

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

**7:00pm – PUBLIC SESSION**

Statement of Open Public Meetings Act Compliance read by Mayor

In accordance with the Open Public Meetings Act, adequate notice of this meeting has been provided by emailing notice to the Daily Record and the Citizen newspapers, posting notice on the Township website and posting notice on the bulletin boards of the Municipal Building, 195 Changebridge Road, Montville, NJ 07045, and sending notice to those individuals requesting same.

Roll Call Township Committee

Present: Rich Cook, Deputy Mayor  
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  
Fred Semrau, Esq., Township Attorney  
Stacy Sullivan-Gruca, Township Clerk  
Margaret Shepard, Deputy Clerk

Prayer and Pledge of Allegiance by Deputy Mayor Cook

A welcome back and a quick in person meeting housekeeping reminder to participants

**APPROVAL OF MEETING MINUTES**

May 25, 2021 Township Committee Regular Meeting Minutes

May 25, 2021 Township Committee Closed Executive Session Meeting Minutes

Motion by Kayne second by Witty to approve above listed minutes.

All in favor – Motion carried

**Resolution 2021-164** Resolution of the Township Committee of the Township of Montville, County of Morris and State of New Jersey, stating the reasons for enacting the cannabis opt-out ordinance, Ordinance #2021-14

WHEREAS, pursuant to P.L. 2021, c. 16, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, which was signed into effect by Governor Murphy on February 22, 2021, the Township of Montville is required to enact an ordinance regulating cannabis activities or “opting-out” or prohibiting such activities; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, the New Jersey League of Municipalities has recommended that municipalities “opt-out” within the statutorily required time frame due to the fact that the State has yet to formally adopt regulations governing marijuana uses and failure to “opt-out” will allow any of the six (6) classifications of cannabis use to operate for a period of five (5) years with no regulation by the municipality; and

WHEREAS, Ordinance # 2021-14, the Cannabis Opt-Out Ordinance, prohibits all classes of cannabis establishments, distributor and delivery services within Montville, with the exception of cannabis deliveries into Montville from businesses located in other municipalities; and

WHEREAS, the prohibitions contained in Ordinance # 2021-14 are not permanent and may be amended at any time following the Township’s analysis of the issue, including without limitation the consideration of impacts upon citizens, businesses, school children, and families; and

WHEREAS, pursuant to the introduction, and in accordance with the Municipal Land Use Laws, N.J.S.A. 40:55D-26, (“MLUL”), the Cannabis Opt-Out Ordinance was referred to the Township of Montville Planning Board for determination of consistency with the Master Plan; and

WHEREAS, the Planning Board received Ordinance # 2021-14 and considered the Ordinance as it pertains to the Master Plan; and

WHEREAS at the meeting of May 28, 2021, the Montville Township Planning Board conducted a public hearing during which it considered Ordinance # 2021-14; and

WHEREAS, by memorandum dated May 28, 2021, the Planning Board determined that the Cannabis Opt-Out Ordinance was not consistent with the Master Plan; and

WHEREAS, the Township Committee has received Ordinance # 2021-14, the Cannabis Opt-Out Ordinance, a memo dated May 26, 2021 from Burgis Associates, Inc. and the May 28, 2021 memorandum from the Planning Board; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, the Township Committee has reviewed the Ordinance, the May 26 memorandum from Burgis Associates, Inc. and the May 28 memorandum from the Planning Board and finds that there is a sufficient basis to enact the Cannabis Opt-Out Ordinance despite its inconsistency with the Master Plan based upon the following:

- 1) While Ordinance # 2021-14 is technically inconsistent with the 2019 Land Use Plan Amendment recommendation permitting Alternative Treatment Centers in certain industrial zones, the intent of Ordinance #2021-14 is not to prohibit all types of cannabis classes within the Township indefinitely, but rather to allow additional time for review of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“Act”) and its implications for the Township. Adoption of the Act in 2021 was, of course, not contemplated at the time the 2019 Land Use Amendment was prepared and thus represents a changed circumstance necessary to be considered.
- 2) Ordinance # 2021-14 affirms several of the Master Plan’s goals and objectives, as follows:
  - a. To preserve and enhance the Township’s retail commercial areas by defining their functional role in the community.
  - b. To maintain and enhance existing areas of stability; to encourage a proper distribution of land uses by designating areas which have their own uniform development characteristics.
  - c. Maintain a balance between residential and nonresidential uses to ensure a stable and sound community tax base and local employment opportunities.
  - d. To protect and preserve the Township’s remaining farmland and agricultural economy, while ensuring compatibility with surrounding residential development.
  - e. To encourage and provide buffer zones to separate incompatible land uses.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

; and

WHEREAS, the Township Committee finds it to be in the best interest of the Township and its residents to enact Ordinance # 2021-14, the Cannabis Opt-Out Ordinance, despite its inconsistency with the Master Plan, in accordance with N.J.S.A. 40:55D-62, for the reasons set forth above.

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:

- 1) Based upon the memorandum provided by Burgis Associates, Inc., the Township Committee of the Township of Montville does hereby determine that it is in the best interest of the Township and its residents to enact Ordinance # 2021-14 despite it being technically inconsistent with the Master Plan for the reasons set forth herein.
- 2) The Township Committee hereby concludes that the Ordinance Prohibiting the Operation of any Class of Cannabis Businesses within the Township of Montville and Amending and Supplementing Chapter 230, “Land Use and Development,” of the Township Code and Chapter 276, “Peace and Good Order,” of the Township Code shall be read for a second time and opened for public hearing as to the Ordinance at the meeting of June 22, 2021.

BE IT FURTHER RESOLVED, that this Resolution shall take effect pursuant to law.

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2021-164

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

**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

**Ordinance 2021-14** Ordinance prohibiting the operation of any class of cannabis businesses within the Township of Montville and amending the supplementing Chapter 230, “Land Use and Development”, of the Township Code and Chapter 276, “Peace and Good Order”, of the Township Code

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

Motion by Kayne second by Witty to open public hearing on Ordinance 2021-14

All in Favor - Motion Carried

*Public Comments*

Scott Russell, 8 Sunset Court, Montville

Requested a summary of Ordinance 2021-14

Attorney responded that if the Township took no action, they would be locked into all 6 classes of sales, cultivation and distribution of cannabis for 5 years. This ordinance opts out of all classes, and the Township is able to opt in to permit any or all of the classes in the future, if it so chooses

Motion by Witty second by Conklin to close public hearing on Ordinance 2021-14

All in Favor - Motion Carried

Motion by Cook second by Witty to adopt Ordinance 2021-14

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

**Ordinance 2021-15** Ordinance of the Township of Montville, Morris County, New Jersey, authorizing the amount of \$30,000 be appropriated and disbursed from the Open Space Dedicated Trust Fund for appraisals, surveys, titles, preliminary assessment reports, deeds, environmental studies, professional services and other due diligence on Open Space properties.

Motion by Kayne second by Witty to open public hearing on Ordinance 2021-15

All in Favor - Motion Carried

*No Public Comments*

Motion by Cook second by Conklin to close public hearing on Ordinance 2021-15

All in Favor - Motion Carried

Motion by Conklin second by Kayne to adopt Ordinance 2021-15

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

**REPORTS**

**Administrator**

**COVID**

Reported most recent COVID numbers for the Township

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

**Attorney report**

Updates for closed session

**Township Committee liaison reports and comments**

**Kayne**

Board of Health – did not meet this month

Environmental Commission – request for resolution within the Township for plastic straws to be provided by request only

Donnelly Energy – Direct Install Program for the State, evaluates buildings for lighting fixtures and upgrades at 80% cost on installations, deadline is June 30, 2021, Administration reviewing

Altice – Township received notification that installation of fiber optic lines will commence in 2021, more information to follow. As a result of the formal complaint submitted on behalf of the Township to the NJ BPU, and the consequent hearing held regarding this complaint, Altice submitted response to NJ BPU's request for information which was redacted. The Township has requested the redacted version to be released and will file a response to the lack of information provided. The Township is currently searching for a technical consultant to further protect the interest of the Township and residents. This is envisioned to be a joint effort with other townships with similar complaints of Altice and the cost of the consultant will be ordered to be reimbursed by Altice.

**Witty**

VFW – Memorial Day recap, planning for 9/11 (20<sup>th</sup> anniversary) will begin shortly

Relay for Life – reports successful virtual event, over \$40,000 raised

Open Space – The Land Conservancy of NJ presented the draft of the Open Space/Recreation Plan Update to the members

Rockaway River Watershed Cabinet – will be organizing a river assessment

DAC/Municipal Alliance – looking to distribute medication disposal kits at the next shredding event

**Conklin**

HPRC – meets next week

**Cook**

Recreation Commission – held annual tour of the parks

Board of Adjustment – continues to be busy

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

**Cooney**

Kiwanis Memorial Dedication – well attended ceremony to dedicate the memorial wall to Kiwanis Club members

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Bob Flynn, JCP&L Representative

Update of Reliability Plus Project, which involves additional funds for tree trimming and structure improvement. Plans shared for improved communications to homeowners during outages. Explanation of the process of JCP&L's reporting restoration times during large scale outages, which typically provides customers with the latest date in order to reflect the final customer expected to be restored. Infrastructure improvements anticipated, working alongside reliability engineers, in the Lake Valhalla community due to the frequency of outages reported there. Frequency appears to be caused by the landscape of the heavily vegetated area, as well as animal activity on lines and poles. Mr. Flynn urgently suggests that residents report outages as soon as possible, report any tree concerns on the JCP&L website and to enroll in the text alert option on First Energy website. Communications with customers anticipated to improve, including updated script options on outages and restoration process (i.e. to be able to report if your power is still out, when JCP&L reports that it has been restored), as well as resuming meter reading due to COVID restrictions being lifted.

Cook suggests Township assessing ash trees along the lines to report to JCP&L for prompt removal and requests outage reason reporting for past few years to review

Kayne speaks to concerns over reliability of JCP&L being proactive not reactive, requests the reasons for the outages in the Valhalla area to be submitted for review

Mayor Cooney suggests opening public hearing for JCP&L concerns to accommodate residents who would like to voice concerns or ask questions

Administrator makes suggestions to Flynn to update their website to better serve customers: reasons for outages,

Motion by Kayne second by Witty to open public hearing for JCP&L

*The following residents spoke their dissatisfaction with JCP&L and the amount of lengthy outages:*

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

Marie Tripaldi, 4 Fox Road, Montville

Pat and Walter Zurawell, 43 Rockledge Road, Montville

(The Zurawells also offer suggestions to JCP&L to consider underground lines or offer rebates to customers based upon the length and frequency of outages during the year)

Cooney also asks for consideration of running natural gas line to the residents on Rockledge Road that were not part of the initial gas line that was run, Conklin reminds of concerns of costly excavating costs of rocky terrain

Motion by Cook second by Witty to close public hearing

Motion by Witty second by Conklin to add Resolution 2021-193 to the agenda

All in favor – Motion carried

**Resolution 2021-193** Resolution authorizing approval to submit a 2021 application for the Morris County Open Space Trust

WHEREAS, the County of Morris is accepting applications for Open Space Trust Fund awards; and

WHEREAS, the Township Committee wishes to file an application with Morris County for the acquisition of Jean Drive Preserve (also known as Gallen Development Property) which is approximately 19.62 acres of property in Montville Township (Block 39.7, Lots 3 and 4.15); and

WHEREAS, the Township Committee supports the acquisition of Jean Drive Preserve for open space and preservation purposes; and

WHEREAS, a public hearing will be held on June 22, 2021 to discuss application for such funds.

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 appropriate officials are hereby authorized to execute and submit a 2021 application for the Morris County Open Space Trust Fund for the acquisition of Jean Drive Preserve (as known as Gallen Development Property) which is approximately 19.62 acres of property in Montville Township (Block 39.7, Lots 3 and 4.15), for open space and preservation purposes.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Township Committee will conduct a public hearing on June 22, 2021 to discuss application for such funds.

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2021-193



**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

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

**PUBLIC HEARING – APPLICATION – MORRIS COUNTY OPEN SPACE TRUST FUND**

Hercek explains that Jean Drive Preserve (AKA Gallen Development Property) consists of two sites that are contiguous and in common ownership, totaling approximately 19.62 acres. The sites are located at 57 Old Lane and 21 Jean Drive in Montville Township, and are formally designated as Block 39.7, Lots 3 and 4.15, respectively.

The property is located over the Towaco Valley Aquifer, Montville Township's primary source of potable public water that serves approximately 6,750 individual properties in the Township. The property lies in the Towaco Valley Aquifer Critical Water Resource District. The protection of this aquifer and its associated water supply lands is a priority for the Township. This has been identified as a high priority property for preservation in the Recreation and Open Space Update prepared by The Land Conservancy of New Jersey that is in the process of being adopted by the Township.

The property is to be used primarily for passive recreation, with activities to including hiking, walking and bird watching.

Motion by Witty second by Cook to open public hearing on Morris County Open Space Trust Fund

All in Favor - Motion Carried

*Public Comments*

Scott Russell, 8 Sunset Court, Montville

Inquired about the funds available for Open Space acquisitions and how much the taxpayers pay into the fund

*Hercek responds that at the end of 2021, Open Space funds are anticipated to total \$1,329,467 and that households pay \$0.037 per \$100 of assessed value into the fund*

Motion by Cook second by Conklin to close public hearing

All in favor – Motion Carried

**ORDINANCE INTRODUCTIONS**

**Ordinance 2021-16** Bond Ordinance providing for various capital improvements in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$1,577,000 therefor and authorizing the issuance of \$1,107,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Kayne second by Cook to introduce Ordinance 2021-16

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

All in favor – Motion Carried  
Clerk set public hearing date for **July 20, 2021**

**Ordinance 2021-17** Bond Ordinance providing for various improvements to the Water Utility in and by the Township of Montville, in the County of Morris, New Jersey authorizing the issuance of \$1,222,374 bonds or notes of the Township to finance part of the cost thereof

Motion by Kayne second by Conklin to introduce Ordinance 2021-17  
All in favor – Motion Carried  
Clerk set public hearing date for **July 20, 2021**

**Ordinance 2021-18** Bond Ordinance providing for various improvements to the Sewer Utility in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$628,500 therefor and authorizing the issuance of \$523,500 bonds or notes of the Township to finance part of the cost thereof

Motion by Kayne second by Cook to introduce Ordinance 2021-18  
All in favor – Motion Carried  
Clerk set public hearing date for **July 20, 2021**

**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 Witty second by Cook to open public portion  
All in favor – Motion Carried

*Public comments*

Philip Higby, 15 Jacobus Lane, Towaco

Speaks on behalf of the ten Jacobus Lane residents in attendance to discuss a petition submitted to the Township to accept Jacobus Lane as a public roadway. Updates the Committee on various concerns and issues of the roadway.

Robert Postma, 11 Jacobus Lane, Towaco

Addresses specifically the potholes in the road

*Administration explains that in order to provide for the safety of the Township staff that maintains the infrastructure on some private roads, the Township will plow and salt these roads. However, accepting these private roads present several issues to the Township (i.e. additional tax costs, possible environmental restrictions, roads not up to the Township “standard”), which is confirmed by the Township Attorney*

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

*Committee confirms that pothole repairs will be addressed on Jacobus Lane and Cook suggests a review of before and after photos from Water and Sewer Department regarding the installation of the sewer line*

Scott Russell, 8 Sunset Court, Montville

Question: COVID Relief money to be received by the Township, and its possible uses

*Answer: Confirmation of \$2.2 million allotted for the Township (distributed in halves over the next 2 years). Uses for the funds are heavily restricted. Some uses include water and sewer, broadband, hazard pay to employees and replacing lost revenue*

Question: Museum due to reopen

*Answer: Historical Society meeting and hopeful to reopen the museum*

Question: Concerns over the content of the Pride Month Proclamation read at May 22, 2021 meeting, fearful over dividing the community over these types of proclamations

*Township Committee confirms that proclamations are reviewed and revised before reading*

Marie Tripaldi, 4 Fox Road, Montville

Previously submitted a proclamation to speak out against gun violence that was never read. Requests of Township Committee to read and consider proclamation.

*Mayor confirms the proclamation is on our agenda under Closed Session*

Motion by Kayne second by Conklin to close public portion

All in favor – Motion carried

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2021-CA11**

**Resolution 2021-165** Resolution approving a block party on York Street at Westminster Avenue and Montgomery Avenue – September 26, 2021 (rain date September 27, 2021)

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Sunday, September 26, 2021 (rain date on September 27, 2021), on York Street at Westminster Avenue and Montgomery Avenue in Montville; and

WHEREAS, the Township Committee has reviewed the request and approved of the request.

WHEREAS, the applicant has been instructed to be in contact with the Police Department regarding any road closures; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the request for a block party on Sunday, September 26, 2021 (rain date on September 27, 2021), on York Street at Westminster Avenue and Montgomery Avenue in Montville is hereby approved. Access must be allowed for emergency

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

vehicles should the need arise and any barricades or cones which are placed on the roadway must be removed if required.

**Resolution 2021-166** Resolution authorizing a permit for a Seasonal Farm Sale

WHEREAS, Conklin Farm, 65 River Road, Montville, New Jersey, has applied for a special permit to have their annual Fall pumpkin picking event to be held from Saturday, September 18, 2021, through Sunday, October 31, 2021; and

WHEREAS, the Township Committee finds that the farm sale would be unobjectionable provided that the following stipulations be adhered to:

1. Six signs only as per locations indicated on plan dated 06/08/21. There must be no more than six signs and they cannot block visibility at corners. Signs must be removed by November 1, 2021.
2. Compliance with the Montville Township Health Department's food licensing regulations.
3. Compliance with the Montville Fire Prevention Bureau's Regulations.

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 permit to Conklin Farm for a Fall pumpkin picking event to be held from Saturday, September 18, 2021, through Sunday, October 31, 2021, shall be issued.

**Resolution 2021-167** Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the reduction of cash bond for the work performed at Block 40, Lots 48 & 49, 652 and 662 Main Road

WHEREAS, the developer, Towaco Station, LLC., has requested a reduction of the cash performance bond held by the Township of Montville and for the Township to hold the remaining cash bond for a period of two (2) years in connection with the work and landscaping performed at Block 40, Lots 48 & 49, PSPP/FC/PMSP/F/PSOIL17-11 and PC20-06, in the Township of Montville; and

WHEREAS, the Township Planner has reviewed the request, performed an inspection of the work previously completed, and recommends by correspondence, dated June 8, 2021, that the cash performance bond posted in connection with this project, which was \$9,600, be reduced to \$3,000 and held for two years.

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 cash performance bond held in connection with this project, which was originally \$9,600, be reduced to an amount of \$3,000 and shall be held by the Township for a period of two (2) years.

This Resolution shall take effect immediately.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

**Resolution 2021-168** Resolution approving blue light permits for members of the Montville Township First Aid Squad – Anoop Bhat and Kaitlyn Mangano

WHEREAS, the Montville Township First Aid Squad in Montville Township has submitted the request for blue light permits to the Township Clerk; and

WHEREAS, the Chief/Captain of the Montville Township First Aid Squad has reviewed and signed the applications for the following Montville Township First Aid Squad members:

Anoop Bhat

Kaitlyn Mangano

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 the blue light permits for the above members are authorized and may be submitted to Motor Vehicle Commission.

This Resolution shall take effect immediately.

**Resolution 2021-169** Resolution accepting resignation of the Township of Montville Dog Park Advisory Committee member – Robert Greenfield

BE IT RESOLVED, By the Township Committee of Montville that Dog Park Advisory Committee member Robert Greenfield's resignation is accepted with regret as of May 6, 2021.

**Resolution 2021-170** Resolution authorizing appointments to Dog Park Advisory Committee, Economic Development Committee, Environmental Commission and Housing Committee

RESOLVED, that the Township Committee make the following Board and Commission appointments:

**DOG PARK ADVISORY:**

Gladys Driscoll – move from alternate member to full member, unexpired term ending 01/01/2022

**ECONOMIC DEVELOPMENT COMMITTEE:**

Nancy Tuckman – change term as alternate 1, unexpired term ending 01/01/2022

Dennis Feeney – appoint as alternate 2, unexpired term ending 01/01/2023

**ENVIRONMENTAL COMMISSION:**

Trina Ehntholt – appoint as alternate 2, unexpired term ending 01/01/2022

**HOUSING COMMITTEE:**

Elahna Weinflash – appoint as full member, unexpired term ending 01/01/2024

**Resolution 2021-171** Resolution approving the extension of grace period for payment of taxes due on August 1, 2021

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, on July 14, 1994, Governor Christine Todd Whitman signed into law P. L. 1994, C. 72 allowing twenty five calendar days from the date the tax bills are mailed for payment of taxes; and

WHEREAS, due to the delay in receiving the certified tax rate from the County for the year of 2021, tax bills may be mailed sometime after the mandatory date of July 16, 2021.

NOW, THEREFORE, BE IT RESOLVED that the grace period for the August, 2021 quarter for tax collection only, has been extended to 25 days after the mailing of the tax bills. As of this date, the date of mailing is unknown. Tax bills will include a Notice of Extension of Grace Period if tax bills are mailed after the mandatory date of July 16, 2021

**Resolution 2021-172** Resolution authorizing the issuance of a solicitor/peddler permit for one year to Tulay Unutmaz for the trade name, Mr. Sam's Ice Cream

WHEREAS, General Ordinance Chapter 281 requires the issuance of a license by the Township of Montville to qualified applicants for canvassing, soliciting, or peddling; and

WHEREAS, the issuance of a permit for canvassing, soliciting, or peddling to an applicant is for that individual applicant's use only and the permit cannot be utilized by another person, even if the permit were to be used by another person for the licensed business; and

WHEREAS, Mr. Sam's Ice Cream, 108 Chatfield Drive, Pompton Plains, NJ, has filed a renewal application and all necessary fees for a soliciting/peddling license as follows: Tulay Unutmaz, 108 Chatfield Drive, Pompton Plains, NJ, 1997 GMC Van, NJ XBWC17; and

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

WHEREAS, the Health Department has approved the application with respect to the food license;

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 above soliciting/peddling license for one year be issued to Tulay Unutmaz for the operation solely by her of Mr. Sam's Ice Cream; and

BE IT FURTHER RESOLVED, that said solicitor is prohibited from operating in the following Township parks during periods when concessionaires authorized by the Township are operating: 86 River Road fields, Community Park on Changebridge Road, and Camp Dawson Park on Jacksonville Road.

**Resolution 2021-173** Resolution authorizing the renewal of liquor licenses 2021-2022

WHEREAS, applications have been filed online by holders of liquor licenses within the Township of Montville seeking renewal for the period July 1, 2021 – June 30, 2022; and

WHEREAS, the applications have been reviewed by the office of the Township Clerk, Health Officer, Chief of Police; and the Fire Districts; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, all fees have been paid and the licenses have met the requirements for license renewal;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the following liquor licenses are renewed for the years 2021 through 2022, effective 07/01/21 – 06/30/22:

- 1421-33-011-008 Bonefish Grill, LLC t/a Bonefish Grill, 28 Route 46, Pine Brook
- 1421-32-017-003 Dat Crupa, Inc. t/a D & D Wine & Liquors, 36 Route 46 West, Pine Brook
- 1421-33-004-004 Don Pepe II, Inc. t/a Don Pepe II, 18 Bloomfield Avenue, Pine Brook
- 1421-33-001-007 Don Pepe Steakhouse, Inc., t/a Don Pepe Steakhouse, 58 Route 46 West,  
Pine Brook
- 1421-33-002-009 Opportunity, Inc., t/a Montville Diner, 4 Route 46 West, Pine Brook
- 1421-44-005-007 Aryanashna, LLC, t/a Montville Wine & Spirits, 223 Changebridge Road,  
Pine Brook
- 1421-44-018-002 Wine Outlet North Jersey LLC, ABC Pocket License
- 1421-33-015-003 Vathiavira, LLC, t/a Pine Brook Tavern, 71 Old Bloomfield Ave., Pine Brook
- 1421-33-007-007 Artigiano, LLC, t/a Wood Stack Pizza & Kitchen, 29 Route 46, Pine Brook
- 1421-32-016-010 Rails Steakhouse LLC, t/a Rails Steakhouse 8-10 Whitehall Road,  
Towaco
- 1421-33-006-001 Lake Valhalla Club, 6 Vista Road, Montville
- 1421-33-008-005 83 Mt. Rail Corp. t/a Columbia Inn, 29 Route 202, Montville
- 1421-33-012-007 144 Route Enterprises Inc. t/a Harrigan's, 142 Main Road, Montville
- 1421-32-010-006 Scala 4 LLC t/a Locanda Vecchia, 167 Route 202, Montville

[\*\*Resolution 2021-174\*\*](#) Resolution of the Township of Montville, in the County of Morris, State of New Jersey, accepting a performance bond from Suburban Disposal, Inc. for performance of solid waste and recyclable materials collection service

WHEREAS, pursuant to Resolution 2021-123, adopted on April 13, 2021, the Township of Montville awarded a two-year contract for the performance of solid waste and recyclable materials collection services to Suburban Disposal, Inc., at a total contract price of \$3,606,000; and

WHEREAS, Suburban Disposal, Inc. is required to post a performance bond in association with the contract award; and

WHEREAS, Suburban Disposal, Inc. has submitted Bond number 7901023482 in the amount of \$1,202,000 representing the performance bond for the provision of this service; and

WHEREAS, Township Administration and Township Attorney have reviewed the bond submitted and have recommended its acceptance.



**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 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, that the bond stated above submitted by Suburban Disposal, Inc. is hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to Suburban Disposal, Inc.

This Resolution shall take effect immediately.

**Resolution 2021-175** Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash bond received for work performed at 116 Jacksonville Road, Block 28, Lot 12.01

WHEREAS, the property owner, Jeffrey DePalmo, has requested a release of the cash bond submitted in connection with work being performed at 116 Jacksonville Road, Block 28, Lot 12.01, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated May 27, 2021, that the cash bond held in connection with this project, in the amount of \$1,000, be released:

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 cash bond held in connection with this project, which is in the amount of \$1,000.00, be released to the property owner.

This Resolution shall take effect immediately.

Motion by Witty second by Kayne to adopt consent agenda resolutions, Resolution 2021-165 and Resolution 167 through Resolution 2021-175

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

Motion by Witty second by Kayne to adopt consent agenda Resolution 2021-166

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

**RESOLUTIONS**

Motion by Cook second by Witty approving **Resolution** listing of bills and signing of checks for June 22, 2021

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



**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

**Resolution 2021-176** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of an addendum to the January 1, 2021 agreement between the Township of Montville and Magic Touch Construction Co., Inc. for the performance of Electrical Services Township-owned facilities

WHEREAS, the Township awarded a contract to Magic Touch Construction Co. Inc. in accordance with the Local Public Contracts Law by adoption of Resolution 2021-40 for the performance of electrical services for Township-owned facilities; and

WHEREAS, the contract between Magic Touch Construction Co. Inc. and the Township of Montville had a not-to-exceed amount of \$20,000; and

WHEREAS, the Township has other electrical service needs and wishes to increase the fee payable from \$20,000 to \$40,000; 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 authorizes the execution of an addendum of the contract with Magic Touch Construction Co. Inc., 59 West Front Street, Keyport, New Jersey 07735, for the performance of electrical services for Township-owned facilities for a fee not to exceed \$40,000.

2. The total fee authorized for this contract shall not exceed \$40,000 without the proper written approval of the Township Committee.

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

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:

2021-10 Rec: Amphitheater/Pavilion Improv.; C-04-56-149-004 \$15,000  
Facilities Management: Repairs/Replacements, 1-01-26-311-213, \$5,000

This Resolution will take effect immediately.

Motion by Conklin second by Kayne to adopt Resolution 2021-176

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

**Resolution 2021-177** Resolution authorizing the award of a Professional Services Contract without competitive bidding to Christopher P. Statile, P.A. to perform professional engineering services for Montville Township

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, there exists a need for professional engineering services to be rendered to the Township of Montville for design services (Phases 1 & 2) for the Margaret Drive Improvement Project; and

WHEREAS, the Township wishes to retain Christopher P. Statile, P.A. to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$15,600; 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 Christopher P. Statile, P.A. 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. Christopher P. Statile, P.A. shall provide professional engineering services to the Township as set forth in its proposal of June 4, 2021 for Phases 1 & 2.

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 Christopher P. Statile, P.A., 3 Fir Court, Oakland, New Jersey 07436, for their information and guidance.

Section 5. The account to be used for these services is as follows: 1-01-20-165-227, Engineering Professional Fees, \$15,600.00

This Resolution shall take effect immediately.

Motion by Cook second by Kayne to adopt Resolution 2021-177

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

**Resolution 2021-178** Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (2021 Clean Communities)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$50,144.02, which is now available from the State of New Jersey 2021 Clean Communities Grant in the amount of \$50,144.02.

BE IT FURTHER RESOLVED, that the like sum of \$50,144.02 is hereby appropriated under the caption 2021 Clean Communities Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Department of Environmental Protection Clean Communities Grant in the amount of \$50,144.02.

Motion by Kayne second by Cook to adopt Resolution 2021-178

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

**Resolution 2021-179** Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (New Jersey Association of County and City Health Officials COVID-19 Response Grant)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$2,186.18, which is now available from the New Jersey Association of County and City Health Officials (NJACCHO) COVID-19 Response Grant in the amount of \$2,186.18.

BE IT FURTHER RESOLVED, that the like sum of \$2,186.18 is hereby appropriated under the caption NJACCHO COVID-19 Response Grant; and

BE IT FURTHER RESOLVED, that the above is the result of additional funds from the New Jersey Association of County and City Health Officials (NJACCHO) in the amount of \$2,186.18, the specified limit of a population-based funding formula.

Motion by Kayne second by Conklin to adopt Resolution 2021-179

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

**Resolution 2021-180** Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the settlement of a claim by a resident with respect to water service

WHEREAS, the Township received a claim by a resident relating to an isolated water service malfunction to the property known as 45 MacLeay Road; and

WHEREAS, the Administration has reviewed this matter and finds it is in the best interest of the Township to settle this claim.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, the payment of \$816.64 to the property owner of 45 MacLeay Road with respect to a claim relating to water service is hereby authorized.

This Resolution shall take effect immediately.

Motion by Witty second by Conklin to adopt Resolution 2021-180

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

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

**Resolution 2021-181** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the Cliff Road Roadway Improvement Project to D.L.S. Contracting, Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the Cliff Road Roadway Improvement Project; and

WHEREAS, seven (7) sealed bids were received and opened on May 5, 2021, in accordance with the bid specifications:

1) D.L.S. Contracting, Inc.	\$141,755.20
2) Midwest Construction, Inc.	\$146,217.80
3) D&L Paving Contractors, Inc.	\$149,277.60
4) Cifelli & Sons General Contractors, Inc.	\$154,595.20
5) PMC	\$165,166.00
6) Crossroads paving	\$216,325.20
7) Green Valley Group, Inc.	\$269,625.20

; 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 D.L.A. Contracting, Inc. at a bid price of \$141,755.20 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 by 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 D.L.S. Contracting, Inc., 36 Montesano Road, Fairfield, New Jersey 07004, for the Cliff Road Roadway Improvement Project in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$141,755.20.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with D.L.S. Contracting, Inc. in accordance with its bid for the Cliff Road Roadway 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.

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

5. Funds for these services are available through the following account:

ORD 2021-11, Eng: Cliff Road Drainage/Reconst; C-04-56-150-004;  
\$141,755.20

This Resolution will take effect immediately.

Motion by Cook second by Kayne to adopt Resolution 2021-181

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

**Resolution 2021-182** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract to Aton Computing, Inc. for management information systems support under the Passaic County Cooperative Pricing Council

WHEREAS, a Passaic County Cooperative Pricing Council contract is available for Management Information Systems Support (Contract #RFP-19-016 Management Systems Support); and

WHEREAS, the Township of Montville has a need for the provision of Management Systems Support; and

WHEREAS, the Township of Montville wishes to award the contract for the provision of Management Information Systems Support to ATON Computing, Inc. under the Passaic County Cooperative Pricing Council at the following rate:

Term	Hourly Rate	Not to exceed amount
07/01/2021 through 08/31/2021	\$117.30	\$15,000.00
09/01/2021 through 12/31/2021	\$119.65	<u>\$30,000.00</u>
TOTAL		\$45,000.00

to be charged to: Information Systems and Technology OE, Professional Fees,  
1-01-20-140-227, not to exceed \$45,000.

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 ATON Computing, Inc. is

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

hereby awarded the Contract for the provision of Management Information Systems Support under the Passaic County Cooperative Pricing System, Contract #RFP-19-016 Management Information Systems Support.

This Resolution will take effect immediately upon its passage.

Motion by Cook second by Witty to adopt Resolution 2021-182

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

**Resolution 2021-183** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing a change to the contract for the Youth Center Fieldhouse Drainage and Sidewalk Improvement Project between the Township of Montville and Crossroads Paving/ADG Contracting Corporation; accepting maintenance bond; accepting public improvements and authorizing final payment

WHEREAS, pursuant to Resolution, Crossroads Paving/ADG Contracting Corporation was awarded the contract in the amount of \$106,950 for the Youth Center Fieldhouse Drainage and Sidewalk Improvement Project; and

WHEREAS, Crossroads Paving/ADG Contracting Corporation has completed the Project; and

WHEREAS, it has been determined by the Township Engineer that certain changes to this contract were necessary to perform the work items as follows:

Work Item	Contract Quantity	Actual Quantity	Difference
Furnish & install 6” Sch 80 PVC	140 LF	215 LF	\$6,000.00
Furnish & install 8” Sch 80 PVC	100 LF	72 LF	(\$2,800.00)
Furnish & install 2’x2’ catch basin with frame & grate	2 Units	3 Units	\$2,000.00
Construct 6” thick wire reinforced concrete sidewalk	100 SY	64.64 SY	(\$3,536.00)
Construct concrete curbing 6” thick	300 LF	309 LF	\$270.00
Construct modular block retaining wall, 3’ high max	85 LF	0 LF	(\$8,500.00)
Hot mix asphalt, 12.5M64 surface course, 2” thick compacted	5 Tons	23 Tons	\$4,000.00
Credit for using existing pavers			<u>(\$7,312.50)</u>
	<b>Total Net Change Order:</b>		<b>(\$9,878.50)</b>

; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, the Township Engineer has recommended the above changes to the contract price by Memorandum dated June 15, 2021 reflecting a change to the contract total in the amount of (\$9,878.50) for the above-described work; and

WHEREAS, the original contract amount was \$106,950.00; the amended contract amount based upon the completed work is \$97,071.50 which is a 9.2% decrease from the original contract amount; and

WHEREAS, in accordance with N.J.A.C. §5:30-11.3, the change has not caused the originally awarded contract price to be exceeded by more than 20 percent; and

WHEREAS, the Township Engineer has inspected the work and deemed the work to be complete; and

WHEREAS, Crossroads Paving/ADG Contracting Corporation has provided Maintenance Bond #FP0025110M in the amount of \$14,560.73 for the Project; and

WHEREAS, the Township Engineer has reviewed the completed work and recommended to the Township Committee that it modify its agreement with Crossroads Paving/ADG Contracting Corporation as a result of the above-referenced change of conditions which have occurred on the project and as detailed in the Township Engineer's Memorandum, dated June 15, 2021; and

WHEREAS, the Township Engineer and Township Attorney have reviewed the maintenance bond and deemed same to be acceptable; and

WHEREAS, by Memorandum, dated June 15, 2021, the Township Engineer has recommended acceptance of the work performed as part of the Youth Center Fieldhouse Drainage and Sidewalk Improvement Project, issuance of final payment in the amount of \$9,707.15 to Crossroads Paving/ADG Contracting Corporation, acceptance of all public improvements and acceptance of the maintenance bond; and

WHEREAS, the Chief Financial Officer of the Township of Montville has certified that sufficient funds are available.

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:

1. The Contract Amount is hereby approved in the contract between the Township of Montville and Crossroads Paving/ADG Contracting Corporation as follows:

Original Contract:	\$106,950.00
Change	<u>(\$9,878.50)</u>
New Contract Total:	\$97,071.50

Decrease of 9.2%



**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**

**Meeting Minutes – Tuesday, June 22, 2021**

2. The work performed by Crossroads Paving/ADG Contracting Corporation for the Youth Center Fieldhouse Drainage and Sidewalk Improvements Project is hereby accepted by the Township of Montville.
3. All public improvements completed by Crossroads Paving/ADG Contracting Corporation for the Youth Center Fieldhouse Drainage and Sidewalk Improvements Project are hereby accepted by the Township of Montville.
4. Final Payment in the amount of \$9,707.15 for the Youth Center Fieldhouse Drainage and Sidewalk Improvement Project is hereby authorized to be made to Crossroads Paving/ADG Contracting Corporation.
5. Maintenance Bond #FP0025110M in the amount of \$14,560.73 provided by Crossroads Paving/ADG Contracting Corporation for the Youth Center Fieldhouse Drainage and Sidewalk Improvements Project is hereby accepted.

This Resolution will take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2021-183

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

**Resolution 2021-184** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract for the 2021 Road Improvement Project to Onorati Construction Co., Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the 2021 Road Improvement Project; and

WHEREAS, Fourteen (14) sealed bids were received and opened on June 17, 2021, in accordance with the bid specifications:

8) American Asphalt & Trucking, LLC	\$469,975.42
9) Onorati Construction Co., Inc.	\$494,793.19
10) JA Alexander	\$498,806.50
11) 4 Clean-up	\$501,096.94
12) AJM Contractors	\$505,642.25
13) DLS Contracting	\$521,304.00
14) Crossroads Pavement Maintenance	\$531,892.69
15) Top Line Construction	\$541,893.68
16) Mike Fitzpatrick	\$544,721.75
17) Frank Macchione	\$549,025.50
18) Paving Materials & Contracting	\$549,550.00
19) D&L Paving	\$553,017.75
20) CCM Contracting	\$561,567.50
21) Schifano Construction	\$568,725.94

; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

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 lowest bid was submitted by American Asphalt & Trucking LLC at a total bid price of \$469,975.42 but upon review, the bid package was not complete and they are not a qualified bidder; and

WHEREAS, the bid received from Onorati Construction Co., Inc. at a total bid price of \$494,793.19 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 Onorati Construction Co., Inc., 111 Cornelia Street, Boonton, New Jersey 07005, for the 2021 Road Improvement Project in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$494,793.19.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Onorati Construction Co., Inc. in accordance with its bid for the 2021 Road 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:

- C-04-56-150-001; 2021-11 Eng: Rd Resurfacing & Curb Repair; \$414,329.43
- C-04-56-150-002; 2021-11 Eng: Rdwy Infrast Improvements; \$80,463.76

This Resolution will take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2021-184

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

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

**Resolution 2021-185** 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 the Turteltaub Law Firm LLC 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 The Turteltaub Law Firm, LLC, including James M. Turteltaub, Esq. who was previously with Carlin & Ward, P.C, to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$15,000; 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 Carlin & Ward 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. The Turteltaub Law Firm, LLC shall provide special legal counsel services to the Township as set forth in its proposal of June 9, 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 The Turteltaub Law Firm, LLC, 98 Main Street, 2<sup>nd</sup> Floor, Madison, New Jersey 07940, 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 \$15,000

This Resolution shall take effect immediately.  
Motion by Cook second by Kayne to adopt Resolution 2021-185

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

**Resolution 2021-186** Resolution of the Township of Montville, County of Morris and State of New Jersey approving the Treatment Works Application by the Township of Montville for the

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

Indian Lane Sanitary Sewer Extension for submission to the State of New Jersey Department of Environmental Protection, Division of Water Quality

WHEREAS, the Township of Montville is undertaking a sanitary sewer extension project on Indian Lane, specifically at Block 24.2, Lot 31.2 and

WHEREAS, in connection with the Indian Lane Sanitary Sewer Extension, the Township of Montville seeks approval of a Treatment Works Application (“TWA”) to be submitted to the State of New Jersey Department of Environmental Protection, Division of Water Quality for the extension of the existing sanitary sewer line on Indian Lane in order to serve one (1) additional residential property; and

WHEREAS, the Township Health Officer has reviewed and approved of the TWA; and

WHEREAS, the Mayor and Township Committee believe it is in the best interests of the Township to approve submission of the TWA.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Montville, in the County of Morris and State of New Jersey approves of the submission of the TWA for the Indian Lane Sanitary Sewer Extension project at Block 24.2, Lot 31.2.

This Resolution will take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2021-186

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

**Resolution 2021-187** Resolution authorizing the award of a Professional Services Contract without competitive bidding to La Guardia & Associates, LLC to provide professional sound, light and technical services for Montville Township in connection with the entertainment for Montville Day 2021

WHEREAS, there exists a need for professional sound, light and technical services in connection with entertainment on Montville Day 2021; and

WHEREAS, the Township wishes to retain La Guardia & Associates, LLC to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$12,650; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

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 La Guardia & Associates, LLC 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 that is original and creative in character in a recognized field of artistic endeavor.

Section 2. La Guardia & Associates, LLC shall provide professional sound, light and technical services to the Township as set forth in its proposal of May 28, 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. The Township’s Chief Financial Officer has certified the availability of funds for this contract as follows: Celebration of Public Events, 1-01-30-420-221, \$12,650

Section 5. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to La Guardia & Associates, LLC, 388 Pompton Avenue, Cedar Grove, New Jersey 07009, for their information and guidance.

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-187

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

**Resolution 2021-188** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for body cameras including all work and materials necessary therefor and incidental thereto

WHEREAS, New Jersey Governor Phil Murphy signed into law several bills mandating that all New Jersey police officers wear body cameras; and

WHEREAS, in order to comply with the new law, the Township will need to purchase body cameras including all work and materials necessary therefor and incidental thereto; and

WHEREAS, the Township will need to go out to bid for these items.

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

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

Police Department are hereby authorized to move forward with soliciting bids for body cameras including all work and materials necessary therefor and incidental thereto.

This Resolution shall take effect immediately.

Motion by Witty second by Cook to adopt Resolution 2021-188

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

**Resolution 2021-189** Resolution authorizing the execution of an addendum between the Township of Montville and The Land Conservancy of New Jersey for Open Space Advisory Services

WHEREAS, there exists the need for open space advisory services; and

WHEREAS, the Township previously entered into an agreement with The Land Conservancy of New Jersey (“Land Conservancy”) for the period of July 1, 2020 – June 30, 2021 to perform such services; and

WHEREAS, the agreement had a not to exceed amount of \$1,000; and

WHEREAS, the Township has other open space advisory needs and wishes to increase the fee payable from \$1,000 to \$5,000 and

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

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:

1. The Mayor and Township Clerk are hereby authorized and directed to execute an addendum to the Agreement with The Land Conservancy of New Jersey for open space advisory services for the period of July 1, 2020 – June 30, 2021, for a fee not to exceed \$5,000.
2. The total fee authorized for this contract shall not exceed \$5,000 without the prior written approval of the Township Committee.
3. Notice of this action shall be published once in the Township’s official newspaper as required by law.
4. A copy of this resolution shall be provided to the Township Chief Financial Officer and The Land Conservancy of New Jersey for their information and guidance.
5. Funds for this agreement are available through Ordinance #2021-12, Open Space Advisory Services, C-04-56-151-001.

This Resolution shall take effect immediately.

Motion by Conklin second by Cook to adopt Resolution 2021-189

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

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

**Resolution 2021-190** Resolution authorizing an agreement between the Township of Montville and The Land Conservancy of New Jersey to continue to serve as Open Space Advisor to the Township

WHEREAS, there exists the need for open space advisory services; and

WHEREAS, the Township wishes to enter into an agreement with The Land Conservancy of New Jersey (“Land Conservancy”) for the period of July 1, 2021 – June 30, 2022; and

WHEREAS, the Township is pleased with the services provided by The Land Conservancy in this role; and

WHEREAS, The Land Conservancy has submitted a proposal dated April 6, 2021 to renew its agreement with the Township as Open Space Advisor; and

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

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:

6. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with The Land Conservancy of New Jersey for open space advisory services for the period of July 1, 2021 – June 30, 2022, for a total amount not to exceed \$5,000.
7. The total fee authorized for this contract shall not exceed \$5,000 without the prior written approval of the Township Committee.
8. Notice of this action shall be published once in the Township’s official newspaper as required by law.
9. A copy of this resolution shall be provided to the Township Chief Financial Officer and The Land Conservancy of New Jersey for their information and guidance.
10. Funds for this agreement are available through Ordinance #2021-12, Open Space Advisory Services, C-04-56-151-001.

This Resolution shall take effect immediately.

Motion by Witty second by Kayne to adopt Resolution 2021-190

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

**Resolution 2021-191** Resolution authorizing participation of the Township of Montville in the Coronavirus Local Fiscal Recovery Fund established by the American Rescue Plan Act of 2021

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, the federal American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2) was signed into law by President Biden on March 11, 2021 to provide funding for COVID-19 pandemic response and recovery; and

WHEREAS, of the \$578,121,375 allotted to the State of New Jersey, the Township of Montville has been allocated \$2,204,110.42 that will be provided in two tranches, with 50% in 2021 and the balance delivered approximately 12 months later; and

WHEREAS, funds may only be used to cover costs incurred during the period beginning March 3, 2021 and ending December 31, 2024; and

WHEREAS, the Coronavirus Local Fiscal Recovery Funds may be used for one or more of the following purposes:

- Replacing lost public sector revenue
- Investing in water, sewer and broadband infrastructure
- Providing premium pay for essential workers
- Supporting public health expenditures
- Addressing COVID-19 related negative economic impacts
- Addressing the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations and households.

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 participation in the Coronavirus Local Fiscal Recovery Fund, and the receipt of \$2,204,110.42 in funding by the Township, is in the best interests of the public; and

BE IT FURTHER RESOLVED that the Township of Montville shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

This Resolution shall take effect immediately.

Motion by Kayne second by Witty to adopt Resolution 2021-191

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

**Resolution 2021-192** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the award of a contract to Phoenix Advisors, LLC to perform municipal advisory services for certain redevelopment projects for Montville Township

WHEREAS, there exists a need for municipal advisory services to be rendered to the Township of Montville in connection with certain redevelopment projects involving the Township; and

WHEREAS, the Township wishes to retain Phoenix Advisors, LLC to perform such services; and



**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$5,000; and

WHEREAS, funds are available for this purpose.

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 and directed to execute an agreement with Phoenix Advisors, LLC for municipal advisory services in connection with certain redevelopment projects involving the Township; and

Section 2. Phoenix Advisors, LLC shall provide municipal advisory services to the Township as set forth in its proposal of June 4, 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 Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, New Jersey 08505, for their information and guidance.

Section 5. The account to be used for these services is as follows:  
P20-09: Russo/Kekon/New Planning App; not to exceed \$5,000

This Resolution shall take effect immediately.

Motion by Cook second by Kayne to adopt Resolution 2021-192

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

Motion by Cook second by Witty to add Resolution 2021-194 to the agenda

All in favor - Motion Carried

**Resolution 2021-194** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing payment to the County of Morris per the cost sharing agreement for the Pedestrian Safety Improvements to Main Road (US202) and Waughaw Road

WHEREAS, the Township of Montville and the County of Morris executed a Cost Sharing Agreement for Pedestrian Safety Improvements to Main Road (US202) and Waughaw Road in the Township of Montville; and

WHEREAS, the Township of Montville and the County of Morris agreed upon an estimated cost sharing formula in which the Township of Montville would be responsible for \$161,142.50 of the cost of the project; and

WHEREAS, the total cost of the project was \$257,949.65; and

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

WHEREAS, based on as-built quantities, the final amount the Township of Montville is responsible for decreased by \$22,420.50 to the amount of \$140,722.00; and

WHEREAS, the project identified as “Pedestrian Safety Improvements to Main Road (Route 202) and Waughaw Road has been satisfactorily completed and accepted by the County of Morris; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, in the County of Morris, that the Mayor is hereby authorized and directed to issue payment to the County of Morris for the cost share for the Pedestrian Safety Improvements Main Road (US202) and Waughaw Road.

This Resolution shall take effect immediately.

Motion by Cook second by Kayne to adopt Resolution 2021-194

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

**REVIEW OF MEETING ACTION ITEMS**

Administrator

Follow up with JCP&L for the requested list of outages

Follow up with Department of Public Works regarding potholes on Jacobus Lane

Attorney

Follow up on Altice matters

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

**Contract Negotiations**

Blue Collar; White Collar; PBA

**Litigation**

None

**Personnel**

Police Department

**Attorney-Client Privilege/Potential Litigation**

Affordable Housing; Litigation Settlement Negotiations; Altice; 12A Montville Avenue; Food Truck Ordinance; proclamations

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

All in favor – Motion carried

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

Time 8:40pm

*Mayor noted that action may be taken after closed session*

**CLOSED SESSION**

Motion by Kayne second by Conklin to re-open public session  
All in favor – Motion carried

Motion by Cook second by Witty to add Resolution 2021-195 to the agenda

**Resolution 2021-195** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the execution of agreements between George Quentz and the Township of Montville

WHEREAS, George Quentz is an employee of the Township of Montville Police Department; and

WHEREAS, Mr. Quentz is scheduled to retire from his employment with the Township Police Department effective August 1, 2021; and

WHEREAS, the parties have negotiated acceptable agreements addressing Mr. Quentz's separation from employment.

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 agreements between George Quentz and the Township of Montville.

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

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-195  
Roll Call: Yes – Kayne, Witty, Cook, Cooney No – 0 Recused – Conklin

Motion by Cook second by Witty to authorize Administrator to enter into a contract for the purchase of 10 Helton Terrace, Montville, for an amount not to exceed \$76,000 in order to purchase affordable housing unit in foreclosure and place back out for sale as an affordable unit

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

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes – Tuesday, June 22, 2021**

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

**ADJOURNMENT** at 10:08pm

Next Regular Meeting: July 20, 2021, 7pm

Approved:  
Montville Township Committee

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

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