

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**

**Meeting Minutes - Tuesday, February 9, 2021**

**\*\*This meeting will be conducted via teleconferencing due to the Coronavirus Disease (COVID-19). CALL IN INSTRUCTIONS (978) 990-5000 Access Code 424062#\*\***

**7:00pm – PUBLIC SESSION**

Statement of Open Public Meetings Act Compliance read by Mayor

In accordance with the Open Public Meetings Act and the Emergency Remote Meeting Protocol for Local Public Bodies, adequate and electronic notice of this telephonic meeting have been provided by mailing, emailing and/or faxing notice to the Daily Record and the Citizen, posting notice on the Township website and posting notice on the outside front door & bulletin boards of the Municipal Building, 195 Changebridge Road, Montville, NJ 07045.

Members of the public will be kept on mute during the meeting. The phone lines will be unmuted during the public comment portion. Once the public portion is completed, the phone lines will be muted again for the remainder of the meeting. There is a 3-minute limit on all public comments.

Roll Call Township Committee

Present: Matthew S. Kayne, Committeeman  
June Witty, Committeewoman  
Rich Cook, Deputy Mayor  
Richard D. Conklin, Committeeman  
Frank W. Cooney, Chairman

Also present: Victor M. Canning, Township Administrator  
June E. Hercek, Assistant Administrator  
Fred Semrau, Esq., Township Attorney  
Stacy Sullivan-Gruca, Township Clerk  
Margaret Shepard, Deputy Clerk

Prayer read by Committeeman Kayne

Reminder to residents of COVID safety measures to be taken

Moment of silence for all those lost to COVID19

**APPROVAL OF MEETING MINUTES**

January 23, 2021 Township Committee Budget Workshop Meeting Minutes  
January 26, 2021 Township Committee Regular Meeting Minutes  
January 26, 2021 Township Committee Closed Executive Session Meeting Minutes

Motion by Witty Second by Kayne to approve above listed minutes.  
All in favor – Motion carried

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**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

**Ordinance 2021-01** Ordinance in the Township of Montville, County of Morris, and State of New Jersey amending Chapter 10 “Vehicles and Traffic”, Article 10.20 “Schedules”, Schedule XIV Section 10.20.140 “Prohibited turns at intersections” of the Code of the Township of Montville, New Jersey

Motion by Conklin second by Witty to open public hearing on Ordinance 2021-01

All in Favor - Motion Carried

Phone lines unmuted

Chief Caggiano discusses that this Ordinance is being considered to make the corner of Waxberg Lane and Changebridge Road a No Left Turn. Waxberg Lane is often used by motorists as a cut through to avoid the light at the nearby intersection. This change is being suggested not only for the safety of the residents on Waxberg Lane, but also for the travelers considering the limited sight distance for this left hand turn.

*No Public Comments*

Motion by Cook second by Conklin to close public hearing on Ordinance 2021-01

All in Favor - Motion Carried

Phone lines muted

Motion by Witty second by Cook to adopt Ordinance 2021-01

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**Ordinance 2021-02** Ordinance of the Township of Montville, County of Morris and State of New Jersey to amend Chapter 230 entitled “Land Use and Development Regulations” of the Revised General Ordinances of the Township of Montville to establish the requirement of a safety and stabilization guarantee

Motion by Cook second by Kayne to open public hearing on Ordinance 2021-02

All in Favor - Motion Carried

Phone lines unmuted

Canning explained that this Ordinance is being considered to address the safety and stabilization guarantee in development areas. It changes the requirements for grading over certain percentages and requires guarantees that protect the surrounding properties.

*No Public Comments*

Motion by Witty second by Kayne to close public hearing on Ordinance 2021-02

All in Favor - Motion Carried

Phone lines muted

Motion by Cook second by Conklin to adopt Ordinance 2021-02

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

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**REPORTS**

**Administrator's Report**

COVID Update

As of 2/9/2021: 10 new cases / 11 cleared cases / 344 current cases / total cleared cases 804 / total cases 1149

2021 Budget

Budget prep continues, next meeting Administration will present more budget items for review

**Attorney report**

Ordinance 2021-02

Reiterated Canning's remarks that this ordinance will protect the residents in the area of development by aligning our Ordinance with recent changes in laws over the last couple of years. Research was prompted by Administration in response to developers opposed to posting a guarantee.

Altice

Asks that this subject be placed on closed executive session agenda for February 26, 2021 meeting for an update to Governing Body.

Minutes

Minutes from recent meetings all approved tonight supportive of transparency efforts

**Township Committee liaison reports and comments**

Cook

Recreation meeting February 10, 2021 at 7pm

Board of Adjustment approved a deli-type use by Boonton Avenue/Taylorstown Road

Conklin

Thanked DPW and Administration for their response to the recent snowstorm

Dorsey Pond follow up – Township Engineer did survey of layout to aid in plans for improvements

Coordinate walk around Towaco with Cook once weather clears

Witty

VFW Zoom meeting February 10, 2021

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Relay for Life – High School Club selling sweatshirts/meeting February 15, 2021 at 7:30pm

Open Space – no meeting space/trails available for adoption

Housing – Met January 28, 2021 reorganization/review annual report/remind vacancies

Kayne

Expressed gratitude to DPW and Police Department for keeping roads safe during the storm

Board of Health met and welcomed new members Tuckman/Jani. Discussed COVID numbers and passed a resolution encouraging residents to get vaccinated when possible.

Environmental Commission meeting February 17, 2021

OneMontville ongoing book club – War on Kindness - [Bit.ly/Montville21](https://bit.ly/Montville21)

OneMontville hosting virtual event with Pine Brook Jewish Center/Chabad – February 23, 2021 7pm Reflections on Surviving the Holocaust and the COVID19 Pandemic – guest speaker Toby Levy. Request of Administration to hang flyers on Town Hall doors and/or post event on website.

Cooney

Echoed thanks to DPW for an outstanding job, received positive feedback from residents.

**OLD BUSINESS**

None

**NEW BUSINESS**

Introduction by Chief Caggiano of new Patrol Officer Robert Manieri, Jr.

Officer Manieri grew up in Nutley, NJ and moved to Towaco in 2019. He worked for Newark Police Department from 2018 until January 2021, when he was sworn into the Montville Township Police Department.

Introduction by Mayor of Catherine LaBelle, Library Director

Catherine brings 21 years of experience working in libraries. She began working for Montville Township Public Library in 2017 as Assistant Director. Offers her enthusiastic assistance to residents and Township.

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**ORDINANCE INTRODUCTIONS**

**Ordinance 2021-04** Ordinance of the Township Committee of the Township of Montville, County of Morris, State of New Jersey, authorizing the acceptance of an Access Easement Agreement in favor of Alfa Investments, LLC for a portion of the property designated as Block 59.1, Lot 8.08, on the Montville Township Tax Map

Motion by Conklin second by Kayne to introduce Ordinance 2021-04  
All in favor – Motion Carried  
Clerk set public hearing date February 23, 2021

**Ordinance 2021-05** Ordinance of the Township of Montville, County of Morris, and State of New Jersey repealing Chapter 230 “Land Use Development”, Part 3 “Stormwater Management Requirements” of the Code of the Township of Montville and replacing it with a new Part 3 in accordance with revised New Jersey Department of Environmental Protection Regulations

Motion by Witty second by Kayne to introduce Ordinance 2021-05  
All in favor – Motion Carried  
Clerk set public hearing date February 23, 2021

**PUBLIC PORTION**

Motion by Kayne second by Conklin to open public portion

All in favor - Motion carried

Phone lines unmuted

*No Public Comments*

Motion by Cook Second by Conklin to close public portion

All in favor - Motion carried

Phone lines muted

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2021-CA03**

**Resolution 2021-60** Resolution appointing Deputy Emergency Management Coordinators

WHEREAS, the Township of Montville desires to appoint Deputy Emergency Management Coordinators; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that Andrew Caggiano and Mark Olsson are hereby appointed Deputy Emergency Management Coordinators for 2021.

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**Resolution 2021-61** Resolution approving request from Tax Collector for transfer of overpayment (tax appeals)

WHEREAS, The MORRIS COUNTY BOARD OF TAXATION has entered judgments on appeals filed by taxpayers in the Township of Montville;

WHEREAS, The judgment reduced assessments and cancelled tax creating an overpayment of taxes for the years 2020;

WHEREAS, The taxpayer has requested to apply the refund to pre-pay a portion of 2021, 1<sup>st</sup> Qtr tax;

NOW, THEREFORE, BE IT RESOLVED that the tax collector be authorized to transfer this overpayment as follows:

Block 51.2 Lot 15.1 21 Renshaw Dr Kraft, Donald E & Helen Y

	<u>FROM</u>	<u>TO</u>
2020 (Tax Appeal)	\$773.32	
2021, 1 <sup>st</sup> Qtr Tax		\$773.32

**Resolution 2021-62** Resolution approving request from Tax Collector for refund of overpayment (tax appeals)

WHEREAS, The MORRIS COUNTY BOARD OF TAXATION has entered judgements on appeals filed by taxpayers in the Township of Montville;

WHEREAS, the judgments reduced assessments and cancelled tax creating an overpayment of taxes for the year 2020 & 2021

NOW, THEREFORE, BE IT RESOLVED that the treasurer be authorized to draw checks in the amount of overpayment to:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY LOCATION</u>		
40	48.01	662 Rt 202	2020 A/O	<u>\$10,580.06</u>
		Shops on Main II, LLC	Total Payment	\$10,580.06

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY LOCATION</u>		
76	7	83 Changebridge Rd	2019 A/O	\$ 1,922.23
			2020 A/O	\$ 1,957.12
			2021/1 <sup>st</sup> Qtr	\$ 489.28
			2021/2 <sup>nd</sup> Qtr	\$ 489.28
		Maganelli, Diane L	Total Payment	\$ 4,857.91

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY LOCATION</u>		
51.1	9	11 Renshaw Dr	2020 A/O	<u>\$ 816.71</u>
		Raval, Devang B & Oatel, Jaimini	Total Payment	\$ 816.71

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**Resolution 2021-63** Resolution authorizing the issuance of Limousine Business License – Syrose Circle, LLC

WHEREAS, Revised General Ordinance Chapter 342 requires the issuance of a license by the Township of Montville for Limousine Services; and

WHEREAS, Syrose Circle, LLC. has filed an application and all necessary fees for the renewal of a limousine business license for the year 2021:

Syrose Circle, LLC, 1 Eckhardt Circle  
Parking Location: 1 Eckhardt Circle  
2018 Ford Expedition VIN 1FMJK2AT7JEA57170

; and

WHEREAS, the application conforms to the requirements of the Township Ordinance and the Police Department has approved the application;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that a limousine business license be issued to Syrose Circle, LLC for the year 2021.

**Resolution 2021-64** Resolution approving request from Tax Collector for the cancellation of taxes and refund of overpayment

WHEREAS, property taxes for the year of 2021 are to be cancelled due to a 100% disabled veteran exemption,

AND, WHEREAS, a portion of these property taxes have been paid by the property owner, creating an overpayment of tax;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Montville be authorized to cancel taxes for the following and that the Treasurer of the Township of Montville be authorized to draw a check in the amount of overpayment to:

Scroggins, Christopher & Anne  
5 Birch Pl  
Block 152 Lot 1

Cancel	1 <sup>st</sup> Qtr 2021	\$2,920.67
	2 <sup>nd</sup> Qtr 2021	\$2,920.67
Refund Only:	1 <sup>st</sup> Qtr 2021	\$2,920.67

**Resolution 2021-65** Resolution of the Township of Montville, in the County of Morris and State of New Jersey, correcting Resolution 2020-334 authorizing the release of a bond received for work performed at 10 Woodmont Road, Block 159, Lot 6

WHEREAS, on December 8, 2020, the Township Committee adopted Resolution 2020-334 authorizing the release of a bond received in connection with work performed 10 Woodmont Road, Block 159, Lot 6, in the Township of Montville; and

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WHEREAS, that Resolution erroneously identified the developer as K&K Developers; and

WHEREAS, the bond received in the amount of \$169,863.66 was issued in the name of and submitted by Windsor Estates, LLC.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the bond held in connection with this project, which is in the amount of \$169,863.66, be released to Windsor Estates, LLC.

This Resolution shall take effect immediately.

**Resolution 2021-66** Resolution of the Township of Montville, County of Morris and State of New Jersey rejecting all bids for the disposal of surplus property

WHEREAS, the Township conducted a sale of property no longer needed using the online auction services of Municibid; and

WHEREAS, the online sale was conducted for the period of January 14, 2021 through January 28, 2021; and

WHEREAS, the Local Public Contracts Law, specifically N.J.S.A. §40A:11-13.2, authorizes a municipality to reject all bids; and

WHEREAS, the Mayor and Township Committee wish to substantially revise the specifications for the goods (N.J.S.A. §40A:11-13.2(d)); and

WHEREAS, the Mayor and Township Committee authorize all bids to be rejected and the project to be re-bid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, in the County of Morris that all bids received for the disposal of surplus property between the period of January 14, 2021 through January 28, 2021 be and are hereby rejected based on N.J.S.A. §40A:11-13.2(d) and Administration is authorized to re-bid this project.

This Resolution shall take effect immediately.

**Resolution 2021-67** Resolution of the Township of Montville, County of Morris, State of New Jersey confirming retirement of William Aquilio

WHEREAS, on January 5, 2021, the Township Administrator and Governing Body received correspondence from William Aquilio advising that he will be irrevocably retiring from the Township of Montville Police Department; and

WHEREAS, Mr. Aquilio has advised that his irrevocable retirement shall be effective August 1, 2022; and

WHEREAS, Mr. Aquilio further requested to be placed on administrative leave commencing July 1, 2021 until his retirement date of August 1, 2022; and



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NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, as follows:

- 1) The Township of Montville hereby accepts and relies upon the January 5, 2021 irrevocable notice of retirement from William Aquilio seeking to retire from the Township of Montville.
- 2) Effective August 1, 2022, William Aquilio shall be retired from his position with the Township of Montville Police Department.
- 3) This resolution puts the Administrator and CFO on notice to immediately process any and all requests from the State of New Jersey, Division of Pensions and Benefits regarding the retirement of Mr. Aquilio.
- 4) Mr. Aquilio shall be placed on administrative leave commencing July 1, 2021 until his retirement date of August 1, 2022.
- 5) This resolution shall take effect immediately.

Motion by Kayne Second by Conklin to adopt consent agenda resolutions, Resolution 2021-60 through Resolution 2021-67

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**RESOLUTIONS**

Motion by Cook Second by Witty to adopt RESOLUTION approving listing of bills and signing of checks for February 9, 2021

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**Resolution 2021-68** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing amendment of the contract for 2020/2021 Snowplowing Services between the Township of Montville and Hoff Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for 2020/2021 Snowplowing Services for the Township; and

WHEREAS, one (1) sealed bid was received and opened on October 22, 2020, in accordance with the bid specifications:

Type of Vehicle	Hourly Rate per Vehicle	Number of Vehicles
Pick up Truck with Snow Plow	0	0

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Mason Dump Truck with Snow Plow	\$300	1
Dump Truck, five (5) yards or larger, single rear axle, with Snow Plow	\$325	3

; and

WHEREAS, the bid received from Hoff Inc. at the above rates has been found to be in proper form and in compliance with the provisions at N.J.S.A. §40A:11-23.5 and the specifications as written; and

WHEREAS, the amount to be awarded for the original contract was not to exceed \$70,000 (\$20,000 in 2020 and \$50,000 in 2021); and

WHEREAS, the Township amended the 2020 contract amount by Resolution 2020-261 dated December 31, 2020 for an additional \$20,000; and

WHEREAS, the Township has now determined that additional snowplowing services are needed for 2021 and that the amount of additional services for 2021 shall not exceed \$30,000; and

WHEREAS, the contract between the Township of Montville and Hoff Inc. must be amended to establish a not to exceed amount of \$120,000 (\$40,000 in 2020 and \$80,000 in 2021); and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey as follows:

1. The Township Committee hereby approves amendment of the contract with Hoff Inc., 57 Stiles Lane, Pine Brook, New Jersey 07058, for 2020/2021 Snowplowing Services at a total price not to exceed \$120,000 (\$40,000 in 2020 and \$80,000 in 2021).

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract amendment with Hoff Inc. in accordance with its bid for 2020/2021 Snowplowing Services.

3. The Township's Chief Financial Officer has certified the availability of funds for this contract.

4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

5. The account to be used for these services is as follows:

0-01-26-290-254; Roads – Snow & Ice Removal; not to exceed \$40,000

1-01-26-290-254; Roads – Snow & Ice Removal; not to exceed \$50,000

T-16-56-601-005; Snow Removal/Storm Recovery Trust; not to exceed \$30,000

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6. While it is impossible to predict the weather, the “not to exceed” amounts are best guesses based on early weather predictions; any excess funds will be canceled and additional funds, if necessary, will be authorized when needed.

This Resolution will take effect immediately.

Motion by Cook Second by Witty to adopt Resolution 2021-68

Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No – 0

**REVIEW OF MEETING ACTION ITEMS**

Cooney asks for holiday banners to be taken down / Hercek explains bucket truck is being repaired, causing the delay

Administrator will confirm posting notices for OneMontville

Attorney anticipates follow up items from executive session

Township Committee None

**Resolution authorizing Closed Executive Session to discuss the following matters as permitted pursuant to NJSA 10:4-12:**

**Contract Negotiations**

(added) 107 Changebridge Road

**Litigation**

**Personnel**

**Attorney-Client Privilege/Potential Litigation**

Affordable Housing; (added) Changebridge/Route 202

Motion by Witty Second by Kayne to adopt Closed Executive Session Resolution and move into closed session

All in favor – Motion carried

Time 7:29pm

*CLOSED SESSION*

Motion by Witty Second by Kayne to ADJOURN

All in favor – Motion carried

**ADJOURNMENT** at 8:34pm

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Next Regular Meeting: February 23, 2021, 7pm

Respectfully submitted,

Approved:  
Montville Township Committee

  
\_\_\_\_\_  
Stacy Sullivan-Gruca, Township Clerk

  
\_\_\_\_\_  
Frank W. Cooney, Mayor

TOWNSHIP OF MONTVILLE

ORDINANCE NO. 2021-01

**AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING CHAPTER 10 "VEHICLES AND TRAFFIC", ARTICLE 10.20 "SCHEDULES", SCHEDULE XIV SECTION 10.20.140 "PROHIBITED TURNS AT INTERSECTIONS" OF THE CODE OF THE TOWNSHIP OF MONTVILLE, NEW JERSEY**

**WHEREAS**, the Township Code contains a schedule where prohibited turns at certain intersections throughout the Township are detailed; and

**WHEREAS**, currently, there are no intersections enumerated in said schedule; and

**WHEREAS**, the Township Administration and Township Committee have received correspondence from the Chief of Police relaying resident concerns with the traffic flow from Waxberg Lane onto Changebridge Road; and

**WHEREAS**, the Montville Township Chief of Police has inspected the area, conducted a traffic study and determined that prohibition of left turns from Waxberg Lane onto Changebridge Road is necessary for safety reasons; and

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**WHEREAS**, the Township Committee has reviewed the recommended changes and is in agreement with same.

**BE IT ORDAINED**, by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 10 "Vehicles and Traffic", Article 10.20 "Schedules", Schedule XIV Section 10.20.140 "Prohibited Turns at Intersections", of the Code of the Township of Montville is hereby amended as follows:

**§ 10.20.140 Schedule XIV: Prohibited Turns at Intersections.**

In accordance with the provisions of §10.04.110, no person shall make a turn of the kind designated below at any of the following locations:

<b>Intersection (Location)</b>	<b>Prohibited Turn</b>
Waxberg Lane and Changebridge Road	Left from Waxberg Lane

All other sections of this Chapter shall remain unchanged.

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

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

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

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

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**TOWNSHIP OF MONTVILLE**

**ORDINANCE NO. 2021 - 02**

**AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 230 ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTVILLE TO ESTABLISH THE REQUIREMENT OF A SAFETY AND STABILIZATION GUARANTEE**

**WHEREAS**, on January 16, 2018, Governor Christie signed legislation that modifies the requirements for furnishing performance and maintenance guarantees under the "Municipal Land Use Law."; and

**WHEREAS**, the new law authorizes a municipality to require a developer to furnish a "safety and stabilization guarantee," which will provide the municipality a source of funding to return property to a safe and stable condition or to implement measures to protect the public from access to an unsafe or unstable condition; and

**WHEREAS**, the Township Committee desires to establish such "safety and stabilization guarantee" requirements as set forth herein.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that amendments set forth below are made to the Revised General Ordinances of the Township of Montville, Chapter 230 entitled "Land Use and Development Regulations."

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**Section 1.** The title of Section 230-43, currently entitled “Improvements; performance and maintenance guarantees,” shall be amended to read as follows: “Improvements; performance and maintenance guarantees; safety and stabilization guarantees.”

**Section 2.** Section 230-43 shall be amended to include a new Subsection S., which shall read as follows:

S. Safety and stabilization guarantee.

(1) Safety and stabilization guarantee required.

(a) The developer shall furnish a safety and stabilization guarantee in favor of the Township of Montville for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition.

(b) The Township shall be permitted to access the guarantee when:

[1] Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure; and

[2] Work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township’s intent to claim payment under the guarantee.

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- (c) At the developer's option, the safety and stabilization guarantee may be included as a line item in the performance guarantee rather than in the form of a separate guarantee.
- (d) The amount of the safety and stabilization guarantee shall be calculated pursuant to N.J.S.A. 40:55D-53.4 as follows:
- [1] \$5,000 for the first \$100,000 of bonded improvement costs; plus
  - [2] Two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000; plus
  - [3] One percent of bonded improvement costs in excess of \$1,000,000.
- (e) The safety and stabilization guarantee shall be released upon the determination of the Township Engineer that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

**Section 3.** If any article, 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 and they shall remain in full force and effect.

**Section 4.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Montville, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Montville are hereby ratified and confirmed, except where inconsistent with the terms hereof.



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**Section 5.** The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Morris County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 6.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Montville for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 7.** This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

**Section 8.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.