

**MONTVILLE TOWNSHIP COMMITTEE
SPECIAL MEETING MINUTES—January 3, 2016**

Montville Township Committee Special Meeting
Sunday, January 3, 2016, 5:20 p.m. (December 31, 2015 “Sine Die” Meeting)
Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

Statement of Open Public Meetings Act Compliance read by Township Clerk Atkinson.

Roll call Township Committee:

Present: Committeeman James Sandham, Jr.
 Committeeman Richard D. Conklin
 Committeewoman Deborah Nielson
 Chairman Scott C. Gallopo

Absent: Committeeman Donald Kostka

Also present: Victor Canning, Township Administrator
 June Hercek, Assistant Township Administrator
 Fred Semrau, Esq., Township Attorney
 Gertrude Atkinson, Township Clerk

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2015-CA28: Motion: Nielson. Second: Conklin. Roll call vote – Sandham, yes; Kostka, absent; Conklin, yes; Nielson, yes; Gallopo, yes. Resolution adopted.

CONSENT AGENDA ITEM A – RESOLUTION AUTHORIZING TRANSFER OF FUNDS 2015:

WHEREAS, various bills have been presented for payment; and

WHEREAS, it is determined by the Chief Financial Officer that there is a need to transfer funds to cover bills presented for payment in the respective appropriation accounts; and

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of funds during the last two months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Montville, (not less than two-thirds of all members thereof affirmatively concurring) that the following transfers be made between the 2015 Budget Appropriations as follows:

From	Amount	To	Amount
<u>Current Fund</u>			
Tax Assessment OE	\$ 8,500.00	Legal Services OE	\$ 8,500.00
Engineering S&W	\$ 7,000.00	Traffic Lights	\$ 7,000.00
Police S&W	\$ 1,210.00	Police S&W (Overtime)	\$ 1,210.00
Group Insurance	\$ 50,000.00	Judgements	\$ 50,000.00
Gasoline - Public Works	\$ 25,000.00	Capital Improvement Fund	\$ 25,000.00
	\$ 91,710.00		\$ 91,710.00
<u>Sewer Operating</u>			
Sewer Operating OE	\$ 250.00	Social Security	\$ 250.00
	\$ 250.00		\$ 250.00

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to make the transfers.

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CONSENT AGENDA ITEM B – RESOLUTION AUTHORIZING TRANSFER OF FUNDS 2015 – ACCUMULATED ABSENCES AND RESERVE FOR PENDING TAX APPEALS:

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of funds during the last two months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

WHEREAS, permission has been received from the Director of the Division of Local Government Services for approval as a Dedication of Rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJAC 5:30-15 permits municipalities to receive amounts for costs incurred for accumulated absences

WHEREAS, the Township of Montville wishes to fund the Accumulated Absence Trust; and

WHEREAS, the Township of Montville also wishes to fund the Reserve for Pending Tax Appeals; and

WHEREAS, as a result of this transfer, there will be an unexpended balance in the Tax Appeal line item

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville, (not less than two-thirds of all members thereof affirmatively concurring) that the transfer in the amount of \$225,000 be made between the 2015 Budget Appropriations as follows, for the purpose of funding Accumulated Absences and the Reserve for Pending Tax Appeals:

From	Amount	To	Amount
<u>Current Fund</u>			
Police S&W	\$ 175,000.00	Provision for Accumulated Sick and Vacation	\$ 100,000.00
Administration S&W	\$ 10,000.00	Tax Appeals	\$ 125,000.00
Clerk S&W	\$ 2,000.00		
Finance S&W	\$ 2,000.00		
Planning Board S&W	\$ 15,000.00		
Board of Adjustment S&W	\$ 10,000.00		
Construction S&W	\$ 5,000.00		
Roads S&W	\$ 6,000.00		
	\$ 225,000.00		\$ 225,000.00

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized and directed to make the transfers.

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Montville, County of Morris and State of New Jersey, hereby authorize the Chief Financial Officer to charge off the unexpended balance in the Tax Appeals line to fund the Reserve for Tax Appeals in the amount of \$125,000.

CONSENT AGENDA ITEM C – RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE JANUARY 6, 2015 AGREEMENT BETWEEN THE TOWNSHIP OF MONTVILLE AND FRED SEMRAU, ESQ.:

WHEREAS, there exists a need for a Township Attorney for the Township of Montville and for legal services in connection with In the Matter of the Petition of Jersey Central Power & Light Company Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Montville-Whippany 230 kV Transmission Project is Reasonably Necessary for the Service, Convenience and Welfare of the Public, BPU Docket No. EO-15030383, OAL Docket No. PUC 08235-2015N; and

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WHEREAS, the Township and Fred Semrau, Esq. previously entered into an Agreement, dated January 6, 2015, for Fred Semrau, Esq. to perform such services in accordance with his December 16, 2014 proposal; and

WHEREAS, the Agreement had a not-to-exceed amount of \$189,200 and thereafter, it was determined that further professional legal services were required in connection with the above-referenced matter; and

WHEREAS, the Township and Fred Semrau, Esq. wish to amend the Professional Services Agreement to increase the total fee payable from \$189,200 to \$195,200 to reflect the service provided by Fred Semrau, Esq.; and

WHEREAS, 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 a contract for professional service” without competitive bidding, and the contract itself, be available for public inspection.

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 of Montville hereby awards and authorizes the Mayor and Township Clerk to execute an Addendum with Fred Semrau, Esq. for legal services for a fee not to exceed a total of \$195,200 as per his proposal dated December 16, 2014.

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$195,200 without the prior written approval of the Township Committee.

4. Notice of this action shall be published once in the Township’s official newspaper as required by law.

5. A copy of this resolution shall be provided to the Township Chief Financial Officer and Fred Semrau, Esq. for their information and guidance.

This Resolution shall take effect immediately.

CONSENT AGENDA ITEM D – RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE NOVEMBER 24, 2015 AGREEMENT BETWEEN THE TOWNSHIP OF MONTVILLE AND FLORIO PERRUCCI STEINHARDT & FADER, LLC:

WHEREAS, there exists a need for professional legal services for the Township of Montville in connection with In the Matter of the Petition of Jersey Central Power & Light Company Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Montville-Whippany 230 kV Transmission Project is Reasonably Necessary for the Service, Convenience and Welfare of the Public, BPU Docket No. EO-15030383, OAL Docket No. PUC 08235-2015N; and

WHEREAS, the Township and Florio Perrucci previously entered into an Agreement, dated November 24, 2015, for Florio Perrucci to perform such services in accordance with its October 30, 2015 proposal; and

WHEREAS, the Agreement had a not-to-exceed amount of \$10,000 and thereafter, it was determined that further professional legal services were required in connection with the above-referenced matter; and

WHEREAS, the Township and Florio Perrucci wish to amend the Professional Services Agreement to increase the total fee payable from \$10,000 to \$18,500 to reflect the service provided by Florio Perrucci; and

WHEREAS, 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 a contract for professional service” without competitive bidding, and the contract itself, be available for public inspection.

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:

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1. The Township of Montville hereby awards and authorizes the Mayor and Township Clerk to execute an Addendum with Florio Perrucci for professional legal services for a fee not to exceed a total of \$18,500 as per its proposals dated October 30 and December 22, 2015.

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$18,500 without the prior written approval of the Township Committee.

4. Notice of this action shall be published once in the Township's official newspaper as required by law.

5. A copy of this resolution shall be provided to the Township Chief Financial Officer and Florio Perrucci Steinhardt & Fader, LLC, for their information and guidance.

This Resolution shall take effect immediately.

CONSENT AGENDA ITEM E – RESOLUTION AUTHORIZING THE APPROVAL OF OPEN AND CLOSED SESSION MINUTES REGULAR MEETING NOVEMBER 24, 2015.

CONSENT AGENDA ITEM F – RESOLUTION AUTHORIZING THE LISTING OF BILLS AND SIGNING OF CHECKS.

PUBLIC PORTION: Chairman Gallopo opened the public portion. Hearing no comments, Chairman Gallopo closed the public portion. Motion: Sandham. Second: Nielson. All in favor except Kostka, absent. Motion approved.

Meeting adjourned at 5:25 p.m. Motion: Nielson. Second: Sandham. All in favor. Motion approved.

Respectfully submitted,

Approved February 9, 2016
Montville Township Committee

Gertrude H. Atkinson, Township Clerk

James Sandham, Jr., Mayor