

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**

**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

**\*\*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: 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

Absent: Matthew S. Kayne, Committeeman

Prayer read by Committeewoman Witty

Moment of silence for all those lost to COVID19

Mayor speaks about the passing of VFW Member, Cleave Ledford

Mayor congratulates NJ Youth Wrestling State Tournament Medalists from the Montville Broncos

Chief Caggiano speaks about Gracie Ferluge, and the various, special ways the Montville Township Police Department has reached out to her to show their support and care for a courageous and kind young lady.

**PROCLAMATION**

Gracie Ferluge - read to celebrate the 5 year old, who is battling Neuroblastoma

Phone lines muted

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

**APPROVAL OF MEETING MINUTES**

April 13, 2021 Township Committee Regular Meeting Minutes  
April 13, 2021 Township Committee Closed Executive Session Meeting Minutes  
Motion by Cook second by Witty to approve the above listed minutes  
All in favor – Motion carried

**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

[Ordinance 2021-12](#) Ordinance of the Township of Montville, Morris County, New Jersey, authorizing a capital expenditure from the Open Space Dedicated Trust Fund in the amount of \$10,000

Motion by Cook second by Conklin to open public hearing on Ordinance 2021-12

All in Favor - Motion Carried

Phone lines unmuted

*No Public Comments*

Motion by Conklin second by Witty to close public hearing on Ordinance 2021-12

All in Favor - Motion Carried

Motion by Cook second by Witty to adopt Ordinance 2021-12

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

**REPORTS**

**Administrator's Report**

COVID19 Update

As of today – 2 new cases / 11 cleared cases / 29 current cases / 1606 total cases to date / 1577 cleared cases to date

2021 Budget

Reminder – Public hearing and adoption of 2021 budget to be held on May 11, 2021

4<sup>th</sup> of July Event Update

While 4<sup>th</sup> of July Committee continues to plan and prepare for the event, Executive Orders must be taken into consideration, and Administration will report at the next meeting whether the event will be approved

**Attorney report**

Tax Appeals

Resolution 2021-134 on agenda for approval is awarding a Professional Service Agreement with Appraisal Associates to assist with the numerous tax appeal requests received

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

Altice

Received today a BPU Order, as a follow up to the testimony of the Township, with several questions requested of Altice regarding investments, infrastructure, etc. Will report at the meeting on May 11, 2021.

**Township Committee liaison reports and comments**

Cook

Annual Fishing Derby to be held May 1, 2021 from 8-10am at Masar Pond

Conklin

Canal Society / TCA – met at Dorsey Pond regarding possible upgrades (walking path, signage, bench)

HPRC – met 4/26/21, locating records on the historic dwellings in the Township

Witty

Women's Club Town-wide Garage Sale June 5 & 6, 2021

VFW – Planning Memorial Day event to be held on May 31, 2021 / Drive thru Poppy Sale to be held

Rockaway River Watershed Cabinet – River Clean Up on May 8, 2021 9am-1pm, meet in Saint Clare's parking lot

Cooney

No report

**UNFINISHED BUSINESS**

Assistant Administrator discusses the initial draft of the Open Space and Recreation Plan. NJ Green Acres has a two meeting requirement for the adoption of this Plan. Administration revises their original recommendation, and suggests instead that the first public hearing be held on 5/11/2021 at the regular Township Committee meeting. Recommendations would then be submitted to the Planning Board who would hold the second public hearing. All in agreement with this procedure.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

**NEW BUSINESS**

Township Committee agrees to cancel meeting of June 8, 2021, which is also Primary Election Day, and hold only one meeting in June on June 22, 2021.

**ORDINANCE INTRODUCTIONS**

None

**PUBLIC PORTION**

Reminder to the public to state your name and address for the record, and there is a 3 minute time limit on all public comments

Motion by Cook second by Witty to open public portion

All in favor – Motion Carried

*No public comments*

Motion by Cook second by Conklin to close public portion

Phone lines muted

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2021-CA08**

**Resolution 2021-125** Resolution authorizing execution of an agreement with the Morris County Cooperative Pricing Council to renew membership therein for the period of October 1, 2021 through September 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township of Montville desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. The Township Committee of the Township of Montville hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

(5) year period from October 1, 2021, through September 30, 2026.

2. The Montville Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Montville officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

**Resolution 2021-126** Resolution approving request from Tax Collector for refund of overpayment (tax appeals)

WHEREAS, The TAX COURT OF NJ has entered judgment 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 2012, 2013, 2014, 2017, 2018 and 2019

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

The Law Office of Jason S Lustbader, LLC		
C/O MAN Enterprises Holding LLC	2012 Tax Appeal	\$ 3,404.74
82 Bloomfield Ave	2013 Tax Appeal	\$ 3,116.90
Block 173 Lot 7 Qualifier C0082	2014 Tax Appeal	<u>\$ 2,270.52</u>
	TOTAL REFUND	\$ 8,792.16
Spiotti & Esposito, PC Attorney Trust		
For Staub, Norman & Kathy	2017 Tax Appeal	\$11,705.00
12 Pond View	2018 Tax Appeal	\$16,393.27
Block 33 Lot 40.20	2019 Tax Appeal	<u>\$ 4,256.54</u>
	TOTAL REFUND	\$32,354.81

**Resolution 2021-127** Resolution authorizing cancellation of Municipal Tax Sale Certificate

WHEREAS, Certificate of Sale #18000006 on Block 41 Lot 19 (7 Benefly Rd) was issued to Montville Township for delinquent taxes and/or water/sewer charges, at a tax sale held on December 05, 2018 and,

WHEREAS, the assessed owner, Etemadipour, Judith & Mansour has redeemed Certificate #18000006 by paying the full amount of the delinquency.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**

**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of Montville Township are hereby authorized to endorse Certificate of Sale #18000006 for cancellation.

**Resolution 2021-128** Resolution of the Township of Montville, County of Morris and State of New Jersey supporting S-3522, which would establish a new Board of Trustees for the local part of the Public Employees' Retirements System (PERS) to preserve the structure and integrity of the more solvent local part

WHEREAS, county, municipal, and other local governments have met their pension obligations as employers for more than a decade while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus creating one of the worst publicly funded retirement systems in the entire nation; and

WHEREAS, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and

WHEREAS, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering \$26.6 billion for PERS alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2% far below the target funded ratio of 75.0%; and

WHEREAS, this legislation would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as the fiduciary of system.

NOW, THEREFORE, BE IT RESOLVED that the Government Finance Officers Association of New Jersey does in fact hereby support S-3522, which would establish a new board of trustees for the Local Part of the Public Employees' Retirement System (PERS) to preserve the structure and integrity of the more solvent Local Part.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senate President Stephen M. Sweeney, Speaker of the General Assembly Craig Coughlin, and the clerks of the boards of county commissioners in all twenty-one counties.

This Resolution will take effect immediately.

**Resolution 2021-129** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing refund of variance fee

WHEREAS, Naveen R. Vodlakonda paid \$250.00, check #653 dated January 27, 2021, for a variance fee with regard to a variance application #ZC01-21 for property located at 7 Ellerhausen Drive, known as Block 75 Lot 12 on the tax map of the Township of Montville; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

WHEREAS, pursuant to a memo dated March 10, 2021 from the Zoning Board Planner, it has been determined that the location of the pool complies with the Zoning Ordinance and, therefore, no variance is necessary; and

WHEREAS, Steven C. Schepis, Esq., on behalf of his firm's clients, Naveen Reddy Vodlakonda and Mounika Nandyala, requested a refund of the variance fee and the Township of Montville's Department Head of Land Use has authorized refund of the \$250.00 fee.

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 \$250.00 be hereby refunded to: Naveen R. Vodlakonda, 7 Ellerhausen Drive, Montville, New Jersey, 07045, as recommended by the Township of Montville's Department Head of Land Use.

This Resolution shall take effect immediately.

**Resolution 2021-130** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the execution of an extension of Short Form Redevelopment Agreement

WHEREAS, there exists a Short Form Development Agreement ("Redevelopment Agreement") between the Township of Montville and 12 Route 46, LLC which was executed by the parties on August 22, 2020; and

WHEREAS, the parties are working together to complete the requirements of the Redevelopment Agreement; and

WHEREAS, the parties desire to extend the term of the Redevelopment Agreement from the date of expiration through August 22, 2021.

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

Section 1. The Mayor and Township Clerk are hereby authorized to execute the Extension of Short Form Redevelopment Agreement.

Section 2. A copy of this Resolution shall be provided to 12 Route 46, LLC for their information and guidance.

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt consent agenda resolutions, Resolution 2021-125 through Resolution 2021-130

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

**RESOLUTIONS**

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

Motion by Conklin second by Cook to adopt [Resolution](#) approving listing of bills and signing of checks for April 27, 2021

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

[Resolution 2021-131](#) Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of a comminutor for the Clifford Sewer Station under the North Jersey Wastewater Cooperative Pricing System Contract B195-2

WHEREAS, the Montville Township Sewer Department wishes to purchase a comminutor for the Clifford Sewer Station which will be installed directly as a front line pump; and

WHEREAS, Pumping Services, Inc. has a valid Contract through the North Jersey Wastewater Cooperative Pricing System – Contract #B195-2 for Franklin Miller comminutors; and

WHEREAS, the Township’s Director of the Water and Sewer Utilities recommends this purchase; and

WHEREAS, this purchase is permitted under N.J.S.A. 40A:11-11(5), the New Jersey Local Public Contracts Law which permits contracting units to participate in cooperative pricing systems; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey authorize the purchase of a Franklin Miller Comminutor as part of the Clifford Sewer Station for the Sewer Department under the North Jersey Wastewater Cooperative Pricing System Contract #B195-2.

BE IT FURTHER RESOLVED, the Township would like to purchase the pump as follows:

- Pumping Services, Inc.. - \$13,095.75 (North Jersey Wastewater Cooperative Pricing System Contract #B195-2, one (1) 5HP Sub (IP68) Motor with Reducer Assembly at \$13,785.00 per motor less 5% discount)
- Pumping Services, Inc. - \$5,114.80 (North Jersey Wastewater Cooperative Pricing System Contract #B195-2, one (1) FRP Panel for Sub (IP68) Motor at \$5,384.00 per panel less 5% discount)
- Pumping Services, Inc. - \$20,847.75 (North Jersey Wastewater Cooperative Pricing System Contract #B195-2, one (1) Franklin Miller Grinder TM4016 (TM14024-S) at \$21,945.00 per grinder less 5% discount)
- Pumping Services, Inc. – \$5,975.00 (not included in North Jersey Wastewater Cooperative Pricing System, Installation of Equipment)

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

- Pumping Services, Inc. is the authorized vendor and repair services center for all Franklin Miller products
- Pumping Services, Inc. will warranty installation services as well as parts
- TOTAL = \$45,033.30

and;

BE IT FURTHER RESOLVED that the Township's Chief Financial Officer has certified the availability of funds for this purchase.

BE IT FURTHER RESOLVED that the account to be used for this purchase is the following:

- #2020-12, Pumps, Comminutors, Meters, Etc., C-08-55-568-501, \$45,033.30

BE IT FURTHER RESOLVED that this resolution shall be available for public inspection in the office of the Township Clerk.

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-131

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

**Resolution 2021-132** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the award of a Professional Services Contract without competitive bidding to GZA GeoEnvironmental, Inc. to provide professional asbestos-containing materials evaluation services for Montville Township

WHEREAS, there exists a need for professional environmental engineering asbestos-containing materials evaluation services in connection with the Redevelopment Project at 16 Route 46 East in Montville Township; and

WHEREAS, the Township wishes to retain GZA GeoEnvironmental, Inc. to perform such services; and

WHEREAS, the maximum amount for the proposed services under this contract shall not exceed \$6,050.00; and

WHEREAS, funds are available in the applicable escrow account 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 be available for public inspection.

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

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

Section 1. The contract with GZA GeoEnvironmental, Inc. 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 the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. GZA GeoEnvironmental, Inc. shall provide professional environmental engineering asbestos-containing material evaluation services to the Township as set forth in its proposal of March 31, 2021.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of Montville as required by law.

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to GZA GeoEnvironmental, Inc., 55 Lane Road, Suite 407, Fairfield, New Jersey 07004, for their information and guidance.

Section 5. The account to be used for these services is as follows:  
P20-10: 12 Route 46/Paul Miller Escrow; not to exceed \$6,050.00

This Resolution shall take effect immediately.

Motion by Conklin second by Cook to adopt Resolution 2021-132

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

**Resolution 2021-133** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to participate in the New Jersey Department of Health, Office of Local Public Health (OLPH), strengthening New Jersey's Local Public Health System initiative

WHEREAS, the New Jersey Department of Health, Office of Public Health (OLPH), seeks capacity building requests from local health departments in New Jersey for the deployment of licensed health officers to bolster local COVID-19 response and recovery; and

WHEREAS, these health officers will work alongside public health professionals in local health department settings and/or remotely to advise on and carry out a variety of COVID-19 duties related to information sharing, isolation and quarantine, surge staffing, and jurisdictional recovery; and

WHEREAS, the Montville Township Health Officer requested the Township's participation in the program; and

WHEREAS, the OLPH selected Mr. Michael Hodges, HO, to meet the Township's health department's needs; and

WHEREAS, Mr. Hodges is approved to work up to 30 hours per week through January 2022.

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 the Township of Montville

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

acknowledges the deployment of Mr. Michael Hodges, HO, to work alongside our public health staff, both on-site and remotely, to advise on and carry out a variety of COVID-19 duties.

Motion by Witty second by Conklin to adopt Resolution 2021-133

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

**Resolution 2021-134** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the award of a Professional Services Contract without competitive bidding to Associated Appraisal Group, Inc. for appraisal services

WHEREAS, there exists a need for appraisal services in connection with pending property tax appeals for the Township of Montville; and

WHEREAS, the Township wishes to retain the services of Associated Appraisal Group, Inc. to provide such services pursuant to the schedule of hourly rates and charges provided in the proposal for services furnished to the Township by Associated Appraisal Group, Inc. and attached to this Resolution; 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 agreement with Associated Appraisal Group, Inc. for appraisal services for a fee not to exceed \$15,000, with services to be provided pursuant to the schedule of hourly rates and charges established in the proposal for services furnished to the Township by Associated Appraisal Group, Inc. and attached to this Resolution

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

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 \$15,000 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 Associated Appraisal Group, Inc., 6 Commerce Drive, Suite 303, Cranford, New Jersey, 07016, for their information and guidance.

6. This Resolution shall take effect immediately.

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

1-01-20-150-227; Tax Assessment – Professional Fees; not to exceed \$15,000

Motion by Cook second by Conklin to adopt Resolution 2021-134

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

**Resolution 2021-135** Resolution authorizing the refund of Water/Sewer payments due to duplicate payment (43 Stiles Lane, Pine Brook, NJ)

WHEREAS, the Water and Sewer Department received payment on January 20, 2021 in the amount of \$2,300.19 for a utility bill due for 43 Stiles Lane, account number 102004; and

WHEREAS, the Water and Sewer Department received another payment on the same account on January 25, 2021 of \$2,727.84 and this payment has resulted in a net overpayment on the account of \$2,360.42; and

WHEREAS, the customer has requested a refund of this overpayment; and

WHEREAS, the Director of Water and Sewer has recommended that this credit balance resulting from duplicate payments be refunded.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, State of New Jersey that the Water and Sewer Department is hereby authorized to issue a refund to ABAA Realty in the amount of \$2,360.42.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

Motion by Witty second by Conklin to adopt Resolution 2021-135

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

**REVIEW OF MEETING ACTION ITEMS**

Attorney

BPU follow up

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

**Contract Negotiations**

None

**Litigation**

None

**Personnel**

Administration; add Town Hall

**Attorney-Client Privilege/Potential Litigation**

Food Truck Vending Ordinance; Land Use Ordinance

Motion by Witty second by Cook to adopt Closed Executive Session Resolution and move into closed session

All in favor – Motion carried

Time 7:25pm

*Mayor noted that no action will be taken after closed session*

*CLOSED SESSION*

Motion by Cook second by Conklin to ADJOURN

All in favor – Motion carried

**ADJOURNMENT** at 7:58pm

Next Regular Meeting: May 11, 2021, 7pm

Approved:

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, April 27, 2021 – 7:00pm**

Montville Township Committee

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Stacy Sullivan-Gruca, Township Clerk

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Frank W. Cooney, Mayor