

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**

**Meeting Minutes - Tuesday, May 11, 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.

Phone lines muted

Roll Call Township Committee

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

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

Absent: Rich Cook, Deputy Mayor

Prayer read by Committeeman Conklin

Mayor speaks about the passing of VFW Member, Howard Baker

Phone lines unmuted

**PRESENTATION**

Mayor introduces Jacob Lucas, who then presented his Eagle Scout Service Project Proposal for Blue Trail at Camp Dawson. Township Committee approves project – All in favor

Phone lines muted

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**APPROVAL OF MEETING MINUTES**

April 27, 2021 Township Committee Regular Meeting Minutes  
April 27, 2021 Township Committee Closed Executive Session Meeting Minutes

Motion by Witty second by Conklin to approve above listed minutes.  
Kayne recused, absent from meeting on April 27, 2021  
All in favor – Motion carried

**2021 MUNICIPAL BUDGET – ADOPTION**

[Resolution 2021-136](#) Resolution waiver of reading in full of the 2021 Municipal Budget

Motion by Kayne second by Conklin to adopt Resolution 2021-146

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

**Public hearing on the 2021 Municipal Budget**

Motion by Witty second by Kayne to open public hearing on the 2021 Municipal Budget

All in favor – Motion carried

Phone lines unmuted

*No Public Comments*

Motion by Kayne second by Witty to close public hearing on the 2021 Municipal Budget

All in favor – Motion carried

Phone lines muted

[Resolution 2021-137](#) Resolution to adopt 2021 Municipal Budget

Motion by Kayne second by Conklin to adopt Resolution 2021-137

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

Phone lines unmuted

**LAND CONSERVANCY**

Barbara Davis from the Land Conservancy of New Jersey discusses the Open Space and Recreation Plan. Updating the plan is a Green Acres requirement for the Township to continue to qualify for enhanced State of NJ funding through the Planning Incentive Program. This is required because the current plan is over 10 years old. The Township requested to include an analysis of properties for potential acquisition of Open Space. 100 parcels qualified for high priority parcels and full listing of parcels and priorities are listed in the plan. Public meeting being held tonight, as part of two public meeting requirement. Plan to be presented to the

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Master Plan Subcommittee on May 27, 2021. Final public meeting and adoption as part of the Master Plan will be held by the Planning Board, to fulfill the requirements.

*No questions from Township Committee.*

Motion by Witty second by Kayne to open public hearing on the [Open Space and Recreation Plan](#)

All in favor – Motion carried

*Public Comments*

Dan Grant, 109 Revere Court, Montville

Questioned the amount of debt service and Open Space funds available for acquiring new Open Space properties.

Barbara Davis, provides details in front of her due to presentation: as of the end of 2019, debt service was \$1.6 million, with an available balance of \$1.1 million, within 5 years, debt service will be reduced to \$667,000, with an available balance of \$4 million. Projection at the end of 2020 is \$1.2 million available funds.

Motion by Conklin second by Kayne to close public hearing

All in favor – Motion carried

Phone lines muted

**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

None

**REPORTS**

**Administrator**

COVID19 Update

2 new cases / 0 cleared cases / 13 current cases / 1608 total cleared to date / 1621 total cases to date

Since April 29<sup>th</sup>, there have been 7 days with zero new cases

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2021 Budget

Adopted tonight, thanks extended to CFO, Katie Yanke

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

2021 event cancelled, due to challenges of planning amidst the CDC and State of NJ COVID guidelines. Township to plan Montville Day in October of 2021, no date confirmed

**Attorney report**

No report

**Township Committee liaison reports and comments**

Conklin

Dorsey Pond Clean Up – Thanks extended to Engineer/Director of DPW and DPW crew for their efforts in cleaning up the area.

HPRC – meets on 5/24/2021

Witty

VFW – Memorial Day event planned for 5/31/2021 at 11am outdoors at the VFW and tank memorial. Request to hang banners for the event.

DAC/Municipal Alliance – meets on 5/12/2021, currently holding Graduation Lawn Sign Fundraiser

Rockaway River Watershed Cabinet – planning a River Assessment workshop open to community, details to follow

Kayne

Altice update – during Unfinished Business of the agenda

Thanks to CFO, Administration and all departments for the minimal budget levy increase

Cooney

Library – Conducting a resident survey, reminder to take survey by May 28, 2021

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**UNFINISHED BUSINESS**

Altice Update

Preliminary Report received from NJ BPU, as a result of the hearing held in March 2021 involving 300 participants, 60 speakers and 300 comments submitted in support of the residents reporting poor service from Altice.

Information requested from Altice to be submitted to the BPU as the “appropriate next steps in this investigation”:

Current infrastructure

Deployed resources throughout the system and ability to provide reliable service

Outline of expenditures for Infrastructure improvements from 2016-2021

Monetary commitments to network expansions for NJ compared to those provided in NY

Customer Service: number of representatives to serve NJ customers, satisfaction surveys, training for representatives

Testing of internet speeds

Plant maintenance and field operations

Altice has two weeks to respond and the Township will receive and share the response.

**NEW BUSINESS**

Relay for Life signs to advertise event requested to be placed around Township

Motion by Kayne second by Witty

All in favor – Motion carried

Administration

Mayor confirms support of Township Committee to appoint Assistant Administrator, Hercek, as Township Administrator, upon retirement of Canning

**ORDINANCE INTRODUCTIONS**

**Ordinance 2021-13** Bond Ordinance reappropriating \$156,234.81, including \$151,834.81 of proceeds of obligations not needed for their original purposes and \$4,400 from the Capital Improvement Fund, in order to provide for various capital improvements in and by the Township of Montville, in the County of Morris, New Jersey

Motion by Witty second by Kayne to introduce Ordinance 2021-13

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

Clerk set public hearing date for May 25, 2021

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**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 Conklin second by Kayne to open public portion

All in favor – Motion Carried

*Public comments*

Dan Grant, 109 Revere Court, Montville

Concerns over agreements with Homeowners Associations in condo developments – especially for residents of affordable units, alleges other townships have ordinances to protect affordable residents, questions vacant affordable units not being filled while there remains a lengthy wait on the affordable housing list of applicants.

Township Attorney: Research conducted upon receipt of the concerns emailed by Mr. Grant regarding the agreements. Attorneys advised Administration that these are not matters that the Township Committee can challenge or act upon, as it is considered to be a private matter between residents and the Homeowners Association. The validity of concerns is shared and is suggested to be handled with the assistance of legal aid. The Affordable Housing Liaison plans to reach out to the Fair Share Housing Organization, who intervenes on behalf of those who reside in affordable housing.

Administration: Hercek confirms Open Space projected balance 12/31/2021 1,336,000, questioned earlier by Mr. Grant during the public hearing on the Open Space and Recreation Plan. Canning emphasizes the commendable efforts of the Township Committee and Administration on behalf of the residents in affordable housing. Montville Township has been recognized favorably by Fair Share Housing in response to the initiative and actions of the Township taken in support of the affordable housing needs. Clarification offered regarding the applicants on the affordable housing list: applicants must provide financials and required paperwork to qualify, which are not always submitted, which may cause delay in sale of the units.

Motion by Conklin second by Kayne to close public portion

All in favor – Motion carried

Phone lines muted

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2021-CA09**

**Resolution 2021-138** Resolution authorizing the renewal of a Junkyard License to V&V Recycling, Inc. (Block 56, Lot 12.01)

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WHEREAS, V & V Recycling, Inc., the owner of property known as Block 56, Lot 12.01, as shown on the Tax Map of the Township of Montville and also known as 144 Main Road, has applied for the renewal of its junkyard license for 2021; and

WHEREAS, the application of V & V Recycling, Inc. has been reviewed by the Land Use, Health, Police, and Fire Departments; and

WHEREAS, the license renewal has been recommended; and

WHEREAS, the Township Committee finds that the requirements of the Township of Montville Junkyard Ordinance have been complied with.

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 V & V Recycling, Inc. shall be issued a junkyard license for Block 56, Lot 12.01, also known as 144 Main Road, for the year 2021.

**Resolution 2021-139** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing amendment of Resolution 2020-290 to authorize the Mayor to execute grant forms for the New Jersey Department of Community Affairs

WHEREAS, pursuant to Resolution 2020-290, the Mayor and Township Committee authorized the Township Administrator and Township Clerk to execute any agreements or documents necessary for the Township to receive grant funding from the New Jersey Department of Community Affairs; and

WHEREAS, the New Jersey Department of Community Affairs notified the Township that the Mayor must be authorized to execute any and all grant documents; and

WHEREAS, the Township Committee has reviewed the request and determined that Resolution 2020-290 shall be amended to permit Township Mayor, Frank W. Cooney, and the Township Clerk to execute any and all grant documents for the New Jersey Department of Community Affairs.

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 persons whose names, titles and signatures appear below are authorized to sign the agreement and any other documents necessary in connection herewith:

**Resolution 2021-140** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing property maintenance work to be completed by the Township of Montville Department of Public Works to place the premises at 19 Montgomery Avenue in conformance with the Property Maintenance Ordinance

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WHEREAS, there is in existence within the Township of Montville a property located at 19 Montgomery Avenue, designed on the Montville Township Tax Map as Block 125.13, Lot 5 (the "Property"); and

WHEREAS, the Property has not been maintained in compliance with the Township's Property Maintenance Ordinance; and

WHEREAS, a Notice of Violation was served on March 30, 2021 requiring compliance; and

WHEREAS, a Notice of Lien was posted upon the front door of the Property and mailed to the property owner on April 12, 2021 requiring compliance on April 22, 2021; and

WHEREAS, to date, the property maintenance violations have not been abated; and

WHEREAS, the Township Property Maintenance Ordinance, §287-33, permits the Township to abate property maintenance violations, the costs of which are to be a lien against the Property; and

WHEREAS, the Township's General Supervisor of the Department of Public Works has performed an inspection of the Property and provided a cost estimate of the work necessary to bring the Property up to Code; and

WHEREAS, the cost estimate for the work on the Property totals \$445.95 as follows:

Lawn Mower Operator x 3 hours	\$35.32/hour	\$105.96
Weed Wacker/Blower x 3 hours	\$28.27/hour	\$ 84.81
Weed Wacker/Blower X 3 hours	\$25.06/hour	\$ 75.18
<u>Equipment X 3 hours:</u>	<u>\$60.00/hour</u>	<u>\$180.00</u>
Total:		\$445.95

; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey that if the Property is not timely remediated by the property owner, the Township Administration and Department of Public Works is hereby authorized to perform work on the property located at 19 Montgomery Avenue pursuant to the report of the Director of Public Works, attached hereto, in the amount not to exceed \$445.95, said amount to become a lien against the property, in order to remediate the property maintenance violations.

This Resolution shall take effect immediately.

[Resolution 2021-141](#) Resolution authorizing contracts with certain additional approved Morris County Cooperative Pricing Council Contract Vendors

WHEREAS, in the past, the Township of Montville has availed itself of the right to purchase materials, supplies, and equipment under contracts for such materials, supplies and equipment entered into under the Cooperative Pricing Council of the County of Morris; and



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WHEREAS, it is desirable from time to time to obtain materials, supplies and equipment under Contracts for such materials, supplies and equipment entered into by the Cooperative Pricing Council of the County of Morris without the necessity of advertising for bids or in the cases where no bids have been received; and

WHEREAS, it has been or will be necessary or desirable to obtain materials, supplies and equipment under such Contract or Contracts entered into under the County of Morris Cooperative Pricing Council with the additional referenced Cooperative Vendors;

<u>MCCPC Contract #</u>	<u>Description</u>	<u>Vendor (s)</u>
#5	Paving Materials	Tilcon New York, Inc
#14	Catch Basins and Manhole Castings	Campbell Foundry Company
#18	Tree Removal	Tree King
#24	Bagged Cement & Poured Concrete	Liberty Building Products
#49	Disposal/Recycling of Municipal Road Clean-up Material	Deer Carcass Removal Service, LLC

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the purchases by the Township of Montville through the several Municipal Departments shall be purchased under a Contract or Contracts for such materials, supplies or equipment entered into under the Cooperative Pricing Council of the County of Morris with the additional referenced Cooperative Vendors.

**Resolution 2021-142** Resolution authorizing contracts with certain additional approved Educational Services Commission of NJ Cooperative Pricing System vendors

WHEREAS, in the past, the Township of Montville has availed itself of the right to purchase materials, supplies, and equipment under contracts for such materials, supplies and equipment entered into under the Educational Services Commission of New Jersey Cooperative Pricing System (ESCNJ); and

WHEREAS, it is desirable from time to time to obtain materials, supplies and equipment under Contracts for such materials, supplies and equipment entered into by the ESCNJ without the necessity of advertising for bids or in the cases where no bids have been received; and

WHEREAS, it has been or will be necessary or desirable to obtain materials, supplies and equipment under such Contract or Contracts entered into under the ESCNJ with the additional Referenced Cooperative Vendors;

<u>Vendor:</u>	<u>Contract #:</u>	<u>Contract Purpose/Description:</u>
Cliffside Body	ESCNJ Co-op Contract 17/18-30	Trucks - 26,000 lbs. GVW or Greater

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**Resolution 2021-143** Resolution authorizing contract with certain additional approved North Jersey Wastewater Cooperative Pricing System vendors

WHEREAS, the Township of Montville has availed itself of the right to purchase materials, supplies, and equipment under contracts for such materials, supplies and equipment entered into under the North Jersey Wastewater Cooperative Pricing System, NJWCPS; and

WHEREAS, it is desirable from time to time to obtain materials, supplies and equipment under Contracts for such materials, supplies and equipment entered into by the NJWCPS without the necessity of advertising for bids or in the cases where no bids have been received; and

WHEREAS, it has been or will be necessary or desirable to obtain materials, supplies and equipment under such Contract or Contracts entered into under the NJWCPS with the Referenced Cooperative Vendors;

Vendor:	Contract #:	Contract Purpose/Description:		
Municipal Maintenance Co.	NJWCPS B240-5	Various Manufacturer Pumps and Motors - Repair and Replacement and Installation		
Applied Analytics	NJWCPS B195-3	Furnish and Deliver Manufacturer's Equipment & Spare Parts		

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the purchases by the Township of Montville through the several Municipal Departments shall be purchased under a Contract or Contracts for such materials, supplies or equipment entered into under the North Jersey Wastewater Cooperative Pricing System, NJWCPS with the above referenced cooperative vendors.

Motion by Kayne second by Witty to adopt consent agenda resolutions, Resolution 2021-138 through Resolution 2021-143

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

**RESOLUTIONS**

Motion by Conklin second by Witty to adopt **Resolution** approving listing of bills and signing of checks for May 11, 2021

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

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**Resolution 2021-144** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing amendment of the Professional Services Agreement between the Township of Montville and Mott MacDonald, LLC for professional engineering services in connection with the Metro Tract Entrance Driveway Project

WHEREAS, pursuant to Resolution 2020-91, the Township Committee authorized the execution of a Professional Services Agreement between the Township of Montville and Mott MacDonald, LLC to perform professional engineering services in connection with the Metro Tract Entrance Driveway project within the Township; and

WHEREAS, the original contract amount was not to exceed \$24,900 without authorization by Resolution of the Township Committee; and

WHEREAS, by correspondence dated February 25, 2021, Mott MacDonald, LLC advised the Township Engineer that certain New Jersey Department of Environmental Protection permits applicable to the work area required renewal; and

WHEREAS, Mott MacDonald, LLC further advised that the cost for obtaining such renewal would be \$2,750, which would exceed the original contract amount of \$24,900; and

WHEREAS, by memorandum dated April 29, 2021, the Township Engineer has recommended amendment of the Professional Services Agreement in order to enable Mott MacDonald, LLC to obtain the necessary permit renewals; and

WHEREAS, the Professional Services Agreement between the Township of Montville and Mott MacDonald, LLC must be amended to establish a new not to exceed amount of \$27,650; and

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

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 Professional Services Agreement with Mott MacDonald, LLC, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960 for professional engineering services in connection with the Metro Tract Entrance Driveway Project to a total price not to exceed \$27,650.

2. The account for this amendment shall be as follows:

2017-20 Metro Park - Ingress/Egress, C-04-56-133-002; \$2,750

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

4. This resolution and original Professional Services Agreement shall be available for public inspection in the office of the Township Clerk.

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This Resolution will take effect immediately.

Motion by Kayne second by Witty to adopt Resolution 2021-144

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

**Resolution 2021-145** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the Gathering Road/Hilldale Road Drainage Improvement Project to Midwest Construction, Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the Gathering Road/Hilldale Road Drainage Improvement Project; and

WHEREAS, eight (8) sealed bids were received and opened on May 5, 2021, in accordance with the bid specifications:

1) Midwest Construction, Inc.	\$ 68,898.00
2) Salmon Bros, Inc.	\$ 86,030.00
3) Stanziale Construction, LLC	\$ 88,510.00
4) Messsercola Excavating Co., Inc.	\$ 96,000.00
5) ADS Site Contractors	\$ 96,818.00
6) Zenith Construction Services	\$109,492.00
7) Newmar Contracting	\$158,000.00
8) Covino & Sons Construction Co.	\$202,224.00

; and

WHEREAS, said bids have been duly reviewed and analyzed by the Montville Township Attorney and Township Engineer; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from Midwest Construction, Inc. at a bid price of \$68,898.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; 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 awards a contract to Midwest Construction, Inc., 19 Dead River Road, Warren, New Jersey 07059, for the Gathering Road/Hilldale Road Drainage Improvement Project in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$68,898.00.

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2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Midwest Construction, Inc. in accordance with its bid for the Gathering Road/Hilldale Road Drainage Improvement Project.
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 accounts to be used for these services are as follows:  
2020-18 Eng: Hilldale/Gathering Drainage, C-04-56-147-005, \$65,000.00  
2020-08 Eng: Road Infrs Imprv – Drainage, Curb, C-04-56-145-002, \$3,898.00

This Resolution will take effect immediately.

Motion by Kayne second by Conklin to adopt Resolution 2021-145

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

**Resolution 2021-146** Resolution approving an amendment to the Capital Budget

WHEREAS, An amendment to the Capital Budget must be approved by resolution of the governing body to change priority of a specific project and use such funds for a new unrelated project or to fund new projects not previously considered; and

WHEREAS, the Township of Montville, County of Morris, State of New Jersey desires to amend the 2016, 2017 and 2018 Capital Budgets of the Township of Montville by inserting thereon or correcting the items therein as shown in such Budget for the following reasons:

To utilize funds remaining in prior projects and to change priority and use such funds for a new unrelated project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville County of Morris, State of New Jersey that the 2016, 2017 and 2018 Capital Budgets of the Township of Montville are hereby amended by adding thereto a Schedule to read as follows:

Amendment  
Capital Budget of the Township of Montville  
Projects Scheduled

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<u>CAPITAL BUDGET</u>		2	
1	PROJECT	PROJECT	
PROJECT	NUMBER	NUMBER	FROM
2016:			
ROADS DEPARTMENT	P-10		\$ 65,000.00
2017:			
ENGINEERING DEPARTMENT	P-5		\$ 34,236.62
2018:			
ENGINEERING DEPARTMENT	P-5		\$ 31,998.19
FLEET REPLACEMENT	P-9		\$ 25,000.00
	<b>TOTAL ALL PROJECTS</b>		<b>\$ 156,234.81</b>

<u>CAPITAL BUDGET</u>		2	
1	PROJECT	PROJECT	
PROJECT	NUMBER	NUMBER	TO
2016:			
FACILITIES IMPROVEMENTS-HVAC	P-11A		\$ 65,000.00
2017:			
ENGINEERING DEPT - ROAD RESURFACING & INFRASTRUCTURE IMPROVEMENTS	P-5A		\$ 19,236.62
FLEET REPLACEMENT- VEHICLE LIFT	P-9A		\$ 15,000.00
2018:			
ENGINEERING DEPT - ROAD RESURFACING & INFRASTRUCTURE IMPROVEMENTS	P-5A		\$ 31,998.19
FACILITIES IMPROVEMENTS-HVAC	P-11A		\$ 25,000.00
	<b>TOTAL ALL PROJECTS</b>		<b>\$ 156,234.81</b>

**RECORDED VOTE:**  
**(INSERT LAST NAME)**

**AYES**

**NAYS**

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

Motion by Witty second by Conklin to adopt Resolution 2021-146

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

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**[Resolution 2021-147](#)** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing amendment of the Professional Services Agreement between the Township of Montville and Christopher P. Statile, P.A. for professional engineering services in connection with the Amphitheater Replacement Project

WHEREAS, pursuant to Resolution 2020-182, the Township Committee authorized the execution of a Professional Services Agreement between the Township of Montville and Christopher P. Statile, P.A. to perform professional engineering services in connection with the Amphitheater Replacement project within the Township; and

WHEREAS, the original contract amount was not to exceed \$3,700 without authorization by Resolution of the Township Committee; and

WHEREAS, by correspondence dated April 28, 2021, Christopher P. Statile, P.A. advised the Township Engineer that certain changes to the original structural plans were required; and

WHEREAS, Christopher P. Statile, P.A. further advised that the cost for such changes would be \$1,300, over the original contract amount of \$3,700; and

WHEREAS, by memorandum dated April 29, 2021, the Township Engineer has recommended amendment of the Professional Services Agreement to cover Christopher P. Statile, P.A.'s additional expenses; and

WHEREAS, the Professional Services Agreement between the Township of Montville and Christopher P. Statile, P.A. must be amended to establish a new not to exceed amount of \$5,000; and

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

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 Professional Services Agreement with Christopher P. Statile, P.A., 3 Fir Court, Oakland, New Jersey 07436 for professional engineering services in connection with the Amphitheater Replacement Project to a total price not to exceed \$5,000.

2. The account for this amendment shall be as follows:

Engineering Professional Fees Account 1-01-20-165-227; \$1,300

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

4. This resolution and original Professional Services Agreement shall be available for public inspection in the office of the Township Clerk.

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This Resolution will take effect immediately.

Motion by Kayne second by Witty to adopt Resolution 2021-147

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

**Resolution 2021-148** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the 2021 Road Improvement Project

WHEREAS, the Township of Montville has identified roads within the Township that are due to be milled and resurfaced; and

WHEREAS, the Township also wishes to mill and resurface certain roads within the Township; and

WHEREAS, the project must be put out to bid.

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 Administration and Engineering Department are hereby authorized to move forward with soliciting bids for the 2021 Road Improvement Project in the Township of Montville.

This Resolution shall take effect immediately.

Motion by Conklin second by Kayne to adopt Resolution 2021-148

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

**Resolution 2021-149** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the execution of an agreement between Michael Senesky and the Township of Montville

WHEREAS, Michael Senesky is the owner of 24 Stony Brook Road within the Township of Montville; and

WHEREAS, Mr. Senesky seeks to construct and install the necessary infrastructure on his property and to connect to the Township's sanitary sewer system; and

WHEREAS, in exchange for Mr. Senesky's bearing the cost of the construction and installation, the Township shall waive the sewer connection fee as to his property; and

WHEREAS, all infrastructure installed by Mr. Senesky shall remain in perpetuity the responsibility of the property owner of record for 24 Stony Brook Road; and

WHEREAS, the parties have negotiated an acceptable agreement for the construction and installation of the infrastructure, the connection to the Township's sanitary sewer system, and the future responsibility of the infrastructure.



**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, May 11, 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 agreement between Michael Senesky and the Township of Montville.

Section 2. A copy of this Resolution shall be provided to Mr. Senesky for his information and guidance.

This Resolution shall take effect immediately.

Motion by Witty second by Kayne to adopt Resolution 2021-149

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

**Resolution 2021-150** 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 Dorsey & Semrau to perform special legal counsel services for Montville Township

WHEREAS, there exists a need for special legal counsel services to be rendered to the Township of Montville in connection with certain pending litigation involving the Township; and

WHEREAS, the Township wishes to retain Dorsey & Semrau to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$20,000; 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 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:

Section 1. The contract with Dorsey & Semrau 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. Dorsey & Semrau shall provide special legal counsel services to the Township as set forth in its proposal of May 7, 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.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, May 11, 2021**

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to Dorsey & Semrau, 714 Main Street, PO Box 228, Boonton, New Jersey 07005, for their information and guidance.

Section 5. The account to be used for these services is as follows:  
Affordable Housing Trust - Township Contribution – Budget; T-16-56-608-800; \$20,000

This Resolution shall take effect immediately.

Motion by Conklin second by Kayne to adopt Resolution 2021-150

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

Motion by Conklin second by Witty to add Resolution 2021-151 to the agenda

All in favor – Motion carried

**Resolution 2021-151** 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 a professional engineering phase II soil and groundwater investigation for Montville Township

**WHEREAS**, there exists a need for professional engineering Phase II soil and groundwater investigation in connection with the Redevelopment Project at 16 Route 46 West in Montville Township; and

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

WHEREAS, the maximum amount for the proposed services under this contract shall not exceed \$58,500.00; and

WHEREAS, approval of this Professional Services Agreement are subject to funds becoming 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:

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.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, May 11, 2021**

Section 2. GZA GeoEnvironmental, Inc. shall provide a professional engineering Phase II soil and groundwater investigation to the Township as set forth in its proposal of April 26, 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. If the funds are placed in escrow for this purpose, the account to be used will be: P20-10: 12 Route 46/Paul Miller Escrow for an amount not to exceed \$58,500. If the funds are not placed in escrow, the contract will not be executed.

This Resolution shall take effect immediately.

Motion by Kayne second by Witty to adopt Resolution 2021-151

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

**REVIEW OF MEETING ACTION ITEMS**

Administration

Confirmed that 30 people removed from Affordable Housing list due to non-compliance of applicants

Action items – Assist in coordination of Relay for Life signs

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

**Contract Negotiations**

Block 39.7 Lots 3 & 4.15

**Litigation**

Meadows at Montville vs. Montville; Montville vs. Park Lane Estates

**Personnel**

None

**Attorney-Client Privilege/Potential Litigation**

Route 46 East Redevelopment

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

All in favor – Motion carried

Time 7:50pm

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - Tuesday, May 11, 2021**

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

*CLOSED SESSION*

Motion to reconvene by Kayne second by Witty  
All in favor – Motion carried

Motion by Conklin second by Kayne to ADJOURN  
All in favor – Motion carried

**ADJOURNMENT** at 9:00pm

Next Regular Meeting: May 25, 2021, 7pm

Approved:  
Montville Township Committee

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Stacy Sullivan-Gruca, Township Clerk

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Frank W. Cooney, Mayor