORDINANCES FOR INTRODUCTION
NONE

ITEMS FOR DISCUSSION AND/OR ACTION
NONE

RESOLUTIONS

CONSENT AGENDA:
R-l9a177: Resolution Authorizing Release of the Performance Labor and Material Payment Bond and Acceptance of the Maintenance Bond for CMS Construction, Inc. for Work in Connection with the Muriel Hepner Park Pedestrian Bridge Replacement
R-19-178: Resolution Authorizing the Waiver of Fees for Police Services for the 2019 Denville Rotary Denville Runs on Service 5K Race

R-19-179: Resolution Authorizing a 1-Year Extension of Time for a Treatment Works Approval (TWA) Permit for 73 Watchtower Road (Block 70502, Lot 317) in the Township of Denville

R-19-180: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville

R-19-181: Resolution Authorizing Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control

NON-CONSENT AGENDA:

R-19-182: Resolution Authorizing a Shared Services Agreement Between the Township of Denville and the Board of Education of the Morris Hills Regional District Regarding a Police Security Officer for Morris Knolls High School

R-19-183: Resolution Authorizing the Refund of Money Due to the Redemption of Tax Sale Certificates

R-19-184: Resolution Authorizing the Transfer of Funds from the Affordable Housing Trust Fund to the Denville Township General Trust Fund for Affordable Housing Related Administrative Costs

MINUTES FOR ADOPTION

• September 3, 2019

MOTION TO ADJOURN
RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE LABOR AND MATERIAL PAYMENT BOND AND ACCEPTANCE OF THE MAINTENANCE BOND FOR CMS CONSTRUCTION, INC. FOR WORK IN CONNECTION WITH THE MURIEL HEPNER PARK PEDESTRIAN BRIDGE REPLACEMENT

WHEREAS, in connection with the Muriel Hepner Park Pedestrian Bridge Replacement, CMS Construction, Inc. has provided the Township of Denville with a Maintenance Bond, Bond No. B1198302, in the amount of $221,000 issued by Selective Insurance Company of America and requested the release of the Performance Labor and Material Payment Bond, Bond No. B1198302, also issued by Selective Insurance Company of America, in the amount of $187,900; and

WHEREAS, the Township Engineer has recommended the acceptance of the improvements and the release of the performance guarantee upon the acceptance by the Municipal Council of a two-year maintenance guarantee in the amount of $221,000; and

WHEREAS, the Township Attorney has reviewed and approved the legal sufficiency of the maintenance bond.

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 aforesaid Performance Labor and Material Payment Bond No. B1198302, issued by Selective Insurance Company of America in the amount of $187,900 is hereby released and Maintenance Bond No. B1198302 issued by Selective Insurance Company of America in the amount of $221,000 is hereby accepted as a two-year maintenance guarantee.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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

Certification Dated: Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING THE WAIVER OF FEES FOR POLICE SERVICES FOR THE 2019 DENVILLE ROTARY DENVILLE RUNS ON SERVICE 5K RACE

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/Administration supports providing Police Services to the Denville Rotary Denville Runs on Service 5K Race ('Race') scheduled for October 6, 2019 as the proceeds from the Race will be donated to Denville Social Services and other local charities; and

WHEREAS, the Police Chief has estimated the cost for Police Services for said event based upon the proposed route would be $1,649.

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 annual Denville Rotary Denville Runs on Service 5K Race are hereby waived.

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: Kathleen Bowditch-Leon, RMC Municipal Clerk
June 14, 2019

Dear Mayor Andes,

The Denville Rotary Club would like to thank you for your consideration in supporting the Denville Runs on Service 5K planned for Sunday, October 6, 2019. We are requesting support and help from Denville Township and the Denville Police Department which will allow our event to take place and be a great success. The ability to receive a fee waiver for the over time required for Denville Police to be present at our event would allow us to give back to our community as much as possible.

The Rotary Club takes great pride in our community service efforts. A portion of the proceeds from the Denville Runs On Service 5K will benefit Denville Food Bank and a second to be determined Denville Charity. We are excited to help these causes which directly benefit Denville families in need.

Thank you for your time and consideration. We are enthusiastic about our planning and would truly appreciate your support.

Denville Rotary
RESOLUTION AUTHORIZING A 1-YEAR EXTENSION OF TIME FOR A TREATMENT WORKS APPROVAL (TWA) PERMIT FOR 73 WATCHTOWER ROAD (BLOCK 70502, LOT 317) IN THE TOWNSHIP OF DENVILLE

WHEREAS, on February 7, 2017, the Municipal Council of the Township of Denville adopted Resolution R-17-48, Resolution Authorizing a Treatment Works Approval (TWA) for 73 Watchtower Road (Block 70502, Lot 317) in the Township of Denville for the Watchtower Road Sewer Main Extension Project and

WHEREAS, the applicant was unable to start the project due to health issues and has requested a 1-year time extension of the TWA Permit from the NJ Department of Environmental Protection (‘NJDEP’); and

WHEREAS, the NJDEP has approved the extension with the condition that consent be secured from the Rockaway Valley Regional Sewer Authority (‘RVRSA’); and

WHEREAS, the RVRSA cannot approve the time extension until a resolution authorizing the extension is approved by the Township of Denville; and

WHEREAS, the Township Engineer has reviewed the request and takes no exception to the Township of Denville granting the 1-year time extension for the Treatment Works Approval (TWA) Permit.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that an extension of time is hereby granted for Treatment Works Approval (TWA) Permit 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

Certification Date:  
Kathryn Bowditch-Leon, RMC  
Municipal Clerk
Steven Ward, Township Administrator
Township of Denville
1 Saint Mary’s Place
Denville, NJ 07834

Re: Request for One-Year Time Extension
Treatment Works Approval No. 17-0333
Watchtower Road
Denville Twp, Morris County

The Department has received a request for a one-year extension of time for the above referenced Treatment Works Approval permit. If any of the items listed below are checked, please submit them as soon as possible.

M Consent from Rockaway Valley Regional Sewerage Authority is required.
D Review fee in the amount of $____
0 Newly executed WQM003 Consent form
D Copy of the referenced permit

This letter only acknowledges the receipt of this one-year time extension request. If the permit has expired, no construction may begin and the permit remains invalid until such time as an “Extension of Time” approval letter is issued by the Department. If any items listed above were checked, please submit them within sixty (60) days from the date of this letter, or the Department will consider this request inactive and no further action will be taken.

Please submit any additional information and direct any questions to the Bureau of Environmental, Engineering & Permitting at (609) 984-4429. Send any additional information to the address noted above.

Jo  lase lii
ureau of Environmental, Engineering & Permitting

17-0333
C: Careaga Engineering
RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

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

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

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

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

WHEREAS, the following property owners:

Schroth:

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

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

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

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

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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

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

WHEREAS, the below listed organization applied for a Social Affair Permit; and
WHEREAS, the Municipal Council, the License Issuing Authority of the Township
of Denville, has no objection to the granting of the Social Affair Permit by the State of New
Jersey Division of Alcoholic Beverage Control; and
WHEREAS, the issuance of said Social Affair Permit is not contrary to any
Township ordinance, resolution, regulation or policy.

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

<table>
<thead>
<tr>
<th>ORGANIZATION</th>
<th>EVENT</th>
<th>LOCATION</th>
<th>DATES</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denville P.A.L.</td>
<td>Food Truck</td>
<td>Gardner Field</td>
<td>10/6/2019</td>
<td>11:00 AM. to</td>
</tr>
<tr>
<td>Vamp Up Vets Field</td>
<td>Festival</td>
<td></td>
<td></td>
<td>6:00 P.M.</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on September 3, 2019.

Certification Date: Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF DENVILLE AND THE BOARD OF EDUCATION OF THE MORRIS HILLS REGIONAL DISTRICT REGARDING A POLICE SECURITY OFFICER FOR MORRIS KNOLLS HIGH SCHOOL

WHEREAS, the Township of Denville and the Board of Education of the Morris Hills Regional District desire to enter into a shared services agreement for the purpose of the hiring of a Police Security Officer ("PSO") to work at the Morris Knolls High School with payment of the PSO being as outlined in the Shared Services Agreement; and

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

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

1. That the Mayor and Municipal Clerk are hereby authorized to execute the shared services agreement entitled "Shared Services Agreement Between Township of Denville and the Board of Education of the Morris Hills Regional District Regarding a Police Security Officer for Morris Knolls High School".

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

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

This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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

Certification Date: Kathryn Bowditch-Leon, RMC
Municipal Clerk
This Agreement made this 26th day of August 26, 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, NJ 07834

(Hereinafter, "Township")

AND:

BOARD OF EDUCATION OF THE MORRIS HILLS REGIONAL DISTRICT
WITH OFFICES AT
48 Knoll Drive
Rockaway, NJ 07866

(Hereinafter, "Board")

WHEREAS, the Township and the Board desire to enter into an agreement with regard to the hiring of a Police Security Officer (hereinafter "PSO") to work at the Morris Knolls High School; and

WHEREAS, the Township acknowledges that the Board desires a PSO, and the Board seeks particular qualifications to ensure that the PSO assigned to the Morris Knolls High School is capable of providing the most appropriate degree of protection and assistance to its students, staff, and visitors, and that the costs paid by the Board are for a PSO with commensurate experience; and

WHEREAS, the Board has agreed to provide the funding for the PSO herein described; and

WHEREAS, the proper and respective municipal officials were authorized to execute this Shared Services Agreement pursuant to Resolutions adopted by their respective Councils attached hereto and made part of the Agreement.
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 Denville Township Police Department shall assign a Police Officer, to serve as a part-time Police Security Officer (“PSO”) for the Morris Knolls High School.

2. The PSO selected and assigned in conformity with the terms and conditions of the Agreement shall be an employee of the Township, subject to the rules and regulations of the Police Department shall report directly to the Chief of Police.

3. The Board will pay to the Township $50.00 per hour. Hours are not to exceed 7½ hours per day. The Township will bill the Board monthly for these services.

4. The Township acknowledges that the Board agrees to the payments on a monthly basis. Last payment due on July 15, 2020

5. This Agreement shall commence on the first day of the school year of 2019/20 and terminate at the conclusion of the 2019/20 school year. At the termination of this Agreement, representatives of the Township and the Board shall review this Agreement and determine whether it should be continued.

6. The Parties agree that this Agreement may be terminated at any time, upon thirty (30) days written notice, by either Party, for any reason.

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

8. Both parties shall maintain full and complete liability insurance in limits not less than the maximum amounts of liability coverage now maintained by each party, throughout the term of this Agreement and cause the other party to be designated on its policy as an additional insured. (Morris Hills Regional District $11,000,000 General Liability/ Denville Township $6,000,000).

9. This Agreement sets forth the entire understanding and agreement between the Township and the Board of Education.

10. Except as provided herein, neither party shall act as the agent of the other and neither shall have the ability to bind the other without express written permission duly authorized
by the appropriate governing body. Nothing in this agreement shall be construed to create a partnership or joint venture between the Township and the Board of Education.

11. It is understood by the parties that a failure or delay in the enforcement of any of the provisions of this Agreement by either party shall not be construed as a waiver of those Provisions.

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

13. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect to the extent the essential understanding of the parties hereto is not lost thereby.

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

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

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

17. This Agreement is entered into pursuant to the provisions of N.J.S.A. 40A:65-1 et seq. (Uniform Shared Services and Consolidation Act) and it is the intent of the parties hereto that the provision hereof shall be construed to give full effect to the Legislative intent expressed therein.

IN WITNESS WHEREOF, the Township of Denville and the Board of Education have executed this agreement on the date first above written after adopting the appropriate ordinance or resolution as provided by law:
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>Ce1t#</th>
<th>Block</th>
<th>Lot</th>
<th>Address</th>
<th>Purchaser of Lien</th>
<th>Refund Amt.</th>
<th>Premium Amt.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-023</td>
<td>50803</td>
<td>11</td>
<td>510 Diamond Spring Rd.</td>
<td>Christiana Trust as Cust GSRAN-Z PO Box 71276 Philadelphia, PA 19176-6276</td>
<td>$29,740.95</td>
<td>$58,000.00</td>
</tr>
<tr>
<td>2018-013</td>
<td>40608</td>
<td>117</td>
<td>22 Hussa Pl.</td>
<td>US Bank Cust/Actlien Holding 50 South 16th St. Ste 2050 Philadelphia, PA 19102</td>
<td>$5,315.44</td>
<td>$900.00</td>
</tr>
<tr>
<td>2018-022</td>
<td>41109</td>
<td>328</td>
<td>7 Algonquin Tri.</td>
<td>US Bank Cust/Actlien Holding 50 South 16th St. Ste 2050 Philadelphia, PA 19102</td>
<td>$4,210.02</td>
<td>$-0-</td>
</tr>
<tr>
<td>2017-026</td>
<td>30501</td>
<td>21</td>
<td>26 Lackawanna Ave.</td>
<td>Christina Trust as Cust GSRAN-Z PO Box 71276 Philadelphia, PA 19176-6276</td>
<td>$14,931.28</td>
<td>$29,000.00</td>
</tr>
<tr>
<td>2018-035</td>
<td>60904</td>
<td>3</td>
<td>43 Cedar Lake West</td>
<td>SLS1 LLC 21 Robert Pitt Drive, Ste 207 Monsey, NY 10952</td>
<td>$2,042.97</td>
<td>$-0-</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 TRANSFER OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND TO THE DENVILLE TOWNSHIP GENERAL TRUST FUND FOR AFFORDABLE HOUSING RELATED ADMINISTRATIVE COSTS

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

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

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

WHEREAS, the Township previously transferred the anticipated administrative costs for 2019 from the Affordable Housing Trust Fund to the Denville General Trust Fund; and

WHEREAS, those funds have been exhausted and the Township desires to transfer an additional $11,000 for administrative costs for calendar year 2019 actual and anticipated expenses to the Denville General Trust Fund; and

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

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

1. That the sum of $11,000 be transferred from the Affordable Housing Trust Fund to the Denville General Trust Fund for COAH related administrative costs.

2. This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

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