TOWNSHIP OF DENVILLE          MUNICIPAL COUNCIL
REGULAR MEETING                 DATE:     AUGUST 14, 2012
7:30 P.M.                       

PUBLIC COMMENTS:
COUNCIL REQUESTS THAT PUBLIC
COMMENTS BE LIMITED TO (3)
THREE MINUTES PER PERSON

PRESENTATIONS:
COUNCIL REQUESTS THAT
PRESENTATIONS BE LIMITED
TO (30) MINUTES OR LESS AND
MUST BE PRE-ARRANGED WITH
THE MUNICIPAL CLERK

SALUTE TO THE FLAG
INVOCATION
NOTICE OF PUBLIC MEETING
ROLL CALL
FITZPATRICK GABEL GOLINSKI LYDEN
SCOLLANS SMITH PRESIDENT KUSER

IN ATTENDANCE
MAYOR ANDES ADMINISTRATOR WARD
TOWNSHIP ATTORNEY

CEREMONIAL MATTERS AND/OR PRESENTATIONS

COUNCIL LIAISON/COMMITTEE REPORTS

MAYOR’S REPORT

ADMINISTRATOR’S REPORT
PUBLIC PORTION

CORRESPONDENCE

MATTERS OF OLD AND/OR NEW BUSINESS

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<th>ORDINANCE(S) FOR ADOPTION</th>
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ORDINANCE(S) FOR INTRODUCTION

#18-12 AMENDS TAXI FEES & RATES
TITLE: AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER IX, TAXICABS AND CHAPTER II-A, FEES RATES AND CHARGES

#19-12 VACATES PORTION OF OLD BOONTON ROAD
TITLE: AN ORDINANCE VACATING AND DISCONTINUING THE PUBLIC RIGHTS FOR ROAD PURPOSES IN A PORTION OF OLD BOONTON ROAD

ITEMS FOR DISCUSSION AND/OR ACTION

RESOLUTIONS # CONSENT AGENDA ITEMS

R-12-202# RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MORRIS COUNTY JOINT INSURANCE FUND FOR BASE ACCREDITATION SERVICES AND EXECUTION OF A GRANT AGREEMENT

R-12-203# RESOLUTION OF THE TOWNSHIP OF DENVILLE AFFIRMING THE DESIGNATION OF THE GREEN SUSTAINABILITY COMMITTEE OF THE TOWNSHIP OF DENVILLE AS THE GREEN TEAM TO LEAD IN THE IMPLEMENTATION OF SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION

R-12-204# RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION BY THE DENVILLE MUNICIPAL ALLIANCE COMMITTEE FOR A GRANT FOR CALENDAR YEAR 2013 - $13,062.00
R-12-205#  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - $1,640.76

R-12-206#  RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

R-12-207#  RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

R-12-208#  RESOLUTION OF CONSENT FOR SUBMITTAL OF TREATMENT WORKS APPROVAL (TWA) FOR BLOCK 31501, LOT 3 – CRISP, 3000 ROUTE 10 IN THE TOWNSHIP OF DENVILLE

R-12-209#  RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES

R-12-210#  RESOLUTION AUTHORIZING EXECUTION OF A SIDE-BAR AMENDMENT TO THE PBA LOCAL #142 CONTRACT

NON-CONSENT RESOLUTIONS

R-12-211  RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH JOHN K. RUSCHKE, P.E. OF HATCH MOTT MAC DONALD FOR ENGINEERING SERVICES REGARDING FLOOD PLAIN MANAGEMENT – FLOOD RISK REDUCTION INVESTIGATIONS IN AN AMOUNT NOT TO EXCEED $20,000

R-12-212  RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH USA ARCHITECTS PLANNERS AND INTERIOR DESIGNERS, PA FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE RENOVATIONS TO THE VALLEY VIEW COMPANY #3 FIREHOUSE IN THE AMOUNT OF $69,500

R-12-213  RESOLUTION AUTHORIZING CLOSED SESSION FOR LAND ACQUISITION AND ATTORNEY CLIENT PRIVILEGE

MINUTES FOR ADOPTION  JULY 17, 2012

MOTION TO ADJOURN
ORDINANCE #14-12

SHORT EXPLANATORY DESCRIPTION OF ORDINANCE: AUTHORIZES ACQUISITION OF REAL PROPERTY UNDER THE HAZARD MITIGATION GRANT PROGRAM AND APPROPRIATES GRANT FUNDS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, UNDER THE HAZARD MITIGATION GRANT PROGRAM AND APPROPRIATING GRANT FUNDS

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 AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, UNDER THE HAZARD MITIGATION GRANT PROGRAM AND APPROPRIATING GRANT FUNDS

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 8-12-12 ISSUE OF THE CITIZEN.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

ORDINANCE # 14-12
AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, UNDER THE HAZARD MITIGATION GRANT PROGRAM AND APPROPRIATING GRANT FUNDS

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ORDINANCE WAS REGULARLY, Duly AND FINALLY PASSED AT A MEETING OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, HELD ON 8-14-12.

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
AN ORDINANCE AUTHORIZING THE
ACQUISITION OF CERTAIN REAL PROPERTY
IN THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS, AND STATE OF NEW JERSEY, UNDER
THE HAZARD MITIGATION GRANT PROGRAM
AND APPROPRIATING GRANT FUNDS

WHEREAS, the Township of Denville has applied for funding from the Federal
Emergency Management Agency (FEMA) through the New Jersey Office of Emergency
Management (NJOEM) under the Hazard Mitigation Grant Program (HMGP), from the County
of Morris Open Space and Farmland Preservation Trust Fund and from the State of New Jersey
Green Acres Program for the purpose of the acquisition of the following eleven (11) residential
properties:

24 Riverside Drive   Block 50401 Lot 43
22 Riverside Drive   Block 50401 Lot 44
20 Riverside Drive   Block 50401 Lot 45
18 Riverside Drive   Block 50401 Lot 48
16 Riverside Drive   Block 50401 Lot 47
23 Riverside Drive   Block 50408 Lot 113
25 Riverside Drive   Block 50408 Lot 115
27 Riverside Drive   Block 50408 Lot 118
15 Riverside Drive   Block 50408 Lot 106
19 Riverside Drive   Block 50408 Lot 108
33 Riverside Drive   Block 50408 Lot 122

WHEREAS, the Township has entered into an Agreement with NJOEM for a
grant in the amount of $1,593,262 (Project #HMGP-4021-NJ-0013), with the State of New
Jersey Green Acres Program for a grant in the amount of $303,687 (Project #1408-12-LBA)
and with the County of Morris for grants in the total amount of $1,781,000 (Denville Disaster -
#4021) which grants provide for reimbursement to the Township of acquisition costs in the
amount of $3,677,929.

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 Township of Denville hereby authorizes the acquisition of the
following properties as shown on the Tax Map of the Township of Denville for uses compatible
with open space, recreational or wetlands management practices in accordance with the
Agreement for Funding Under Hazard Mitigation Grant Program between the Township and the
New Jersey Office of Emergency Management and the Grant Agreements with the County of
Morris and State of New Jersey, Green Acres Programs:

24 Riverside Drive   Block 50401 Lot 43
22 Riverside Drive   Block 50401 Lot 44
20 Riverside Drive   Block 50401 Lot 45
SECTION 2. There is hereby appropriated the following amounts for the purpose set forth in Section 1: $393,007 from the Local Unit Planning Incentive Grant from the New Jersey Department of Environmental Protection, Green Acres Program; $1,781,000 from the Open Space and Farmland Preservation grant from the County of Morris and $1,503,262 from the Federal Emergency Management Agency (FEMA) through the New Jersey Office of Emergency Management (NJOEM) under the Hazard Mitigation Grant Program (HMGP).

SECTION 3. 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 4. No debt is to be authorized by the enactment and passage of this ordinance.

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.

ATTEST:

TOWNSHIP OF DENVILLE
COUNTY OF MORRIS
STATE OF NEW JERSEY

By:_____________________________

Thomas W. Andes, Mayor

Donna J. Costello, Clerk

Introduced:_____________________

Adopted:_______________________
ORDINANCE #15-12

SHORT EXPLANATORY DESCRIPTION OF ORDINANCE:
AMENDS PEDDLERS AND SOLICITORS ORDINANCE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND CHAPTER IV, GENERAL LICENSING, SECTION
4-7, PEDDLERS AND SOLICITORS, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY, NEW
JERSEY
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 TO AMEND CHAPTER IV, GENERAL LICENSING, SECTION
4-7, PEDDLERS AND SOLICITORS, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY, NEW
JERSEY

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE ____ ISSUE OF THE CITIZEN.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

ORDINANCE # 15-12
AN ORDINANCE TO AMEND CHAPTER IV, GENERAL LICENSING, SECTION
4-7, PEDDLERS AND SOLICITORS, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY, NEW
JERSEY

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ORDINANCE WAS REGULARLY,
DULY AND FINALLY PASSED AT A MEETING OF THE MUNICIPAL COUNCIL OF THE
TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, HELD ON
8-14-12.

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
AN ORDINANCE TO AMEND CHAPTER IV, GENERAL LICENSING, SECTION 4-7, PEDDLERS AND SOLICITORS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY, NEW JERSEY

WHEREAS, the purpose of this ordinance is to prevent fraud, crime and unethical and dishonest business practices, to maintain quiet and privacy for the residents of the Township, to protect the health and welfare of the Citizens of the Township of Denville, and to protect persons going door-to-door.

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 IV, General Licensing, Section 4-7, Peddlers and Solicitors, of the Revised General Ordinances of the Township of Denville, is hereby amended in its entirety to read as follows:

"4-7 SOLICITORS.

4-7.1 License Required. Unless otherwise provided in this ordinance, it shall be unlawful for any person to engage in solicitation activities, as defined in subsection 4-7.2 of this section, within the Township, without first obtaining a license as provided herein.

4-7.2 Definitions. As used in this section:

a. "Merchandise" means any goods or other property capable of being the object of a sale but shall not include items of nominal value given in exchange for a contribution to any political, religious, charitable, civic, educational, or philanthropic organization or society or service club or any organization recognized as tax-exempt under the United States Internal Revenue Code.

b. "Solicitor" shall mean a canvasser, hawker or peddler and shall include any person who engages in the practice of going from place to place, house to house, door to door, or person to person including an employee or agent of another, traveling either by foot, truck, automobile or other conveyance:
1. Commercial Solicitation: Selling or taking orders for commercial purposes including offering to sell or take orders for goods, merchandise, wares or other articles for future delivery or for services to be performed in the future.

2. Non-Commercial Solicitation: Requesting contributions of funds, property or anything of value or the pledge of any type of future donation or selling or offering for sale any type of property, including but not limited to goods, tickets, books and pamphlets for political, charitable, religious, civic, philanthropic, educational or other non-commercial purposes; conducting surveys, opinion polls and any such similar work; proselytizing; soliciting participation in or support of any group, individual, or organization; or distributing circulars or other complimentary material.

4-7.3 Exemptions.

a. Any veteran or exempt fireman who holds a license issued pursuant to N.J.S.A. 45:24-9 and - 10 shall be exempt from the licensing requirements of this ordinance, but shall be required to file a registration form with the Township Clerk containing the information set forth in c.1.i through vi below.

b. The provisions of this ordinance shall not apply to the following persons:

1. Officers or employees of the Township, county, state or federal government when on official business;

2. Employees of any public utility which is subject to the regulation of the Board of Public Utilities of the State of New Jersey, provided, however, that such employee shall display the identification badge or card issued by his employer, except that there shall be no exemption for any such employees engaged in marketing or sales activities;

3. Any person selling fruits and farm products
grown by himself with or without the help of others.

c. 1. All Non-Commercial Solicitation: Any person engaging in any non-commercial solicitation activity as defined in section 4-7.2.b.2, whether or not such activity involves solicitation of funds or donations, is exempt from the licensing requirements of this ordinance, but must register with the Township Clerk as follows:

Any such person shall, at least twenty-four (24) hours prior to the commencement of such non-commercial canvassing or solicitation, present himself to the office of the Township Clerk and shall provide said Township Clerk with the following written information:

i. Nature and anticipated duration of such canvassing or solicitation.

ii. The number of persons who will be canvassing or soliciting.

iii. Name and address of the person in charge of such canvassing or solicitation.

iv. Full name and address of the political, charitable, religious, educational, civic, or philanthropic organization or service club on behalf of which such solicitation or canvassing is to be conducted and a letter from such organization authorizing the applicant to act as its representative.

v. The names and addresses of the officers and directors of the organization.

vi. The names of the persons who are expected to go from door to door or to distribute materials within the Township, including their address, driver's license number and social security number. This requirement shall not apply to persons under the age of 18 years.
vii. If solicitation activities are to take place on the premises of a business or an organization, a letter of consent from such business or organization indicating the dates and times that the business or organization consents to the solicitation activity taking place.

2. The purpose of such registration is that the identity of persons going door to door or distributing materials within the Township may be established for the protection and maintenance of the health, safety and welfare of the inhabitants of the Township and of those going door to door.

3. Each representative or agent of the organization, except persons under the age of eighteen (18) years, shall carry proper identification indicating the name of the organization and his own name and address and shall be prepared to display it upon request and in addition shall display the registration number issued by the Township.

4. All persons and organizations subject to §4-7.3.c shall comply with all other applicable provisions of this ordinance.

5. The Township Clerk shall maintain a record of all registrations and registration numbers issued pursuant to §4-7.3.c.

6. If the solicitation activity exceeds 90 days, each person and organization subject to §4-7.3.c shall be required to re-register with the Township Clerk.

4-7.4 Application for License. Every applicant for a license under this ordinance, shall file with the Township Clerk a sworn written application, in duplicate on a form to be furnished by the Clerk, which shall give the following information;

a. Full name, including middle initial, and physical description, including height, weight, hair color and eye color, of the applicant;
b. Permanent home address and full local address of the applicant and proof of same (plus addresses for last three years);

c. Full date of birth, and place of birth;

d. Social Security number;

e. A brief statement of the nature of the business or organization conducting the solicitation activities and a description of the merchandise or service, if any, to be sold or distributed;

f. If employed by or representing another, the name, business address and telephone number of the employer, sponsor or organization being represented together with a letter with original signatures from such employer, sponsor or organization authorizing the applicant to act as its representative;

g. The length of time for which the license is desired as well as the time during which solicitations will be conducted;

h. If a vehicle is to be used, a description of such vehicle and its license number;

i. The state of issuance and number of the driver's license;

j. The place where the goods, or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed, and the proposed method of delivery;

k. Two photographs of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two inches by two inches.

l. Two (2) business references.

m. A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

n. A copy of the Business Registration Certificate issued by the Department of the Treasury, Division of
Revenue, of the State of New Jersey or other proof of registration with the Department of the Treasury.

o. Completion of "Form D" (available at the New Jersey State Police Internet Web site, www.njsp.org, or the Police Department) and follow the instructions for obtaining a criminal history background check, which includes making an appointment to be fingerprinted by the state contract vendor. Applicants who fail to obtain a criminal history background check shall not receive a license.

4-7.5 Fees.

a. Registration fee. At the time the application is filed, a fee of fifteen ($15.00) dollars per solicitor shall be paid to the Township Clerk to cover the cost of processing the application and investigating the facts stated therein.

b. Fees Payable to State Bureau of Investigation. In addition, the applicant must submit a cashier's check, certified check or money order drawn on a U.S. Bank in amount(s) as required by the Division of State Police, payable to "Division of State Police – SBI" or to the designated state contract vendor for any of the following required investigations:

(1) Fee for a criminal history name search. The Chief of Police shall submit this fee with a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" form (SBI-212B) to the State of New Jersey State Bureau of Investigation; and/or

(2) For a fingerprint check required of new applicants, the applicant shall pay the required fee to the state contract vendor and fully complete "Form D" (available at the New Jersey State Police Internet Web site, www.njsp.org or the Police Department) and follow the instructions for obtaining a criminal history background check which includes making an appointment to be fingerprinted by the state contract vendor.

c. License Fee. The license fee which shall be charged by the Township Clerk for the issuance of a license hereunder shall be five ($5.00) dollars per day per solicitor; ten ($10.00) dollars per week per solicitor; twenty-five ($25.00) dollars per month per solicitor; or one hundred ($100.00) dollars per year per solicitor.
d. Badge Deposit. A five ($5.00) dollar deposit per solicitor shall be paid to the Township Clerk for the badge required hereunder, which deposit shall be refunded after the badge is surrendered.

e. Where an organization has several agents engaged in solicitation activities, each agent shall be licensed separately and each shall pay the appropriate fees.

4-7.6 Investigation and Issuance of License. When the aforesaid application is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Township Clerk; the Clerk shall refer the duplicate to the Chief of Police who shall make, or cause to be made, an investigation to ascertain that the applicant has not been convicted of a crime (and is not subject to any outstanding criminal warrants or indictments) relating to fraud, deception, theft or assault, and that he is selling or soliciting for a project free from fraud or other criminal purpose. The duplicate shall be kept on file in the Police Department upon completion of the investigation. The investigation shall include a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. The criminal history check shall be kept confidential. For the purposes of this check, the Denville Township Police Department is hereby authorized to have access to the Criminal History Record Information file through the State Bureau of Investigation.

a. As a result of such investigation, the Chief of Police shall note on the application his recommendation and his reasons therefore and return the application to the Township Clerk. Such recommendation shall be returned to the Township Clerk within ten (10) days of the Police Department’s receipt of the duplicate application. Any recommendation by the Chief of Police that a license should not be issued to the applicant shall be based on one or more of the following findings with respect to the applicant:

1. Conviction of a crime adverse to solicitation activities pursuant to N.J.S.A. 2A:168A-1. In determining whether a conviction relates adversely to solicitation activities, the following factors shall be considered:

   i. Nature of solicitation activities;

   ii. Nature and seriousness of the crime;

   iii. Circumstances under which the crime
occurred;

iv. Date of the crime;

v. Age of the person when the crime was committed;

vi. Whether the crime was an isolated or repeated incident;

vii. Social conditions which may have contributed to the crime;

viii. Any evidence of rehabilitation;

2. Record of breaches of solicited contracts;

3. Unethical business practices adverse to solicitation activities;

4. Conclusive evidence that the applicant has within four (4) months of the application been addicted to the habitual use of drugs or intoxicating liquors pursuant to N.J.S.A. 2A:168A-4.

In the absence of any such findings, the Chief of Police shall recommend that the license be granted.

4-7.7 Identification. The Township Clerk shall issue to each licensee at the time of delivery of his license a badge which shall, during the time such licensee is engaged in solicitation activities, be worn constantly by the licensee on the front of his outer garment in such a way as to be visible to a person facing him. If the badge becomes damaged or obscured the solicitor shall return it to the Township Clerk and receive another badge.

The badge shall be used only by the person to whom it was issued and may not be transferred to any other person. The badge shall be surrendered to the Township Clerk at the time the license expires.

Every holder of a solicitor's license issued by the Township Clerk, or by the Morris County Clerk under the authority of N.J.S.A. 45:24-9 and -10, shall be required to carry his or her license while engaged in the business or activity licensed, within the corporate limits of the Township. He or
she shall produce such license at the request of any official of the Township or of any resident of the Township with whom he or she wishes to conduct his or her business or activity.

4-7.8 **Rules and Regulations.**

a. Any person engaging in any commercial or non-commercial solicitation or canvassing activities is required to review the No Solicitation List, if created and maintained by the Township Clerk pursuant to section 4-7.14 and available at the Township Clerk’s office during normal business hours.

b. Every solicitor shall restrict his solicitation activity within the township to the hours between 9:00 a.m. and 9:00 p.m., prevailing time, unless specifically having been invited to a dwelling by an occupant thereof or having previously made an appointment with an occupant.

c. No solicitor or canvasser shall call attention to his business or to his merchandise by crying out, blowing a horn, or by any other loud or unusual noise.

d. No solicitor or canvasser shall approach any residence or property listed on any No Solicitation List which may be maintained by the Township Clerk pursuant to section 4-7.14 and available for inspection during normal business hours.

e. No solicitor shall conduct, or attempt to conduct, his business at any residence or on any property on which is posted a sign indicating that solicitors are not welcome or not invited.

f. No licensee shall allow any other person to use the license issued hereunder and the use of such license by any person other than the licensee shall constitute grounds for revocation of the license.

g. No solicitor shall refuse to leave any private dwelling or property after having been once requested to do so by the owner or occupant thereof.

h. No solicitor shall engage in solicitation activities regulated under this chapter on public property without first producing special authorization from the Township Council.

4-7.9 **Records.** The Township Clerk shall maintain a
record of all licenses issued under the provisions of this section and shall record therein all convictions for violations of this section and other pertinent circumstances and incidents reported by the Chief of Police.

4-7.10 Expiration and Renewal of License. No license shall be issued for more than one-hundred and twenty (120) days. All licenses may be renewed up to two (2) times, without payment of an additional registration fee, upon submission by the licensee, prior to the expiration of the license, of a new application completely up to date. Such new application or statement in lieu thereof, shall be subject to the provisions and standards set forth in subsection 4-7.4. Applications received after the expiration date of the current license shall be processed as new applications.

4-7.11 Revocation of License or Registration Number. Licenses and registration numbers issued under the provisions of this section may be revoked by the Township Council, after notice and hearing, for any of the following causes:

a. Fraud, misrepresentation or false statement contained in the application for license.

b. Fraud, misrepresentation, or false statement by the licensee in the course of conducting solicitation activities.

c. Any violation of this ordinance.

d. Conviction of any crime adverse to soliciting, peddling, canvassing or hawking pursuant to N.J.S.A. 2A:168A-1.

e. Conducting the solicitation activities contrary to the conditions of the license or registration or in such a manner as to create a public nuisance or constitute a danger to the health, safety or general welfare of the public and of those going door to door.

4-7.12 Notice of Hearing. Notice of the hearing for revocation of a license or registration number shall be given in writing by the Township Clerk. Such notice shall set forth the specific grounds of complaint and the time and place of hearing and shall be sent by registered mail to the licensee or registrant at his last known address at least five days prior to the date set for the hearing or shall be delivered by the agent of the Township in the same manner as a
summons at least three (3) days prior to the date set for the hearing.

In the event the Chief of Police shall determine that there has been a violation of subsection 4-7.8 or any other part of this ordinance, then and in that case he shall immediately notify the Township Council of the violation and shall order the licensee or registrant to suspend further operation until a hearing is held in accordance with the provisions of this section. Upon revocation, the license or registration number and all badges shall be surrendered to the Township Clerk.

4-7.13 Appeal. Any person aggrieved by the action of the Township Clerk in the denial of a license, as provided in subsection 4-7.7, shall have the right of appeal to the Township Council. Such appeal shall be taken by filing with the Township Council, within 14 days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Council shall set a time and place for hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided in subsection 4-7.12 for notice of hearing on revocation. The decision of the Township Council on such appeal shall be final and conclusive.

4-7.14 No Solicitation List.

a. The Township Clerk may prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that canvassing or soliciting is not permitted on the premises. The list, if created, shall specify whether the owner and/or occupant prohibits all solicitation or only commercial solicitation. Notification shall be by completion of a form available at the Township Clerk's office during normal business hours. The list, if created, shall be updated on January 1, April 1, July 1 and October 1 of each year and posted on the Township's website.

b. The Township Clerk shall submit the No Solicitation list, if created, to the Chief of Police quarterly to be distributed to applicants for license to canvass or solicit pursuant to the provisions of this chapter, and to registrants defined in Section 4-7.3 c.

4-7.15 Enforcement. It shall be the duty of any police officer of the Township to enforce the provisions of this ordinance and require any person seen engaging in solicitation activities who is not known by such officer to be
duly licensed or registered, to produce his solicitor's license or registration number. Any violation of any provision of this ordinance shall be a punishable offense as well as cause for revocation of any sales license or registration pursuant to 4-7:11 and 12.

4-7:16 Penalty. Any person who violates any provision of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding $2,000.00 or by imprisonment for a term not exceeding ninety (90) days, or to a period of community service not exceeding ninety (90) days, or any combination thereof."

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

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

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

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.
ORDINANCE #16-12

SHORT EXPLANATORY DESCRIPTION OF ORDINANCE:
AMENDS THE LAND USE CODE TO ESTABLISH A HOTEL USE OVERLAY ZONE AND DEVELOPMENT REGULATIONS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO ESTABLISH HOTEL USE OVERLAY ZONE AND DEVELOPMENT REGULATIONS
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 TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO ESTABLISH HOTEL USE OVERLAY ZONE AND DEVELOPMENT REGULATIONS

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 8-22-12 ISSUE OF THE CITIZEN.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

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ORDINANCE #16-12
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO ESTABLISH HOTEL USE OVERLAY ZONE AND DEVELOPMENT REGULATIONS

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ORDINANCE WAS REGULARLY, Duly AND FINALLY PASSED AT A MEETING OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, HELD ON 8-14-12.

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
AN ORDINANCE TO AMEND THE CODE OF THE
TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE,
ARTICLE 5, ZONE REGULATIONS, IN ORDER TO
ESTABLISH HOTEL USE OVERLAY ZONE AND
DEVELOPMENT REGULATIONS

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

SECTION 1. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5,
Zone Regulations, §19-5.5, Map and Schedule, Schedule of Area, Yard & Bulk
Requirements, is hereby amended and supplemented by the addition of a new footnote
(10), keyed to Primary Use to read as follows:

"(10) See section §19-5.23A for overlay development standards pertaining solely to
the Hotel Overlay Zone in the I-2 Industrial District."

SECTION 2. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5,
Zone Regulations, Section 19-5.23, I-2 Industrial District, is hereby amended and
supplemented by the addition of Section 19-5.23A to read as follows:

"§ 19-5.23A HOTEL USE OVERLAY ZONE APPLICABLE TO PORTIONS OF THE "I-
2 INDUSTRIAL DISTRICT.

§ 19-5.2301A PERMITTED USES. Hotel Overlay Development Option limited to Block
62101, Lots 2, 2.01 and 2.02. Hotels, including accessory restaurant, banquet and
recreational facilities shall be permitted within the specified area as designated for such
use on the Zoning Map provided all of the following requirements are met:
§19-5.2302A MINIMUM LOT AREA. Each lot shall have a minimum area of 87,120 square feet.

§19-5.2303A FRONTAGE. Each lot shall front on and be capable of being served from either Ford Road and/or Morris Avenue.

§19-5.2304A SETBACKS. All hotel buildings shall meet the following yard setbacks:

- Front Yard: 75'
- Side Yard: 45'
- Rear Yard: 75'

* Front yard setback may be decreased to 35' for canopy, awnings and similar building extensions.

§19-5.2305A HEIGHT. No building shall exceed a height of 55 feet/5 stories. Elevator enclosures, HVAC and similar mechanical equipment and roof appurtenances may extend above the height limit by not more than 10 feet, provided they occupy an aggregate of not more than 10 percent of the surface area of the roof. All such equipment and appurtenances shall be screened or otherwise enclosed in such a
manner as to aesthetically coordinate with the overall appearance of the building.

§19-5.2306A MAXIMUM FLOOR AREA RATIO. The maximum permitted floor area ratio for hotel uses on the site shall not be greater than 75 percent.

§19-5.2307A MAXIMUM BUILDING COVERAGE. The total ground floor area of all buildings shall not exceed 20 percent of the total lot area.

§19-5.2308A MAXIMUM IMPERVIOUS COVERAGE. The total ground floor area of all buildings and the total area of all paved surfaces combined shall not exceed 85 percent of the total lot area.

§19-5.2309A PARKING. Off-street parking shall be provided in accordance with Section 19-5.8. No off-street parking area or access drive or aisle shall be closer than 5 feet to any property line, or closer than 10 feet to any street right-of-way.

§19-5.2310A SIGNS. The sign provision of Section 19-5.908 applicable to the "I" Zone shall be complied with.

§19-5.23011A LANDSCAPING. All portions of all front, rear and side yards that are not used for off-street parking shall be attractively planted with trees, shrubs, plants and grass lawns as required by the Planning Board, however, the side and rear portions of the parking lot shall include full plantings of shrubbery and trees to provide adequate buffering to adjoining uses.

§19-5.23012A STORAGE No vehicles, trailers and/or commercial vehicles shall be permitted to be stored on-site or within the parking lot unless the operator is a registered hotel occupant.”

SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

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

SECTION 5. This ordinance shall take effect after passage and publication as soon as practicable and in the manner provided by law.

SECTION 6. In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.
ORDINANCE #17-12

SHORT EXPLANATORY DESCRIPTION OF ORDINANCE:
AMENDS CHAPTER XIV, STREETS, CURBS AND SIDEWALKS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS,
STATE OF NEW JERSEY TO AMEND CHAPTER XIV, STREETS, CURBS AND
SIDEWALKS, OF THE REVISED GENERAL ORDINANCES 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 OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS,
STATE OF NEW JERSEY TO AMEND CHAPTER XIV, STREETS, CURBS AND
SIDEWALKS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP
OF DENVILLE

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 8-22-12 ISSUE OF THE CITIZEN.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

ORDINANCE # 17-12
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS,
STATE OF NEW JERSEY TO AMEND CHAPTER XIV, STREETS, CURBS AND
SIDEWALKS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP
OF DENVILLE

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ORDINANCE WAS REGULARLY,
DULY AND FINALLY PASSED AT A MEETING OF THE MUNICIPAL COUNCIL OF THE
TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, HELD ON
8-14-12.

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
ORDINANCE NO. 12

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER XIV, STREETS, CURBS AND SIDEWALKS, OF THE REVISED GENERAL ORDINANCES 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. Chapter XIV, Streets, Curbs and Sidewalks, of the Revised General Ordinances of the Township of Denville, Section 14-2, Excavations, is hereby amended in its entirety to read as follows:

"§14-2 STREET OPENINGS
§14-2.1 Permit required.

A. No person shall open, excavate or tear up the surface of any public road, street, road shoulder, curb, sidewalk or right-of-way under the control of the Township of Denville, or otherwise endanger or obstruct the normal flow of vehicular or pedestrian traffic, by the placing of any barricade, structure or material or equipment that is not normally designed to be operated on the public highway, without first obtaining a written permit from the Township Engineer. The application shall indicate the proposed date upon which the operation will start and the proposed date upon which the operation will be completed. These dates will be contingent upon weather conditions and approval of the application. A permit for a specific project will require completion of the project no later than 10 consecutive days from the starting date. "Specific project" shall mean a single installation, such as a waterline, a storm sewer or other utility, each of which will constitute a separate project and require a separate permit. Upon a demonstration of special or unusual
conditions, an application for a permit may be approved for not more than 30 consecutive days subject to such conditions as may be imposed by the Township Engineer, pursuant to a recommendation from the Department of Public Works and the Police Department. If the work is not completed within this period, a new permit shall be required along with the appropriate fees. A separate application shall be filed for each road to be affected, if multiple roads are included in the same project. A separate permit is not required to complete final pavement restoration pursuant to 14-2.8.

B. No opening or excavation shall be permitted within the surface of any public road, street or right-of-way under the control of the Township upon which a permanent pavement has been placed within five (5) years of the date of the application of such pavement, except in the event of an emergency pursuant to § 14-2.9. Notwithstanding the foregoing, the Township Engineer may issue a permit for a road opening or excavation on a public road, street or right-of-way upon which a permanent pavement has been placed within less than five (5) years from the date of application upon a demonstration by the applicant that denial of the permit would cause undue hardship.

C. Street openings within the paved or improved surface of any road, street or right-of-way shall be restricted between November 1 and April 15, except that the Township Engineer, after consultation with the Superintendent of Public Works, shall have the authority to waive these requirements in instances where he determines that suitable weather conditions exist.

D. The applicant shall supply a current New Jersey "One-Call" confirmation number, to document compliance with the underground utility location law.
E. A permit to excavate or tear up the surface of a road does not include the right to make sewer, water or gas connections. A separate permit to make a gas, water, or sewer connection must be obtained from the proper officials and agencies.

F. An applicant may appeal the denial of a permit by the Township Engineer in writing to the Township Administrator who shall either confirm the denial of the permit by the Engineer or direct the issuance of a permit within 15 days from receipt of the written appeal.

§ 14-2.2 Application; fee.

A. Application shall be made in writing for a permit for any excavation within any roadway, the maintenance of which is the responsibility of the Township, for any purpose whatsoever. The application shall state the purpose of the excavation, namely, sewer, water, gas, telephone or any other purpose. The application shall be accompanied by an engineered plan, or sketch, drawn to scale, of the area to be disturbed, including proposed dimensions and restoration details, and shall also be accompanied by an application fee of $100 and an escrow deposit to cover the costs of inspections of:

1. Three hundred dollars ($300.00) for all openings up to 50 linear feet.

2. Five hundred dollars ($500.00) for all openings consisting of from 50 to 100 linear feet.

3. One thousand dollars ($1,000.00) for openings more than 100 linear feet.

4. One hundred fifty dollars ($150.00) for utility service connections for approved utilities (utilities where restoration and maintenance guarantees are covered by
annual bonds).

B. Notwithstanding the above, if the applicant requests permission only to excavate within a sidewalk area, the application fee shall be $25 and no escrow deposit shall be required.

§ 14-2.3 Restoration deposit.

A. No person shall be granted a permit to open any street or roadway or do any work within a Township right-of-way unless a restoration deposit in accordance with the following schedule has been submitted to guarantee the proper restoration, replacement or repair of property damaged or destroyed by the permittee:

(1) Lawn areas: $7.20 per square yard.

(2) Shoulder areas: $14.40 per square yard.

(3) Paved roads: $28.80 per square yard.

(4) Sidewalks: $60.00 per square yard.

(5) Curbings: $21.60 per linear foot.

(6) Dirt or gravel roads: $14.40 per square yard.

B. The minimum required deposit shall not be less than $500 and the Township Engineer may require deposits in excess of those listed in § 14-2.3 if, in his opinion, costs will exceed the stipulated amounts.

C. In lieu of posting a cash guarantee for the restoration deposit, the permittee may post a combination of cash and surety bond or irrevocable letter of credit, except that the minimum deposit of $500, shall be cash only. The cash portion shall be not less than 50% of the total amount required and in the form of a certified check or
money order. The remaining balance shall be guaranteed by the posting of a surety bond or an irrevocable letter of credit in form satisfactory to the Township Attorney. Upon written request by a permittee, the Township Engineer shall cause an inspection of the excavation to be made and shall submit his recommendations to the Township Council for determination of a satisfactory restoration deposit.

D. In the event that a utility company or other similar entity will be regularly excavating within the Township, a restoration deposit in the form of a surety bond may be posted with the Township Clerk. The form and amount of said bond shall be approved by the Township Engineer prior to the issuance of any street opening permits.

§ 14-2.4 Maintenance guaranty.

A. A maintenance bond or certified check in an amount of 15% of the amount of the restoration deposit shall be posted upon approval of final restoration by the Township Engineer, provided that in no event shall the amount of the guarantee be less than $500. The maintenance guarantee is to be retained for two (2) years from the date of acceptance.

B. In the event that repairs become necessary to the restored excavation area during the maintenance period, the Township shall notify the permittee that the necessary repairs are to be completed within 48 hours of notification. If the repairs are not completed within 48 hours, the Township may complete the necessary repairs and charge the expenses of the same against the maintenance guarantee.

C. After passage of the applicable time period set forth in § 14-2.4.A and upon written request from the permittee, the Township Engineer may recommend release of the maintenance guarantee, after which all deposits, without interest, shall be released
§ 14-2.5 Certificate of insurance.

No permit shall be issued unless and until the applicant has delivered to the Township a certificate of insurance evidencing that the applicant has obtained a comprehensive general liability insurance policy, including underground excavation coverage, a worker's compensation and employer's liability policy and a comprehensive automobile insurance policy and guaranteeing notification to the Township in the event of cancellation thereof. The Township of Denville must be listed as additional insured. Worker's compensation and employer's liability insurance shall have limits of at least $1,000,000; the commercial general liability insurance shall have limits of at least $1,000,000/$2,000,000. Comprehensive automobile liability insurance policies shall have limits of at least $500,000 and umbrella liability insurance shall have limits of at least $2,000,000. All subcontractors employed by the permittee must submit their own insurance certificates in the amounts required above.

§ 14-2.6 Submission of plans; inspection.

A. The permittee shall submit an engineering plan or sketch in duplicate to the Township for approval. The plan shall have sufficient details to illustrate the proposed work to be performed. If, during construction, it is found expedient by the permittee to modify or change the design of any part of the facility, including the equipment or any part thereof, completely detailed and checked working drawings showing the proposed changes are to be submitted to the Engineer for his review. Any permitted modification or change of design as set forth above is to be at the sole discretion of the Engineer. Approval of such changes does not release the permittee from his obligation or guarantees, nor are any of the conditions of the Contract abrogated thereby.
B. Upon completion of the entire work, the permittee shall file plans with the Township Engineer showing in full detail all the completed work (as-built).

C. The Township Engineer or a designated inspector may be placed on the work site by the Township if deemed necessary and desirable, at the expense of the permittee and at the prevailing rate of wage paid by the Township.

§ 14-2.7 Guarding.

A. It shall be the duty of the permittee to properly guard any excavation and storage piles by erecting suitable bafflers during the day and lights during the night, or warning signs and by providing a watchman if deemed necessary by the police and/or the Superintendent of Public Works, or his designee, and/or the Township Engineer. All traffic control devices used on road or street construction or maintenance work shall conform to Chapter IV, "Work Zone" of the Manual on Uniform Traffic Control Devices (MUTCD). The permittee shall be liable for any neglect in safeguarding the traveling public. If the excavation extends the full width of the road, only one half (1/2) of the excavation shall be made at one time which shall be backfilled before the other half is excavated, so as not to interfere with traffic.

B. The plan for proposed interruptions or detouring of traffic shall be submitted to the Police Department for approval. Permittee shall notify the Municipal Clerk, Police Department, Fire Department, Emergency Medical Services and Transportation Coordinator of all Boards of Education serving the project area of approved traffic detour plans at least forty-eight (48) hours prior to their implementation. Interference with pedestrian or vehicular traffic shall be reduced to a minimum and no greater part of the roadway shall be opened at any time than that approved by the Engineer. Transverse openings shall be restricted so that not more than one-half of the traveled way shall be
obstructed at any time. Work shall be scheduled and executed to present a minimum of inconvenience to the public. Where feasible, transverse subsurface installations shall be made by the boring or jacking method. Steel plates shall be used as a protection on openings maintained overnight in the traveled way.

§ 14-2.8 Restoration of surface.

A. Any Township road surface, sidewalk, curb, gutter, shoulder or grassed areas disturbed or destroyed by the permittee shall be restored by the permittee at his cost and expense to the same or better condition than it was before commencement of the work. No roads shall be encumbered for a longer period than is necessary to execute the work. If the work is not completed to the satisfaction of the Township Engineer within a reasonable time, and after due notice to the permittee, the Township Public Works Department may finish the work and deduct the cost of the same from the total deposit, as required in § 14-2.3. After the work is completed by the Township, any balance remaining from the total escrow deposit shall be returned to the permittee.

B. The entire excavation shall be backfilled with dense graded aggregate, or other suitable, well-drained, select material. The Township Engineer shall approve all backfill material used by the permittee. The backfill material shall be placed and tamped in layers not exceeding one foot in depth.

C. Temporary pavement replacement shall be completed daily. During the interval between completion of backfill and the time of placement of base paving, all areas shall be maintained in a safe and satisfactory condition for normal traffic use. This shall be done by the use of minimum 12-inch thickness of dense graded aggregate (DGA) or an approved equal. All new pavement replacement shall be made in kind,
except that in no case shall it be less than a total of six inches compacted thickness. Unless otherwise directed by the Township Engineer, temporary pavement shall consist of 6-inch compacted thickness bituminous stabilized base course (NJDOT No. I-2) applied and rolled over a 6-inch thickness of DGA to remain permanently in place as a sub-base. The finish surface of this course shall be brought to the existing pavement elevation. Pavement replacement in areas requiring more than six inches overall thickness shall consist of a minimum of three lifts of asphalt, and in no case shall one individual lift exceed four inches compacted thickness. The temporary pavement shall remain in place for a minimum of 6 months.

D. After the approved settlement period, the permittee shall complete final restoration by using a milling machine to remove the top 2 inches of temporary pavement and a 6-inch width of the existing pavement along either side of the road opening. The milling shall be conducted so as to produce clean and straight edges. The temporary surface shall be broom swept free of dirt and debris. The existing temporary pavements surface shall receive a tack coat of asphaltic oil, Grade RC-0, or emulsified asphalt, Grade RS-1. The surface course shall then be placed and rolled even with the existing pavement. A 2-inch thick (compacted thickness) bituminous concrete surface course of FABC Mix I-5 top (NJDOT No. I-5) shall be placed thereon, adequately crowned to provide drainage.

E. For gravel surfaces, the surface course shall be six inches compacted thickness of Type 5, Class A, soil aggregate, or dense graded aggregate (DGABC).

F. All materials and methods of construction shall comply with the New Jersey Department of Transportation Standard Specification for Road and Bridge Construction, dated 2007, and all revisions and amendments thereto.

G. Unless otherwise approved by the Township Engineer, all construction details shall
comply with New Jersey Residential Site Improvement Standards.

H. When it becomes necessary to open the paved section of any road, such opening shall not be less than two (2) feet wide nor more than three (3) feet at the top, nor shall any opening be less than three feet square and the sides of such opening shall be perpendicular at the top converged towards the bottom so that the width at the bottom shall be less than, but not greater than, the width at the surface of the pavement.

I. The permittee shall cut all pavement with saw or other equipment approved by the Engineer prior to excavation. The permittee shall cut back existing pavements using a milling machine, or equal means, to produce straight and clean lines along the existing pavement prior to placing final pavement.

J. Shoulders shall be replaced in kind or as otherwise directed by the Engineer. Where conditions require and the Superintendent of the Department of Public Works requests, surface treated gravel shoulders or any portion thereof shall be restored by applying two (2) inches of bituminous material in place of the oil treatment. The base of all shoulders shall be restored as originally constructed.

§ 14-2.9 Emergency opening.

Street openings may be made without the necessity of a written application in emergency situations, such as broken or frozen water mains or ruptured gas mains or other situations which would endanger public life, health and safety, provided that notice shall be immediately given to the Police Department and Department of Public Works and that written application for a permit shall be made to the Department of Public Works for approval by the Township Engineer as soon as practical and, in any event, not exceeding 48 hours from the start of the excavation. The Township Engineer may
impose special conditions to restore the structural integrity of the new pavement.

§ 14-2.10 General rules and regulations.

A. No person shall place material of any description whatsoever, or vehicles or other equipment of any nature, upon any road or street, so as to interfere with the flow of water along the gutters or with traffic.

B. No excavation shall be opened for a distance of more than 200 feet at any single time. All excavations shall be backfilled and all equipment removed from the public right-of-way at the end of each day’s work and at such times as may be required for noninterference with snow removal.

C. The Township Engineer, Department of Public Works and the Police Department shall be notified 24 hours in advance of the exact time of starting work on all excavations, and 72 hours in advance of the replacement of the pavement base and surface courses.

D. All work performed and material furnished shall be in compliance with the rules, regulations and specifications of the Township.

E. Work shall be completed to eliminate interference with subsurface utilities and their appurtenances unless permission for interference has been obtained from the proper authorities. No excavation which could endanger or damage trees or shrubbery shall be made without the Engineer’s approval. Blasting is not generally approved and will only be permitted by special consent of the Township Engineer.

F. The Township Engineer reserves the right to impose special conditions when warranted.
G. The permittee shall indemnify and hold harmless the Township of Denville, its officers, employees and agents against all suits and costs of every name and description and from all damages and injuries.

H. If required by the Township Engineer, permittee shall provide adequate public notice, in the form prescribed by the Township Engineer, not later than 72 hours prior to the construction

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

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

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

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

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST:  

APPROVED:

_____________________________  ______________________________
DONNA I. COSTELLO, RMC/CMC   THOMAS W. ANDES
MUNICIPAL CLERK               MAYOR

12
ORDINANCE #18-12

SHORT EXPLANATORY STATEMENT:
AMENDS TAXI REGULATIONS AND FEES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER IX, TAXICABS
AND CHAPTER II-A, 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 OF THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER IX, TAXICABS
AND CHAPTER II-A, FEES, RATES AND CHARGES

BE PASSED ON FIRST READING

AND 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
SEPTEMBER 18, 2012 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 ACCORDING TO LAW.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER IX, TAXICABS AND CHAPTER II-A, FEES, RATES AND CHARGES

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 IX, Taxicabs, is hereby amended in its entirety to read as follows:

"CHAPTER IX

TAXICABS AND LIMOUSINES

ARTICLE I. TAXICABS

9-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

DRIVER means any person who drives a regulated vehicle.

OPERATOR means any person, corporation, partnership or association who operates any regulated vehicle.

OWNER means any person, corporation, partnership or association in whose name any regulated vehicle is registered with the New Jersey Motor Vehicles Commission.

REGULATED VEHICLE means any automobile or motor car, commonly called a "taxicab", engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this state and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the state.

9-2. License Required. No person shall drive, keep or use for hire or cause to be driven, kept or used for hire, any regulated vehicle within the Township of Denville unless the vehicle and the driver thereof are licensed according to the provisions of this Article.

9-2.1 License Fees. Every applicant for a license for a regulated vehicle shall pay to the township, a license fee as follows:

A. For each regulated vehicle – as set forth in Section 2A-4.4.

B. For each driver license issued to a driver of a regulated vehicle – as set forth in Section 2A-4.4.
C. For any replacement of a lost license or for a revised license – as set forth in Section 2A-4.4.

9-2.2 Term of license. All licenses shall be valid from the day of issuance and shall expire on December 31 thereafter. For any license issued on or after September 1, the fee shall be one-half of the fee set forth in Section 2A-4.4.

9-3. Requirements for License

9-3.1 Regulations.

A. Every applicant for a license as owner shall be at least 21 years of age.

B. Every applicant for license as a driver must be 21 years of age and a holder of a valid automobile driver’s license issued by the State of New Jersey.

C. Not more than four (4) licenses for regulated vehicles shall be outstanding in the township at one time.

D. The license may be transferred from vehicle to vehicle owned by the licensee on application made and approved by the township council.

E. All owners or operators, upon applying for one or more regulated vehicle licenses, shall be required to maintain a business office.

9.3.2 Application.

Every applicant for a license under this ordinance shall file with the township clerk a sworn written application, in duplicate, on a form to be furnished by the clerk, containing the following information:

A. Full name, including middle initial.
B. Permanent home address
C. If an owner, a description of all vehicles, including the VIN and New Jersey Motor Vehicles Commission registration number.
D. If a driver, the New Jersey driver’s license number and date of expiration and copy of the license.
E. A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
F. If an owner, the business office address and telephone number.
G. Three recent photographs of passport size.
H. If a driver, the name of the taxi company with whom he or she shall be employed.
I. Proof that the applicant is at least 21 years of age.
J. Proof that the applicant is either a citizen of the United States or a legal resident alien.

K. If the applicant is a corporation, proof that the corporation is either incorporated in the State of New Jersey or authorized to do business in New Jersey.

L. If an owner, proof of insurance as required herein.

M. Certification that all child support obligations are current pursuant to the standard set forth in N.J.S.A. 2A:17-56.41

9-3.3 Investigation of Applicant.

A. Each applicant for a regulated vehicle driver license shall, upon making application therefore and annually with each license renewal, submit to the performance of a criminal history background check, including the submission of fingerprints, at the applicant's sole cost and expense. In addition, each applicant shall submit to the Township Police Department his or her driver abstract from the New Jersey Motor Vehicles Commission.

B. The applicant shall not have been convicted of any of the crimes set forth in N.J.S.A. 48:16-3.b. (1) and (2). If the applicant is a partnership, then no partner may have such a record. If the applicant is a corporation, then neither the corporation nor any officer or director may have such a record.

C. Prior license revocations. The applicant must have no record of prior revocation by any jurisdiction of a license related to the taxicab business. If the applicant is a partnership, then no partner may have such a record. If the applicant is a corporation, then neither the corporation nor any officer or director may have such a record.

D. The applicant must be tested for the presence of controlled dangerous substances, as defined in N.J.S.A. 2C:35-2, within 30 days of the filing of his or her application at a facility to be designated by the township. The results shall be provided to the chief of police and shall show the applicant to be free of controlled dangerous substances. The same test shall be required for license renewal. The applicant shall assume the cost of all testing. Operators shall also be subject to testing for controlled dangerous substances in the event of an accident by the operator or the observance of an operator driving the regulated vehicle in a careless, reckless or suspicious manner.

E. A copy of the application and all of the reports and records, including the results of the criminal history record background check, which results shall be kept confidential, shall be provided to the chief of police who shall review same and render a recommendation to the township council as to whether the license should be granted.

9-3.4 Issuance of license.
The township clerk shall present the completed application to the township council, who shall, at the next regularly scheduled meeting after receipt of the recommendation of the chief of police, determine, based on the recommendation of the chief of police, and application of the factors set forth in subsection 9-3.3, whether the license shall issue. If the township council so directs, the township clerk shall issue the license to the applicant. Applications for a license as a driver of the regulated vehicle may be approved by the township clerk.

9-3.5 Information for Licenses.

A. Each license issued under this Article for the operation of a regulated vehicle shall state the name of the person to whom the license is granted, the number of the license and the date of expiration and the motor vehicle registration number and vehicle identification number for each regulated vehicle.

B. Each license issued to the driver of a regulated vehicle shall state the full name of the person to whom the license is granted, the operator's business name, the number of the license and the date of expiration as well as a clear picture of the driver.

9-3.6 Display of License.

A. Every owner to whom a license is granted under this section shall cause the number of the license to be displayed in figures three inches high and located in the center of the rear quarter panels on the driver and passenger sides and the rear center line of the trunk of the vehicle. Each regulated vehicle so licensed shall display on each rear door the name of the Township of Denville in letters three inches in height.

B. Inside of the licensed vehicle where the sign shall be plainly visible to the passengers, the owner shall keep a card with his name and the number of his license, together with the rate of fare and also the certificate that he has complied with insurance requirements of the State of New Jersey relating to vehicles for hire.

C. Every driver of a licensed vehicle shall display the number of his license conspicuously on his cap, hat or outer garment.

9-3.7 Clerk's Register. The township clerk shall keep a register of licenses granted showing the number and date of issuance and expiration of each license and the name of each person licensed.

9.4 Inspections and Maintenance

The township employee designated by the township council may inspect all licensed vehicles and report thereon to the township council. The township council may suspend the license of any licensed vehicle deemed to be insecure or unsanitary until such time as the vehicle shall be made safe and sanitary to
the satisfaction of the council, it being provided that the owner thereof may
demand and obtain a hearing at any meeting of the council, and also the
reinspection of the vehicle by the township employee designated by the township
council at any time after 24 hours from the time of suspension.

9-5   Revocation and Hearing

   Any license granted under this Article may be suspended or revoked by
the township council, after notice and a hearing, whenever it shall appear that the
person to whom the license was granted has failed to furnish or keep in force the
insurance policy and power of attorney required in accordance with Section 9-7,
or to comply with any term or provision of this Article or any law of the State of
New Jersey or to maintain any regulated vehicle in a safe or sanitary condition.
After such revocation or suspension, the license shall be inoperative and of no
effect.

9-6   Duties of Driver

   Every driver of the licensed vehicle shall have the right to demand
payment of the legal fare in advance and may refuse employment unless it be
prepaid, but no driver shall otherwise refuse or neglect to convey any orderly
person or persons upon request as designated by this Article, to any place in the
township, nor extort or demand any sum for so doing, other than the fare
displayed in the vehicle pursuant to Section 9-3.6.B., provided that licensed
vehicles answering calls or at the time actually engaged in commuting service
shall not be deemed to violate this section on refusing other passengers.

9-7   Insurance and Power of Attorney

   9-7.1.   Insurance. The owner of the licensed vehicle must file with the
township clerk an insurance policy issued by an admitted insurance company
duly licensed to transact business in New Jersey, providing for annual motor
vehicle liability insurance coverage of not less than $500,000 per incident, which
insurance must remain in effect for the period of the license and any renewal
thereof.

   9-7.2.   Power of Attorney. The owner shall execute and deliver to the
township clerk a power of attorney, wherein the owner shall appoint the chief
financial officer of the township his true and lawful attorney for the purpose of
acknowledging service of process out of a court of competent jurisdiction to be
served against the insured by virtue of the indemnity granted under the insurance
policy filed.

   9-7.3   Certificate of Compliance.

   A.   The township clerk, upon the filing of the required insurance
policy, shall issue a certificate in duplicate showing that the owner of the
regulated vehicle has complied with the terms and provisions of this Article.
B. The certificate shall recite the name of the insurance company, the number and date of expiration of the policy, a description of the regulated vehicles insured thereunder and the registration numbers of the vehicles.

C. The duplicate certificate shall be filed with the Motor Vehicles Commission before any such vehicle is licensed pursuant to this Article.

D. The original certificate shall be posted in a conspicuous place within the licensed vehicle.

9-8 Prohibitions

A. No driver of any vehicle licensed under this Article shall stand the same while waiting for employment at any railroad station, or place of public assemblage or entertainment except in such places as have been or shall be designated by the township council.

B. No owner or driver of any licensed vehicle shall, while waiting for employment or otherwise, use indecent or profane language, nor be guilty of boisterous talking or shouting, or any disorderly conduct.

9. Nothing herein contained shall prevent a person or persons of legal age and duly licensed by the State of New Jersey to drive motor vehicles, from driving a licensed vehicle in an emergency, for a period of not more than five consecutive hours, but shall not thereafter drive a vehicle duly licensed under this Article.

9-9 Hours of Operation

Every owner shall maintain a dispatch service in the township Monday through Friday between the hours of 7:00 a.m. to 9:00 p.m., on Saturday from 7:00 a.m. to 9:00 p.m. However, this shall not be construed as restricting the owner from operating additional hours each day.

9-10 Violations and Penalties.

Except as required by N.J.S.A. 48:16-1, and in addition to the penalty set forth in Section 9-5, any owner, operator and/or driver who shall operate or drive a regulated vehicle in any street in the Township of Denville without complying with the provisions of this chapter and with the provisions of N.J.S.A. 48:16-1 et seq. shall, upon conviction thereof, be guilty of a misdemeanor and be subject to one or more of the following: a fine not exceeding $2,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.

ARTICLE II. LIMOUSINES

9-11 Definitions.

As used in this Article, the following terms shall have the meanings indicated:
LIMOUSINE means and includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity of no more than 14 passengers, not including the driver, provided that such a vehicle is certified by the manufacturer of the original vehicle and the second-stage manufacturer, if applicable, to conform to all applicable Federal Motor Vehicle Safety Standards promulgated by the United States Department of Transportation pursuant to 49 CFR Part 571 (49 CFR 571.1 et seq.) and 49 CFR Part 567 (49 CFR 567.1 et seq.). In addition, a “Vehicle Emission Control Information” label, which contains the name and trademark of the manufacturer and an unconditional statement of compliance with the emission requirements of the Environmental Protection Agency, shall be present on the vehicle. Nothing in this article contained shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.

LIMOUSINE SERVICE means and includes the business of carrying passengers for hire by limousines.

PERSON means and includes any individual, co-partnership, association, corporation or joint-stock company, their lessees, trustees or receivers appointed by any court whatsoever.

PRINCIPAL PLACE OF BUSINESS means the location of the main place of business of the limousine service in the Township of Denville where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.

STREET means and includes any street, avenue, park, parkway, highway, or other public place.

9-12 Insurance; amount.

Except for limousines registered in other states pursuant to N.J.S.A. 48:16-22.4, no limousine shall be operated wholly or partly along any street in the Township of Denville until the owner of the limousine shall have filed with the clerk of the municipality in which the owner has his, her or its principal place of business an insurance policy of a company duly licensed to transact business under the insurance laws of New Jersey in the sum of $1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as a result of any accident occurring by reason of the ownership, maintenance or use of the
limousine upon any public street. Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amount of $1,500,000. The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage, injury aforesaid.

9-13 Certificate of compliance; contents; fees, filing and posting.

Upon the filing of the required insurance policy by an owner having its principal place of business in the Township of Denville of a limousine service, the township clerk, upon the payment of the maximum fee allowed under N.J.S.A. 48:16-17, as set forth in Section 2A-4.4, shall issue in duplicate a license to operate showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-13 et seq. The license shall recite the name of the insurance company, the number and date of expiration of the policy, a description of every limousine insured thereunder, and the registration number of the same. The duplicate license shall be filed with the New Jersey Motor Vehicle Commission before any such car is registered as a limousine. The original license or a copy thereof shall be retained within the limousine and shall be available for inspection by any law enforcement officer in the State. In addition to the recital of insurance information required on the license pursuant to this section, the owner of a limousine shall attach to the original license or copy thereof retained within the limousine a notarized letter from an insurance company containing the same insurance information required in the recital and the Vehicle Identification Number (VIN) or a notarized certificate of insurance for the particular limousine showing the VIN as well as the limits of insurance coverage, and available insurance card, which shall constitute proof of insurance coverage, and which shall also be available for inspection by any law enforcement officer in the State.

9-14 Certain license or permit required for limousines providing intramunicipal point-to-point service.

Notwithstanding any other provisions of law to the contrary, the Township of Denville requires a limousine service to obtain a corporate license, permit, certificate or other form of authority if the limousine service is providing service on an intramunicipal point-to-point basis within the Township of Denville. The fee for the issuance of this license is $50 (which is in addition to any other fee), which applies to all limousines operated by a limousine service providing such intramunicipal point-to-point service within the Township of Denville.

9-15 Limousine licensing.

No limousine shall be operated on the streets in the Township of Denville unless it has a license issued pursuant to N.J.S.A. 48:16-17 and a limousine is equipped in accordance with the minimum standards established by the New Jersey Motor Vehicle Commission and the Department of Transportation with:
A. A two-way communication system, which, at a minimum shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone;

B. A removable first aid kit and operable fire extinguisher, which shall be placed in an accessible place within the vehicle;

C. Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level.

9-16 Compliance with state statute.

Any owner, operator or driver shall comply with N.J.S.A. 48:16-13 et seq., including but not limited to N.J.S.A. 48:16-22.3a, and any regulation enacted thereto.

9-17 Regulation of Licenses.

A. No more than five (5) licenses for limousines shall be outstanding in the Township at one time.

B. No limousine licensed under this chapter shall be operated as a taxi. Limousines licensed under this chapter shall be limited in use to carrying passengers for hire upon contract only, or for such events as funerals, weddings and other special occasions, or for trips outside of the geographic boundaries of the Township of Denville.

9-18 Examination and inspection of limousine by operator.

A. Prior to the operation of a limousine in the Township of Denville for the purpose of picking up passengers, the driver of the limousine shall conduct a general examination of the condition of the vehicle in accordance with N.J.S.A 48:16-22.2.a.

B. In a calendar year in which a limousine is not required to undergo an inspection as required pursuant to N.J.S.A. 39:8-1, the owner of the limousine service shall cause to be conducted, by a person qualified to do so, an examination of the mechanical and operating condition of the limousine in accordance with N.J.S.A. 48:16-22.2.b. The owner shall submit the report of the inspection to the township clerk.

9-19 Violations and penalties.

Any person who shall operate a limousine service in any street in the Township of Denville without complying with the provisions of this chapter and with the provisions of N.J.S.A. 48:16-13 et seq. shall be subject to the fines and penalties set forth in N.J.S.A. 39:56-1(a).
SECTION 2. Chapter II-A, Fees Rates and Charges, Section 2A-4, Township Clerk's Office, subsection 2A-4.4, Miscellaneous Licenses, is hereby amended to read as follows:

- Dance hall license: $25.00
- Taxicab license (per cab): $50.00
- Taxicab driver: $20.00
- Limousine license: $50.00 for the limousine service plus $10 for each limousine
- Replacement or revision of taxi or limousine license, or driver license: $25.00
- Research fee: $10.00

SECTION 3. All Ordinances of the Township of Denville that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause of 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 5. The provisions of this ordinance may be renumbered for purposes of codification.

SECTION 6. 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:

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK                  MAYOR THOMAS W. ANDES
TOWNSHIP OF DENVILLE
ORDINANCE #19-12

SHORT EXPLANATORY STATEMENT:
VACATING A PORTION OF OLD BOONTON ROAD

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE VACATING AND DISCONTINUING THE PUBLIC RIGHTS
FOR ROAD PURPOSES IN A PORTION OF OLD BOONTON ROAD
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 VACATING AND DISCONTINUING THE PUBLIC RIGHTS
FOR ROAD PURPOSES IN A PORTION OF OLD BOONTON ROAD

BE PASSED ON FIRST READING

AND 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
SEPTEMBER 18, 2012 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 ACCORDING TO LAW.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL
ORD # 19-12

AN ORDINANCE VACATING AND DISCONTINUING THE PUBLIC RIGHTS FOR ROAD PURPOSES IN A PORTION OF OLD BOONTON ROAD

WHEREAS, the Municipal Council has determined that the portion of Old Boonton Road as described on Schedule A, attached hereto and made a part hereof, is not needed for public road right-of-way purposes; and

WHEREAS, by the adoption of this Ordinance, the Municipal Council wishes to vacate any public interests for road purposes that may exist in the portion of Old Boonton Road as described in Schedule A; and

WHEREAS, it is uncertain who owns the underlying fee interest in said portion of Old Boonton Road described in Schedule A; and

WHEREAS, the Township Committee has determined to convey by quitclaim deed to the only contiguous property owner, Rockaway River Club, any interest that it may have in said portion of Old Boonton Road following the vacation of the public interests in same.

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. That the portion of Old Boonton Road as described on Schedule A be and the same is hereby vacated as a public street of the Township of Denville and any public rights as a public street therein be and the same are hereby forever extinguished.

SECTION 2. That the Mayor and Township Clerk are authorized to execute a quitclaim deed to the Rockaway River Club to convey the land hereby vacated, free and discharged from all public rights as a public street, as if said public rights had never existed.

SECTION 3. Any and all rights and privileges now possessed by public utilities, as defined in R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act,
P.L. 1972, c. 1986, (R. S. 48:5A-1 et seq.), to maintain, repair and replace existing facilities in, adjacent to, over and under that portion of Old Boonton Road vacated be and the same are hereby expressly reserved and excepted from said vacation.

SECTION 4. The Township Clerk shall, within sixty (60) days after the Ordinance becomes effective, file a certified copy thereof, under the seal of the Township of Denville, together with a copy of the proof of publication thereof, in the Office of the Clerk of Morris County.

SECTION 5. All ordinances of the Township of Denville that 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.
Schedule A

DYKSTRA WALKER DESIGN GROUP

ENGINEERING, ENVIRONMENTAL SERVICES, PLANNING, SURVEYING

June 11, 2012

DESCRIPTION OF RIGHT-OF-WAY VACATION FROM OLD BOONTON ROAD TO LOT 1 - BLOCK 50003 TOWNSHIP OF DENVILLE, MORRIS COUNTY, NEW JERSEY

Commencing at a point in the westerly right-of-way line of Old Boonton Road (a.k.a. Norris Road; variable width right-of-way), said point being distant the following courses along the westerly right-of-way line of Old Boonton Road from its intersection with the northeasterly right-of-way line of Pocono Road:

A. Northeasterly along a curve to the left having a radius of 25.00 feet, an arc length of 54.95 feet, and a central angle of 125°55'30" (chord - N 89°49'27" E, 44.54 feet) to a point of tangency, thence;

B. N 05°45'42" E, 238.84 feet to a point of curvature, thence;

C. Northeasterly along a curve to the right having a radius of 488.11 feet, an arc length of 166.58 feet, and a central angle of 18°27'20" (chord - N 14°50'24" E, 155.90 feet) to the point of beginning, running, thence;

1. N 05°45'42" E, 118.97 feet along the existing westerly right-of-way of Old Boonton Road, thence;

2. N 61°14'42" E, 225.32 feet along the same, thence;

3. Southwesterly along the new westerly right-of-way line of Old Boonton Road, along a curve to the left having a radius of 488.11 feet, an arc length of 314.15 feet, and a central angle of 37°01'40" (chord - S 42°43'51" W, 308.71 feet) to the point or place of beginning.

Containing 5,839 square feet or 0.134 acres of land, more or less.

Proposed right-of-way line is based on a survey of Old Boonton Road along the frontage of Lots 9, 10, 11, 12 and 21, Block 51102, and is shown in detail on plans entitled "Preliminary & Final Site Plan For Rockaway River Country Club, Block 50002, Lot 4, Block 50003, Lot 1, Old Boonton Road & Pocono Road, Township Of Denville, Morris County, New Jersey" prepared by Dykstra Walker Design Group, dated 7/25/11, last revised 1/24/12. The right-of-way vacation area is also shown on the attached "Right-Of-Way Vacation Exhibit" dated 6/12/12.

Outbound information is based on map entitled "Continuation Survey Showing Property Owned By Rockaway River Country Club, Property Located In Township Of Denville, Morris County, NJ" prepared by O. Thomas Delalla and Associates, dated November 1986, which was rotated into New Jersey State Plane Coordinate System NAD 83 per control points provided by Atlantis Aerial Survey Co., Inc.

Kenneth D. Dykstra, Professional Land Surveyor
New Jersey License No. 24GB03297200

21 BOWLING GREEN PARKWAY, SUITE 204 • LAKE HOPATCONG, NJ 07849
PHONE (973) 663-6540 • FAX (973) 663-0042 • www.dykstrawalker.com
RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE
MORRIS COUNTY JOINT INSURANCE FUND FOR BASE ACCREDITATION SERVICES AND EXECUTION OF A
GRANT AGREEMENT

WHEREAS, the New Jersey Association of Chiefs of Police offer a program to obtain accreditation
in order to attain the highest standards of police department management, and

WHEREAS, the Morris County Municipal Joint Insurance Fund is seeking to encourage police
departments to pursue such excellence by providing a grant in the amount not to exceed $50,000 to
support the Township of Denville’s Police Department’s efforts to attain accreditation from the New
Jersey Chiefs of Police Association; and

WHEREAS, the Chief of police is committed to taking necessary action in order to support the
accreditation process.

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

1. The Mayor, Business Administrator and Chief of Police are hereby authorized to enter into a
Grant Agreement with the Morris County Municipal Joint Insurance Fund for the receipt of
funding not to exceed $50,000 for the Police Accreditation Program.

2. The Township of Denville agrees to abide by the terms of the Grant Agreement, (a copy of
which is attached to this resolution, to attain certification within two years of the date of
the agreement.

3. That certified copies of this resolution along with the signed Grant Agreement shall be
forwarded to the Morris County Municipal Joint Insurance Fund and the Chief of Police for
reference an action purposes.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, DONNA I. COSTELLO, 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 DATED 8-14-12.

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
GRANT AGREEMENT

This Agreement, dated this _____ day of _____, 2012, by and between:

THE MORRIS COUNTY JOINT INSURANCE FUND
with offices located at:
9 Campus Drive, Suite 16
Parsippany, NJ 07054-4412

Hereinafter “JIF”

and

TOWNSHIP OF DENVILLE, A municipal corporation
with offices located at:
1 St. Mary’s Place
Denville, NJ 07834-2199

Hereinafter “Township”

WITNESSETH

WHEREAS, the Morris County Joint Insurance Fund (hereinafter “JIF”) has advised that a well trained police department acting properly and in accordance with written policies that meet the highest standards is an effective form of limiting liability and reducing operating costs; and

WHEREAS, such best practices are recognized by an accreditation from the New Jersey State Associations of Chiefs of Police.

NOW, THEREFORE, it is mutually agreed to by and between the parties:

1. The JIF is willing to provide a grant to provide necessary administrative services, training, advice and guidance in order to position a Police Department to obtain the accreditation from the New Jersey State Associations of Chiefs of Police.

2. The grant that the JIF is willing to provide is in an amount not to exceed $50,000 and shall include, but not be limited to, appropriate training and guidance from the Rodgers Group, LLC, software and administrative assistance all of which to support the Town’s efforts to obtain this distinguished recognition by promulgating effective police services and efficient operating costs.
3. In consideration for receiving this grant from the JIF, the Town and the Chief of Police shall agree that they will complete the accreditation process within two years of the date of this Agreement. In addition, the municipality shall:

   A. Adopt Policy/Procedure to Conduct Motor Vehicle Accident Reviews, including accidents involving property damage to town vehicles, resulting in injury to police officer or bodily injury and/or property damage to a third party;

   B. Adopt a Policy requiring any officer determined to be "at fault" in a motor vehicle accident to attend training or retraining on the Driver Simulators at the County; and

   C. Adopt a Management Policy on Return to Work which should include department's procedures on safety counseling and training when injured employee returns to work either in modified capacity or full duty.

4. The Town agrees that if it were to fail to fulfill the accreditation process within the two year time period, it will reimburse the JIF for the cost of providing said grant for such services to the Police Department.

5. The Town understands that the JIF shall not be responsible nor it will commit to provide any additional funding to maintain said accreditation, however it is encouraged that the Police Department continue to renew its accreditation on an annual basis.

6. By signing this Agreement the Town agrees to cooperate with the
Rodgers Group, LLC in order to obtain certification from the New Jersey State Associations of Chiefs of Police. The Chief of Police and governing body of the Town agree to assist and support such efforts.

ATTEST:__________________________  By: ________________________________

TOWNSHIP OF DENVILLE

__________________________  Mayor

__________________________  Town Administrator

__________________________  Chief of Police

ATTEST:__________________________  By: ________________________________

THE MORRIS COUNTY JOINT INSURANCE FUND

__________________________  ________________________________
RESOLUTION OF THE TOWNSHIP OF DENVILLE AFFIRMING THE DESIGNATION OF THE GREEN SUSTAINABILITY COMMITTEE OF THE TOWNSHIP OF DENVILLE AS THE GREEN TEAM TO LEAD IN THE IMPLEMENTATION OF SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION

WHEREAS, the Mayor and Municipal Council of the Township of Denville supports participation by the municipality in the Sustainable Jersey Municipal Certification Program; and

WHEREAS, to effectuate this implementation it is anticipated that funding will be requested for Training, Travel, Materials and Events such as Earth Day, Paper Shredding, etc; and

WHEREAS, the Sustainable Jersey Municipal Certification Program has a mandatory action requirement that participating communities create a Green Team to lead and coordinate the sustainability activities of the community; and

WHEREAS, by endorsing a sustainable path, the Township of Denville is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting local government practices.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Denville affirms the designation of the Green Sustainability Committee of the Township of Denville as the Green Team to lead in the sustainable activities of the Township of Denville and in coordinating the implementation of local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE


CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION BY THE DENVILLE MUNICIPAL ALLIANCE COMMITTEE FOR A GRANT FOR CALENDAR YEAR 2013

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 that the Municipal Council of the Township of Denville, County of Morris and State of New Jersey hereby recognizes the following:

1. The Municipal Council does hereby authorize the submission of an application by the Denville Municipal Alliance for a grant for calendar year 2013 in the amount of $13,062.00

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, DONNA I. COSTELLO, MUNICIPAL CLERK OF THE TOWNSHIP OF DENVILLE DO HEREBY CERTIFY THE ABOVE TO BE A TRUE AND EXACT COPY OF A RESOLUTION APPROVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR REGULAR MEETING HELD ON 8-14-12.

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
RESOLUTION AUTHORIZING THE REFUND
OF MONEY DUE TO THE REDEMPTION
OF A TAX SALE CERTIFICATE.

WHEREAS, the Township of Denville held a Tax Lien Sale on 12/2/2011 for
Delinquent 2010 Calendar Year Water & Sewer, and a Tax Sale Certificate was purchased by
Isaac Moradi on Block 40810 Lot 479; and

WHEREAS the owner of said property has paid to the Tax Collector all moneys due for the
Redemption of said Tax Sale Certificate.

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 is hereby authorized and directed to
prepare a voucher to refund the amount shown below to the named lien holder; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to
forward the check to the Tax Collector to be delivered to said person after proper notation has been made
on the Tax Records.

<table>
<thead>
<tr>
<th>BLOCK / LOT</th>
<th>PURCHASER OF LIEN</th>
<th>REFUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>40810 479</td>
<td>Isaac Moradi</td>
<td>$1,640.76</td>
</tr>
<tr>
<td></td>
<td>520 Elm Street</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kearny, NJ 07032</td>
<td></td>
</tr>
</tbody>
</table>

Certificate # 2011-019

Premium Returned -0-

I, DONNA I. COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR
MEETING HELD ON 8-14-12.

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

WHEREAS, on February 7, 1995, 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 7, 1995, 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 families

Fleming, D'Egidio
Nappi, Lum, Pastres,

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.

CERTIFIED TO BE A TRUE AND EXACT COPY OF RESOLUTION ADOPTED ON

______________________________
Donna I. Costello, RMC/CMC
Municipal Clerk
RESOLUTION AUTHORIZING RAFFLE LICENSE(S) IN THE TOWNSHIP OF DENVILLE

BE IT RESOLVED by the Municipal Council of the Township of Denville that the application(s) for the following RAFFLE(S) be approved and the Municipal Clerk be authorized to issue said license(s) 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>HSA St. Mary's</td>
<td>Off Prem. 50/50</td>
<td>1/27/13</td>
</tr>
</tbody>
</table>
RESOLUTION OF CONSENT FOR SUBMITTAL OF TREATMENT WORKS APPROVAL (TWA) FOR BLOCK 31501, LOT 3 – CRISP, 3000 ROUTE 10, IN THE TOWNSHIP OF DENVILLE

BE IT RESOLVED by the Municipal Council of the Township of Denville that consent is hereby granted for submission of an application by 3000 Route 10, LLC to the Department of Environmental Protection for an alteration/expansion Treatment Works Approval (TWA) for a project known as CRISP located at 3000 Route 10 and further known as Block 31501, Lot 3.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, DONNA I. COSTELLO, 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 REGULAR MEETING HELD ON 8-14-12.

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
RESOLUTION AUTHORIZING REFUND
OF RECREATION DEPARTMENT FEES

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

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

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAMA BRACUIT</td>
<td>$310.00</td>
</tr>
<tr>
<td>DAWN FALLON</td>
<td>$107.00</td>
</tr>
<tr>
<td>MELISSA MULLER</td>
<td>$199.99</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, DONNA I. COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR
MEETING HELD ON 8-14-12

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
RESOLUTION AUTHORIZING EXECUTION OF A SIDE-BAR AMENDMENT TO THE PBA LOCAL #142 CONTRACT

BE IT RESOLVED by the Municipal Council of the Township of Denville that authorization is hereby granted for the Mayor, Business Administrator and Municipal Clerk to execute a side-bar amendment to the PBA Local #142 contract by the inclusion of the position of Captain in the agreement in effect from January 1, 2010 through December 31, 2013.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, DONNA I. COSTELLO, MUNICIPAL CLERK OF THE TOWNSHIP OF DENVILLE, DO HEREBY CERTIFY THE ABOVE TO BE A TRUE AND EXACT COPY OF RESOLUTION R-12-210 ADOPTED BY THE MUNICIPAL COUNCIL AT THEIR MEETING HELD ON 8-14-12.

CERTIFICATION DATED DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
WHEREAS, on March 6, 2012 the Municipal Council of the Township of Denville approved Resolution R-12-70 which authorized execution by the Mayor and Township Clerk of a Professional Services Agreement ("Agreement") with John K. Ruschke, P.E. of Hatch Mott MacDonald, LLC, 27 Bleecker Street, Millburn, New Jersey 07041 for engineering services for the year 2012; and

WHEREAS, the Agreement was executed by the Mayor and Township Clerk on March 9, 2012; and

WHEREAS, the Agreement specifically provides in paragraph 2 that "A cost proposal shall be submitted by the Engineer and accepted by the Township with respect to engineering, construction contract administration and/or other related services with regard to any and all non-routine individual task assignment(s) where the anticipated fee will exceed $3,000", and

WHEREAS, the Township of Denville wishes to explore alternatives for flood mitigation; and

WHEREAS, John K. Ruschke, P.E. has submitted a cost proposal dated 8-9-12 for Flood Plain Management-Flood Risk Reduction Investigations; and

WHEREAS, a budget of not to exceed $20,000 has been proposed, with charges based upon the hours expended by personnel assigned to the project, with rates and direct expenses in accordance with the rate schedule in effect at the time the services are rendered (Exhibit A of the Agreement); and

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

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

2. Charges shall not exceed $20,000 without prior written approval of the Township.

3. This Resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Donna I. Costello, Municipal Clerk of the Township of Denville do hereby certify the above to be a true and exact copy of Resolution adopted by the Municipal Council of the Township of Denville at their meeting held on , 2012.

Certification Dated: 

Donna I. Costello, RMC/CMC Municipal Clerk
August 9, 2012

Mr. Steven Ward
Township of Denville
1 St. Mary’s Place
Denville, NJ 07834

Re: Township of Denville, Flood Plain Management - Flood Risk Reduction Investigations – Proposed Engineering Services

Dear Mr. Ward:

The Township of Denville has endured numerous severe flooding events, the latest and perhaps most severe occurring during Hurricane Irene on August 27 – 28, 2012. The primary source of this flooding is the Rockaway River and its tributaries.

Background

The Rockaway River receives flow from Beaver Brook just before entering Denville Township from Rockaway Borough to the west. The River then flows to the east under I-80 (where the reported tributary drainage area is 87.1 square miles) and through the central portion of the Township where it receives flow from Den Brook just prior to turning to the northeast. The River continues flowing to the northeast through Denville Township and into Boonton Township, where it eventually turns to the east and flows through the Town of Boonton and into the Boonton Reservoir.

Township residents and businesses have suffered extensive losses and damage from several severe flooding events in recent decades. The central business district has been hard hit and numerous residential properties have been affected.

The Federal Emergency Management Agency (FEMA) has published maps (effective date April 17, 1985) delineating the flood plain along the Rockaway River and major tributaries, and the State of New Jersey has adopted Flood Delineation maps showing the floodway and flood hazard areas. Both of these mapping documents are intended for flood plain management purposes, with the FEMA maps also intended for flood insurance purposes, and the NJDEP maps intended for flood plain regulatory purposes. These maps provide valuable information for planning and for those seeking to purchase or modify property or structures in the flood plain areas. The NJDEP maps also serve as a basis for regulatory enforcement of the New Jersey Flood Hazard Area Act Regulations, which prohibit certain activities and regulate others in the delineated areas. These mapping documents serve to guide efforts to avoid an increase in flood risk and damage, however neither serves to implement flood mitigation to reduce the current flood risk to existing development.
Efforts to develop flood mitigation measures were undertaken by the Township through engaging Elson T. Killam Associates, Inc. in 1979 to investigate flooding conditions and develop a Master Drainage Plan. The Killam report, final version dated December 1980, presented maps showing drainage area boundaries, the 100-year flood plain, the locations of analyzed drainage facilities and locations of recommended improvements. Identified flooding problems are documented and the report evaluated 9 “large scale” projects and 8 “small scale” projects, with priorities recommended based upon the number of residents and businesses affected, essential services affected, estimated cost, and the flooding frequency of the project area. The report also contained recommendations for dealing with existing flooding that would not be soon corrected and for avoiding further problems as undeveloped land is utilized.

The Killam 1980 report addressed both local flooding problems beyond the impact of the Rockaway River and mitigation in some areas in the river flood plain. The report did not contain recommendations for improvements to the Rockaway River channel. However, Killam did undertake hydraulic analyses, including detailed modeling of existing conditions and flood mitigation alternatives, of the Rockaway River for the US Army Corps of Engineers (USACE) in the 1980s. The considered alternatives included channel improvements, floodwalls and levees along the river. The hydraulic models and results were provided to the USACE for evaluation in its study.

The USACE proceeded further with evaluation of flood mitigation alternatives for the Rockaway River, as described in a report dated June 2008 and titled: *Upper Rockaway River, New Jersey, Flood Damage Reduction and Ecosystem Restoration, Alternative Plan Formulation Report.* As stated in that Report, the prior studies of the Rockaway River did not result in any comprehensive plan that was in the “Federal interest.” “Plans were either rejected due to high cost, lack of economic justification, major environmental impacts, or lack of public acceptability.” (Op. cit., p. i). The Report did identify a potentially feasible solution to flooding problems (the Plan), consisting of the following principal elements:

1. A 3-mile long diversion culvert from Dover to Rockaway Borough (discharging to Lake Estling.)
2. Channel improvements consisting of approximately 6.7 miles of bioengineered channel reconstruction (25-foot channel cut within the river banks, from Rockaway Borough through Denville and ending in Boonton Town below the Powerville Dam.)
3. Removal and replacement of Powerville Dam with a crest gate structure.

Although the Plan was estimated to have a benefit/cost ratio of 1.3, further development and environmental assessment of the Plan was halted in 2006 due to significant public concern regarding key aspects of the Plan and the subsequent withdrawal of non-Federal partnership support by the NJDEP. The Report states (p. vi) that the primary public concerns included:

- Project cost,
Level of protection provided by the project, and
Potential adverse environmental impacts to Lake Estling.

Proposed Scope of Investigations

In accordance with your request, Hatch Mott MacDonald (HMM) would be pleased to assist the Township of Denville in evaluating the current applicability of prior considered alternatives for flood mitigation and in selecting a plan of action to address current flooding issues.

We propose that our investigations include the following Tasks:

Task 1 – Document Review
Review the following key documents:
1. NJDEP flood delineation maps (regulatory with respect to work near streams)
2. FEMA flood mapping and Flood Insurance Study
3. Killam report revised December 1980 (includes a list of prioritized projects.)
4. USACE Alternative Plan Formulation Report dated June 2008 (documents include Main Report and 2 additional volumes with Appendices.)

Task 2 – Prepare Reference Exhibits
Utilizing available aerial photographs and flood delineation and elevation data from the NJDEP and FEMA maps and profiles, HMM will prepare exhibits of key locations. Superimposing the flood data on the aerial photographs provides a visual representation of the extent of flooding and the number and types of structures and roads affected.

Task 3 – Evaluation of Prior Potential Projects
Following review of the key documents under Task 1, HMM will prepare a list of projects suggested for further consideration.

A. For the projects recommended in the 1980 Killam report, HMM will consider the information provided by the Township representatives and DPW personnel regarding current areas of concerns and changes since 1980, and current environmental regulations. Projects that could be of benefit will be suggested for further consideration.

B. With respect to the USACE Alternative Plan Formulation Report, HMM will consider the potential for segmenting the considered Plan. For example, the major objection to the Plan appeared to be concern with impacts on Lake Estling, which is upstream of Denville. Plan components in Denville and downstream would not affect Lake Estling.
but could benefit Denville. HMM will review the Plan components through Denville and downstream to the Powerville Dam and compare the associated benefits and costs as presented in the Report to see if there is a potential Benefit/Cost ratio greater than 1. Since the Rockaway River and its tributaries upstream of the Boonton Reservoir are now designated by the NJDEP as Category One Waters (C-1), it will be more difficult to obtain required permits for any construction in the stream or within 300 feet of the banks. HMM will therefore also look at other alternatives described in the USACE Report to see if any considered alternative could benefit Denville yet have a lesser environmental impact.

C. Construction of prior considered improvements by the Township to achieve the original level of protection (e.g. 100-year) may be impractical due to financial, environmental or other constraints. Consideration will be given to the concept of implementing segments (e.g. levee, pump station) of the above prior considered improvements to provide a 25-year or 50-year level of protection.

D. For each of the above evaluations, HMM will prepare a list of projects suggested for further consideration. We will also include other suggested actions, such as evaluation of flood proofing, review of flood warning system, meeting with the NJDEP or the US Army Corps of Engineers, as appropriate. These suggestions will be included in a draft Action Plan.

Task 4 – Review Meeting
HMM will meet with Township representatives to review the above draft Action Plan. Following review and comment, HMM will make appropriate revisions and provide copies to the Township.

Task 5 – Action Plan Implementation
To the extent requested by the Township and permitted by the authorized budget, HMM will assist the Township in implementing items under the Action Plan. Tasks within this scope might include meetings with the USACE, the NJDEP, or other agencies, updating project cost estimates, preparation of additional exhibits (e.g. showing flood damage areas, improvements to be considered further, C-1 Waters and associated 150-foot and 300-foot buffers, Riparian Zone limits), or other Action Plan items in accordance with Township needs.
Proposed Budget

HMM proposes to undertake the above-described Tasks with compensation on a reimbursable basis. Charges would be based upon the hours expended by personnel assigned to the project, with rates and direct expenses in accordance with the rate schedule in effect at the time the services are rendered. We propose that a budget of $20,000 be authorized for the proposed services. Charges will not exceed the authorized budget without written approval of the Township.

HMM looks forward to the opportunity to be of service to the Township in this important matter.

Please call if you have any questions or require any additional information.

Very truly yours,

Hatch Mott MacDonald

[Signature]

John K. Ruschke, PE, PP, CME, BCEE
Vice President
T 908.238.5000 F 908.730.6500
John.Ruschke@hatchmott.com

Cc: L. Coakley, PE, PP, HMM
RESOLUTION

WHEREAS, the Township of Denville requested proposals for the services of an architect in connection with the renovations to the Valley View Company #3 firehouse 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 exceed $17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, USA Architects Planners and Interior Designers, PA, of Somerville, NJ 08876 has submitted a proposal indicating that he will provide architectural services, including but not limited to site surveying, geotechnical services, schematic phase, design development phase, construction documents phase, bidding and permitting phase and construction phase in the amount of $69,500.00; and

WHEREAS, USA Architects Planners and Interior Designers, PA has completed and submitted a Business Entity Disclosure Certification which certifies that he and the firm have not made any reportable contributions to a political or candidate committee in the Township of Denville in the previous one year, and that the contract will prohibit him and the firm from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; 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 Township Clerk of a professional services agreement with USA Architects Planners and Interior Designers, PA, for an estimated term of 1 year.

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. The Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this resolution.
4. This Resolution shall take effect as provided herein.

5. A Notice of this action shall be printed once in The Citizen as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE


CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
RFP# 23-12  

RE: Township of Denville Valley View Fire Company #3

Date of request: July 19, 2012

The Township of Denville is seeking the services of an architectural firm who is experience performing building design work for New Jersey public entities and has experience developing detailed bid specifications in accordance with the New Jersey Local Public Contracts law. The architectural firm should have specific experience designing a Fire Department as well as designing structures located within a flood hazard area.

The project’s conceptual design has been completed and approved by the Township Council. Utilizing the architectural renderings provided, the architectural firm selected shall be responsible for developing a complete bid package in accordance with the NJ Local Public Contracts law. In addition to the cost of developing the bid package, the Township is also seeking a proposal to perform contract administration/construction oversight for once the contract has been awarded.

The purpose of this project is to perform renovations to the existing Valley View Fire House located at the intersection of Diamond Spring Road and River Road in Denville. The facility was severely damaged during Hurricane Irene in August 2011. For prospective architectural firms interested in potentially submitting a bid, a walkthrough of the existing facility is scheduled for July 31, 2012 at 2:30pm. The group will be meeting directly at the location and visit will start promptly at 2:30pm.

Along with the proposal, please provide a New Jersey Business Registration and a current insurance certificate specifically noting the Township of Denville as additionally insured and professional liability coverage no less than one million dollars. All reference sheets should include any work on government contracts specifically fire safety facilities during the past 10 years. The firm should have adequate staff to be able to complete the bid package within 120 days of the award of contract.

Please submit your proposal to the Township of Denville Purchasing Department no later than Thursday, August 9, 2012. The decision to award the bid shall be based upon a comprehensive review of the architectural firm’s experience with the various facets listed herein in addition to the price quoted.

Any questions regarding this request please e-mail purchasing@denvillenj.org or call 973-625-8300 ext. 296 Darlene Price, Purchasing Agent.

Thank you for your interest in the Township of Denville.

Sincerely,

Darlene Price, Purchasing Agent
Township of Denville
RESOLUTION AUTHORIZING CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances, and

WHEREAS, this Public Body is of the opinion that such circumstances presently exist.

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. The public shall be excluded from:

   ___ A PORTION OF THIS MEETING

   ___ THE REMAINING PORTION OF THIS MEETING

2. When out of Closed Session, action may be taken.

3. The general nature of the subject matter to be discussed is as follows:

   Land Acquisition - Attorney

   ___ Client Privilege

4. As nearly as can now be ascertained, the matter or matters to be discussed at this time will be disclosed to the public at the following time and under the following circumstances:

   WHEN SUCH MATTERS ARE RESOLVED AND/OR UPON COMPLETION OF THE MINUTES.

   ___ 8-14-12

DATED:

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK