

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES – July 21, 2020**

****This meeting was conducted via teleconferencing due to the Coronavirus disease (COVID-19). ****

Montville Township Committee Regular Meeting

Tuesday, July 21, 2020, 7:00 p.m.

Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

7:00 P.M. – Public Session

Statement of Open Public Meetings Act Compliance read by Mayor Frank W. Cooney.

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-8, which permits public meetings to be held via communications equipment, and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, and a further Order that residents shelter at home, and the Township of Montville's declaration of a Local State of Emergency on March 16, 2020, the Township does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, a telephonic public meeting of the Mayor and Township Committee will be held on Tuesday, July 21, 2020, at 7:00 p.m. Town Hall will not be open to the public to physically attend the meeting. Any members of the public who wish to attend the meeting telephonically may do so by calling into the service number, 1-978-990-5000, followed by access code 424062#.

The location of the meeting remains the same: Montville Township Municipal Building, 195 Changebridge Road, Montville, NJ.

Notice mailed, e-mailed, and/or faxed to the following newspapers: The Daily Record and The Citizen. Notice/agenda posted on the bulletin boards at the Municipal Building and the Township's website agenda center at www.montvilleni.org.

Roll Call Township Committee

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

Also present: Victor M. Canning, Township Administrator
June E. Hercek, Assistant Administrator
Fred Semrau, Township Attorney
Leena M. Abaza, Township Clerk

Chairman Cooney asked for a moment of silence to honor the victims of COVID19.

Chairman Cooney advised that phones would be muted except for the public portions of the meeting.

Public Hearing on Ordinance for Final Adoption:

Ordinance #2020-05 an Ordinance of the Township of Montville, County of Morris, and State of New Jersey to promote the adequate supply of Affordable Housing in the Township by extending the minimum Affordability Control periods on all Affordable Rental Units situated in the Rachel Gardens Condominium Development

Motion by Kayne second by Witty to open the public hearing. All in favor. Motion adopted.

Joseph Macciolo, Building 2200 Apartment 22 asked what this ordinance does.

Township Attorney Fred Semrau explained that the ordinance is in regards to the existing 168 affordable units at Rachel Gardens. The Township's position is that it has the legal power to extend the affordability

controls beyond the December 2021 expiration date and protect the affordability rights of the eligible inhabitants in those units.

Motion by Conklin second by Witty to close the public hearing. All in favor. Motion adopted.

Motion by Kayne second by Conklin to adopt Ordinance #2020-05.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Public Hearing - Application for Morris County Open Space Trust Funds (Lake Surprise)

Motion by Witty second by Kayne to open the public hearing. All in favor. Motion adopted.

Assistant Administrator June Hercek read the following informational statement about Surprise Lake into the record:

Surprise Lake is located on Brook Valley Road in northeastern Morris County on the boundary of Kinnelon Borough and Montville Township. The Surprise Lake property is approximately 27 acres of single-family residential and active/passive recreational land.

The property is currently improved with a 1,160 square foot one-story single-family dwelling (per tax records) and various outbuildings that previously supported a camp used for a local Boy Scout Camp, Camp Aheka. The outbuildings include a 5,000 square foot Dining Hall and a 1,400 square foot Trading Post, as well as the remains of a camp lodge and several cabins constructed throughout the site.

The property is currently uninhabited and the structures have significantly deteriorated. The Township is currently evaluating all structures on the property to be acquired with regard to their potential use for recreational purposes.

The Surprise Lake property is ideal for acquisition because it contributes to the Montville Greenway, with the end result being a Township wide area, that will allow for hiking, unhindered species migration and large tracts of preserved open space. The Morris County Park Commission supports Montville Township's acquisition because of the potential to link up trail networks for two large parks - Waughaw Mountain Greenway and Pyramid Mountain/Turkey Mountain trails. The Park Commission is already in the process of acquiring 12 1/2 acres on the east side of the Wheeler property in Kinnelon for parking and trail linkage. Montville Township's purchase would help facilitate the expansion of trails throughout the region.

In addition, water from the property contributes to an area of streams flowing through existing parkland to Lake Valhalla and eventually to the lower Rockaway River. A smaller share of this rainwater flows eastward along Brook Valley Road to Pequannock and Lincoln Park aquifers. The property is located in a New Jersey Highlands Preservation Area, and while this demands that development be restricted, the Township supports any opportunity to protect the state's natural water resources.

The site will be used primarily for passive recreation, as well as water resource protection/conservation.

No public comments.

Motion by Witty second by Kayne to close the public hearing. All in favor. Motion adopted.

REPORTS:

1. Administrator's report

- COVID-19 Update – Administrator Victor Canning thanked the residents of the Township for successfully reducing the infection rate through diligence in wearing masks, social distancing,

sheltering at home and other hygienic measures. He reported that Montville had achieved the status of 0 active cases at the beginning of the week. This has since risen but is still very low. He urged continued diligence.

- Recycling Day Report – Mr. Canning stated the July 18 Recycling Day was an overwhelming success. He reported that some residents had to be turned away due to the trucks being filled by 11:30 am. Another event will be planned for September.
- He commented on 3 resolutions appearing on this agenda canceling capital project balances totaling \$150,000.

2. Attorney's report

- Township Attorney Fred Semrau commented on Ordinance #2020-05, just adopted, as not only protective of affordable housing rights but supportive of the Township's Affordable Housing settlement by eliminating the need to find additional units.
- Mr. Semrau's firm is representing the Township in a number of tax appeals.
- Mr. Semrau commended the Administration and Township staff for no diminishment in responsiveness and Township services during the COVID19 pandemic.

3. Township Committee liaison reports and comments

Deputy Mayor Cook advised that the Board of Adjustment and Recreation Commission did not meet in July. Board of Adjustment will meet twice in August.

Committeeman Conklin had no liaison reports to make. He asked whether the trash dumpsters at the Community Center could be enclosed in fencing to match the barn's exterior to improve appearance.

Chairman Cooney said he also had spoken with Administrator Victor Canning and the DPW Supervisor about using enclosures at Community Center and Camp Dawson similar to the Towaco Town Center.

Township Administrator Victor Canning confirmed that he is already looking into the request.

Committeeman Kayne reported that the Board of Health met on July 20. Among the discussions was a concern to continue publicizing preventative and containment measures for COVID19 especially in light of the resurgence of cases.

Committeeman Kayne also reported that there appears to be more activity from Cablevision responding to service and access problems, but there are still serious issues. He expects to have a substantive report soon.

Committeeman Kayne thanked Assistant Administrator June Hercek, Administrator Victor Canning and members of the Department of Public Works for their hard work during Recycling Day.

Committeewoman Witty thanked Confidential Secretary Angela Freeman for directing traffic during Recycling Day.

Committeewoman Witty reported that members of the Drug Awareness Council/Municipal Alliance (DAC) attended the nationwide Rotary Opiate Conference via Zoom on July 16. The speaker was Dr. Joshua Sharfstein, Vice Dean of the Bloomberg School of Public Health at Johns Hopkins University.

The Women's Club plans to hold the Townwide Garage Sale in October.

The Open Space Committee did not meet. It is awaiting approval of Eagle Scout project proposals by the scout troops for Riley Field.

The V.F.W. has a collection container for flags that need retirement.

OLD BUSINESS:

1. Project status report

Committeeman Kayne asked about the aquifer readings in the project status report.

Assistant Administrator June Hercek responded that the water level is lower which is common this time of year due to hot weather. The Township has also been flushing fire hydrants, which is about 50% completed. She said that the lower level is not currently a concern but is being monitored.

NEW BUSINESS:

Road Opening Ordinance – Chairman Cooney opened the discussion stating that Township and County roads being opened shortly after paving is the impetus for moving on this ordinance. This discussion is to review proposed ordinance drafts from the Township Attorney.

Chairman Cooney asked Administrator Victor Canning to narrate the history of the road ordinance discussions so far.

Administrator Victor Canning stated that discussions on a road opening moratorium began nearly two years ago addressing the problem of recently-paved roads being opened by utilities, particularly New Jersey Natural Gas (NJNG). This draft ordinance is the result of Township Engineer Nick Marucci's research and recommendations. It seeks to protect the Township's investment in maintaining road surfaces while being sensitive to residents wanting to connect to water, sewer or gas. This draft ordinance gives Township Administration and the Engineering Department discretion to permit road opening upon consideration of mitigating circumstances while at the same time imposing either a 3 or 5 year moratorium to protect road opening without special permission from the Township. Tonight's discussion need not result in action but Mr. Canning asked whether Township Committee members leaned towards 3 years, 5 years or had a different recommendation on how long a moratorium should be imposed after paving.

Chairman Cooney stated the urgency of moving. He cited Pine Brook Road as an example of the problem. It was opened by NJNG within months of being paved.

Committeeman Conklin while agreeing with the moratorium, felt that 5 years was too long.

Chairman Cooney asked for a verbal consensus on 3 years or 5 years.

Deputy Mayor Cook, Committeeman Conklin, Mayor Cooney, Committeewoman Witty and Committeeman Kayne supported 3 years.

Committeeman Kayne remarked on the Township Engineer's survey of other municipalities on the length of their road opening ordinances as his rationale for agreeing to 3 years. He asked Township Attorney Fred Semrau whether there was anything in the ordinance that restricted or discouraged development.

Township Attorney Fred Semrau stated that the ordinance is balanced. Development is permitted but responsibility is placed upon the developer and homeowners to restore pavement and to prove their request is significant enough to warrant waiving the moratorium.

Chairman Cooney opined that delaying action is costly as road openings continue to take place. He asked to take action at this meeting or no later than the August 2020 meeting.

Committeeman Kayne recommended moving it forward at this meeting.

Committeeman Conklin asked whether the Committee could discuss infrared patching before acting on the ordinance. He also asked what the Township Engineer found is typical in other towns for the moratorium length.

Township Administrator Victor Canning responded that the ordinance is written in a manner that gives the Township discretion on what it will require. He also affirmed that 3 years is the typical length for towns with this type of ordinance.

Township Attorney Fred Semrau stated that the ordinance could be introduced through reading by title into this meeting's record and setting the public hearing.

Township Clerk Leena Abaza directed the ordinance to be numbered Ordinance #2020-16.

Motion by Cook second by Witty to add Ordinance #2020-16 to the agenda.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance #2020-16 an ordinance of the Township of Montville, County of Morris, and State of New Jersey amending Chapter 330 "Streets And Sidewalks", Article II "Road Openings", Section 330-21 "Simple and Multiple Road Openings; Permit Fee; Bond; Other Requirements" of the Code of the Township of Montville, New Jersey

Motion by Kayne second by Witty to introduce Ordinance #2020-16 and set the public hearing for August 18, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance Introductions:

Ordinance #2020-11 Bond Ordinance providing for various improvements to the Water Utility in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$2,055,000 therefor and authorizing the issuance of \$1,900,000 Bonds or Notes of the Township to finance part of the cost thereof

Ordinance #2020-12 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 \$1,560,000 therefor and authorizing the issuance of \$1,350,000 Bonds or Notes of the Township to finance part of the cost thereof

Deputy Mayor Cook requested that introduction of Bond Ordinances #2020-11 and #2020-12 be tabled until the next meeting pending review of additional information.

Motion by Cook second by Kayne to table Bond Ordinances #2020-11 and #2020-12 until the next Township Committee meeting.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Chairman Cooney asked Administrator Victor Canning to get the requested information to the Township Committee members.

Ordinance #2020-13 an Ordinance establishing the 2020 Salaries or Wages of Officials and Employees of the Township of Montville in the County of Morris and method of payment of such salaries or wages – Unrepresented

Motion by Cook second by Witty to introduce Ordinance #2020-13 and set the public hearing for August 18, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance #2020-14 an Ordinance amending Ordinance #2018-06 establishing Salaries or Wages of Officials and Employees of the Township of Montville, in the County of Morris for the years 2017-2020 Blue Collar, Salaries of Employees of the Public Works, Water and Sewer Departments are amended to read as follows to include the addition of Title Maintenance Worker 3 in Year 2020, to correct Titles Equipment Operator II to Equipment Operator, Water & Sewer Repairer I to Sewer Repairer/Water Repairer 1, Water & Sewer Repairer II to Sewer Repairer/Water Repairer II, Water Meter Reader & Repairer to Water Meter Inspector/Water Meter Repairer to be in compliance with NJ Civil Service Local Government Titles

Motion by Conklin second by Witty to introduce Ordinance #2020-14 and set the public hearing for August 18, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance #2020-15 an Ordinance establishing the 2020 Salaries or Wages of Officials and Employees of the Township of Montville in the County of Morris and method of payment of such salaries or wages – Unrepresented Recreation Services

Motion by Kayne second by Witty to introduce Ordinance #2020-15 and set the public hearing for August 18, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Public Portion

Motion by Witty second by Conklin to open public portion. All in favor. Motion adopted.

Marc Newman, 11 Stafford Place – Mr. Newman improperly addressed Assistant Administrator June Hercek from the floor and asked for an update on the Old Lane Sewer Extension application for the NJ Infrastructure Trust loan. Mr. Newman also asked why the Township had not adopted Zoom as its online platform for conducting the Township Committee meetings.

Assistant Administrator June Hercek responded that while there was no official determination on the loan application yet, correspondence has been active between the Township's consultant, the Township Administration and the State about it. She hoped for a determination soon.

Administrator Victor Canning responded about the use of Zoom. The Township meetings do not require a video component. He also stated a mistrust of Zoom after reports of security issues with it. He hoped regular, live meetings would resume soon. The conference call format was proving adequate until then.

Township Attorney Fred Semrau commented about his experience with Zoom and internet service interruptions. Some Zoom meetings also have been disrupted by people bypassing security measures. The meeting participants are at different locations, including some at the Township building where the meeting audio is recorded for the public record.

Bansari Shah, 98 Windsor Drive - Ms. Shah thanked the Township Committee members for participating in the June 10 vigil following the death of George Floyd. She related that she has reports from neighbors that there are situations of racism in town and asked what else could be done to be make Montville more welcoming. She suggested a subcommittee be formed under the Township Committee on par with other Boards and Commissions to work on racial equality issues. She stated this is an issue that the Township "cannot just ignore and hope things change over time."

Chairman Cooney asked whether Ms. Shah had been involved with One Montville.

Ms. Shah responded that One Montville is a community organization and her idea was something within the government.

Chairman Cooney stated that One Montville was an initiative of the Township Committee with the Board of Education.

Deputy Mayor Cook stated that the Boards and Commissions are citizen-led and that the Township Committee members sit on them as liaisons. One Montville works similarly.

Committeewoman Witty advised Ms. Shah that she could share her contact information with the persons she had encountered. Mrs. Witty would be interested to speak with them.

Chairman Cooney also offered his contact information.

Committeeman Kayne thanked Ms. Shah for bringing the matter up as a starting point for discussions.

Melissa McCutcheon, 80 Waughaw Road – Ms. McCutcheon, citing the statement issued by the Township Committee on the killing of George Floyd, asked the Township Committee what black voices they had been learning from and what actions they had taken to "never let this happen again" in the intervening

months. She asked what other than the Police Department was being done. She asked for the names of the organizers of the "Walk for Black Lives" held on June 18. She asked what professional resources were being used to "educate yourselves." She asked what specific activity had been committed to.

Administrator Victor Canning responded that Administration and Chief of Police are reviewing various aspects of police procedure. He stated that he and Chief of Police Caggiano met for over an hour with the organizers of the Walk for Black Lives event.

Chairman Cooney reminded the public to limit their remarks to 2 minutes and not engage in a dialogue.

Township Attorney Fred Semrau stated that Township Employees engage in annual mandatory non-discrimination training on workplace practices and that the Police Department adheres to the state Attorney General guidelines. Mr. Semrau said he is unaware of any litigation or complaints filed against the Township in this regard.

Committeewoman Witty invited Ms. McCutcheon to send her any proposal and action plan she might have in mind and offered to meet with her about it.

Deputy Mayor Cook said that Chief of Police Andrew Caggiano would also be willing to meet with her about Police Department training.

Motion by Cook second by Conklin to close public portion. All in favor. Motion adopted.

Township Attorney Fred Semrau asked to read into the record an excerpt from a letter from Adam Gordon of Fair Share Housing Center, received during the course of this meeting, in support of Ordinance #2020-05 adopted earlier in this meeting.

Fair Share Housing Center supports Montville's critical efforts to preserve affordable housing at Rachel Gardens and urges the Township to move forward to ensure tenants have these much needed protections. The landlord's efforts to force people living in affordable housing to sign away their rights have been shameful and the Township should take strong action in response. We look forward to continuing to work with Montville to make sure people living in Rachel Gardens can continue to live there at a rent they can afford.

Committeeman Kayne asked Mr. Semrau to explain for the public what Fair Share is.

Township Attorney Fred Semrau explained that Fair Share Housing is a non-profit organization that advocates for rights of those who live in affordable housing and those that qualify. They have litigated against municipalities who did not provide affordable housing opportunities and have obtained court orders forcing compliance. Montville has been in compliance since 2019 in a settlement endorsed by Fair Share Housing. This letter applauds the efforts of the governing body to stand up for the rights of those who qualify for affordable housing and to protect them. This is an important statement from Fair Share Housing who has been aware of and followed the situation with Rachel Gardens.

Resolution Authorizing Consent Agenda No. 2020-CA14:

Resolution #2020-212 resolution requesting approval of items of Revenue and Appropriation N.J.S.A. 40A:4-87 (New Jersey Association of County and City Health Officials COVID-19 Response Grant)

Resolution #2020-213 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, accepting a Safety and Stabilization Bond, a Site Improvement Performance Bond and Cash Bond for work to be completed at 34 Abbott Road, Block 39.06, Lot 99.03 by AKR Contractors, LLC.

Resolution #2020-214 resolution to cancel Capital Appropriation Balances of completed projects

Resolution #2020-215 resolution to cancel Capital Appropriation Balances for completed projects

Resolution #2020-216 resolution to cancel Capital Appropriation Balances of completed projects

Resolution #2020-217 resolution accepting resignation of the Township of Montville Board of Adjustment Committee member – Shelly Lawrence

Resolution #2020-218 resolution authorizing a permit for a Seasonal Farm Sale

Resolution #2020-219 resolution approving request from Tax Collector for cancellation of Taxes erroneously assessed

Resolution #2020-220 resolution authorizing the processing of certain Tax Sale Certificate Redemptions

Resolution #2020-221 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the refund of permit fees submitted in connection with work to be performed at 41 Boonton Avenue, Block 33, Lot 15.1

Resolution #2020-222 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for Soil Stabilization at 18 Green Meadows Road, Block 131.02, Lot 13.01

Resolution #2020-222A resolution authorizing the Township to go out to bid for Snow Plow Contractors for the 2020-2021 Winter Season

Motion by Kayne second by Witty to adopt the above consent agenda resolutions.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

Committeeman Conklin abstained from voting on Resolution #2020-218.

No: -0-

Chairman Cooney voted "yes" with regret on Resolution #2020-217 and thanked Shelly Lawrence for her service on the Board of Adjustment. He said the Township Committee hoped to thank her personally once in-person meetings resumed.

Resolution #2020-212 resolution requesting approval of items of Revenue and Appropriation N.J.S.A. 40A:4-87 (New Jersey Association of County and City Health Officials COVID-19 Response Grant)

WHEREAS, N.J.S.A 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;

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 2020 in the sum of \$20,085, which is now available from the New Jersey Association of County and City Health Officials (NJACCHO) COVID-19 Response Grant in the amount of \$20,085.

BE IT FURTHER RESOLVED, that the like sum of \$20,085 is hereby appropriated under the caption NJACCHO COVID-19 Response Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Association of County and City Health Officials (NJACCHO) in the amount of \$20,085, the specified limit of a population-based funding formula.

Resolution #2020-213 a resolution of the Township of Montville, in the County of Morris and State of new Jersey, accepting a Safety and Stabilization Bond, a Site Improvement Performance Bond and Cash Bond for work to be completed at 34 Abbott Road, Block 39.06, Lot 99.03 by AKR Contractors, LLC.

WHEREAS, AKR Contractors, LLC, the owner and developer of property known as Block 39.06, Lot 99.03, 34 Abbott Road, is required to submit bonds to the Township of Montville for the improvements to be performed at the location; and

WHEREAS, AKR Contractors, LLC has submitted bond number 48855 in the amount of \$21,496.29 representing the safety and stabilization bond for the project; and

WHEREAS, AKR Contractors, LLC has submitted bond number 48854 in the amount of \$125,005.68 representing the site improvement performance bond for the project; and

WHEREAS, AKR Contractors, LLC has submitted check number 8808 in the amount of \$13,889.52 representing the 10% cash bond for the project; and

WHEREAS, the Township Engineer, Township Land Use Department and Township Attorney have reviewed the bonds submitted and have recommended their acceptance.

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 bonds stated above submitted by AKR Contractors, LLC are hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to the developer.

This Resolution shall take effect immediately

Resolution #2020-214 resolution to cancel Capital Appropriation Balances of completed projects

WHEREAS, certain Water Utility Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances, so that the unexpended balances may be returned to each respective Capital improvement fund, reserve or credited to Fund Balance, and unused debt authorizations may be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that the following unexpended and dedicated balances of Water Utility Capital Appropriations be canceled:

<u>Ord. #</u>	<u>Date Auth.</u>	<u>Project Disc.</u>	<u>Funded</u>	<u>Unfunded</u>
2014-16	6/10/14	Various Water Improvements	\$2,366.28	
2015-02	2/24/15	GIS Mapping	\$1,265.50	
2017-07	2/28/17	Various Water Improvements	\$4,755.00	
2017-22	5/9/17	Various Water Improvements	\$1,855.00	
2019-18	5/28/19	Various Water Improvements	\$14,118.15	
			<u>\$24,359.93</u>	<u>\$0.00</u>

Resolution #2020-215 resolution to cancel Capital Appropriation Balances for completed projects

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances, so that the unexpended balances may be returned to each respective Capital improvement fund or reserve, or credited to Capital Fund Balance, and unused debt authorizations may be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

<u>Ord. #</u>	<u>Project Disc.</u>	<u>Funded Unfunded</u>	
2008-22	Various Capital Improvements	\$100.00	
2015-04	Various Capital Improvements	\$1,769.28	
2015-15	Various Capital Improvements	\$12,539.00	
2016-04	Various Capital Improvements	\$1,997.69	
2016-13	Various Capital Improvements	\$15,352.79	
2018-11	Various Capital Improvements		\$51,280.00
2019-05	Various Capital Improvements	\$700.00	
2019-17	Various Capital Improvements		<u>\$5,948.63</u>
Total Cancelled	<u>\$32,458.76</u>	<u>\$57,228.63</u>	

Resolution #2020-216 resolution to cancel Capital Appropriation Balances of completed projects

WHEREAS, certain Sewer Utility Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances, so that the unexpended balances may be returned to each respective Capital improvement fund or credited to Fund Balance, and unused debt authorizations may be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that the following unexpended and dedicated balances of Sewer Utility Capital Appropriations be canceled:

<u>Ord. #</u>	<u>Date Auth.</u>	<u>Project Disc.</u>	<u>Funded</u>	<u>Unfunded</u>
2015-03	2/24/15	GIS Mapping	\$ 5,346.50	
2017-23	5/9/17	Various Sewer Improvements	\$27,197.65	
2019-13	5/28/19	Various Sewer Improvements	<u>\$ 4,058.15</u>	
			<u>\$36,602.30</u>	<u>\$0.00</u>

Resolution #2020-217 resolution accepting resignation of the Township of Montville Board of Adjustment Committee member – Shelly Lawrence

BE IT RESOLVED, By the Township Committee of Montville that Board of Adjustment Member Shelly Lawrence's resignation is accepted with regret as of July 21, 2020.

Resolution #2020-218 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 19, 2020, through Thursday, October 31, 2020; 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 07/08/20. There must be no more than six signs and they cannot block visibility at corners. Signs must be removed by November 1, 2020.
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 19, 2020, through Saturday, October 31, 2020, shall be issued.

Resolution #2020-219 resolution approving request from Tax Collector for cancellation of Taxes erroneously assessed

WHEREAS, property taxes were erroneously assessed for 3rd Qtr. 2020,

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Montville be authorized to cancel taxes as follows on the following property:

2 Quarry Mountain Ln Block: 15.3 Lot: 20 Qualifier: QFARM Estates at Valhalla LLC	\$ 6,806.25
51 Indian Ln E Block: 32 Lot: 24 Delmhorst Instrument Co	\$ 8,895.15
10 Bloomfield Ave Block: 160.1 Lot: 10 10 Bloomfield A and B Pine Brook NJ	\$101,389.62
32 Rt 46 Block: 176 Lot: 1 O'Dowd Realty	\$ 1,544.40

Resolution #2020-220 resolution authorizing the processing of certain Tax Sale Certificate Redemptions

BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the following tax sale certificate redemptions be processed by the department of Finance:

Block 170 Lot 3 9 Karen Rd Lien Redemption Certificate #19-00029 Premium Money	\$1,420.77 <u>\$ 500.00</u>
Total Payment	\$1,920.77

To: US Bank Cust/Pro Cap 8/Pro Capital Mgt II

Block 52.02 Lot 110.15	
109 Revere Ct Lien Redemption Certificate #19-00010	<u>\$3,444.35</u>
Total Payment	\$3,444.35

To: Palmisano, Robert or Nancy

Block 52.02 Lot 106.07	
40 Revere Ct Lien Redemption Certificate #19-00009	<u>\$1,183.24</u>
Total Payment	\$1,183.24

To: Palmisano, Robert or Nancy

Resolution # 2020-221 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the refund of permit fees submitted in connection with work to be performed at 41 Boonton Avenue, Block 33, Lot 15.1

WHEREAS, the property owner, Walter L. Hoogmoed, Jr., has requested a refund of the permit fees submitted in connection with Permit #20-318 for addition to an existing barn with associated improvements at the property located at 41 Boonton Avenue, Block 33, Lot 15.1, in the Township of Montville; and

WHEREAS, the property owner has decided to abandon the project and has not performed any of the contemplated work and has requested a refund of the unused permit fees totaling \$731.00 submitted in connection with Permit #20-318; and

WHEREAS, the Township Construction Official has reviewed the request and approved the refund of \$731.00 in connection with the remitted permit fees, which represents the amount submitted less the 20% plan review fee and the State fees.

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 construction permit fees in the amount of \$731.00 be released to Walter L. Hoogmoed, Jr.

This Resolution shall take effect immediately.

Resolution # 2020-222 a resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the release of the cash bond received for Soil Stabilization at 18 Green Meadows Road, Block 131.02, Lot 13.01

WHEREAS, the property owner, Giovanni Pelligra, has requested a release of the cash bonds submitted for the soil stabilization bond in connection with work being performed at 18 Green Meadows Road, Block 131.02, Lot 13.01, 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 July 15, 2020, that the cash bond held in connection with this project, which is in the amount of \$548.00, be released.

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

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 \$548.00, be released to the property owner.

This Resolution shall take effect immediately.

Resolution # 2020-222A resolution authorizing the Township to go out to bid for Snow Plow Contractors for the 2020-2021 Winter Season

WHEREAS, the Township of Montville has a need to hire outside help to assist in snow plowing; and

WHEREAS, these services 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 that the Township Administration and the General Supervisor of the Department of Public Works are hereby authorized to move forward with soliciting bids for snow plow contractors for the 2020-2021 winter season.

This Resolution shall take effect immediately.

RESOLUTIONS:

- 1. Resolution** approving the listing of bills and signing of checks for July 21, 2020.

Motion by Witty second by Cook to approve the listing of bills and signing of checks for July 21, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

2. Resolution #2020-223 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 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
7/1/2020 through 8/31/2020	\$115.00	\$13,000.00
9/1/2020 through 9/30/2020	\$117.30	<u>\$ 7,000.00</u>
		\$20,000.00

to be charged to: Information Systems and Technology OE, Professional Fees

0-01-20-140-227, not to exceed \$20,000.

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 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 Witty second by Cook to adopt Resolution #2020-223.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

3. Resolution #2020-224 resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of Water Meter/Data Recorders and Radio Frequency Meter Interface Units for the Water Department under the Morris County Cooperative Pricing Council Contract #47, Category B, #1.A., #1.B., and #1.C. and Category D, #1.B.

WHEREAS, the Montville Township Water Department wishes to purchase various Neptune Pro-Coder Meters and Neptune R900 Radio Frequency Meter Interface Units to keep on hand as part of its water meter replacement program; and

WHEREAS, Rio Supply, Inc. has a valid Contract through the Morris County Cooperative Pricing Council - Contract #47, Category B, #1.A., #1.B., and #1.C. for Neptune Pro-Coder Meters and Category D, #1.B. Neptune R900 Radio Frequency Meter Interface Units; and

WHEREAS, the Montville Township Water Department also wishes to purchase wire backplate used to connect the meters; and WHEREAS, the Township's Water and Sewer Utilities staff recommend this purchase; and

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

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

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

- Rio Supply, Inc. - \$6,700.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. A., fifty (50) Neptune Pro-Coder Meters at \$134.00 per meter)
- Rio Supply, Inc. - \$13,176.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. B., seventy two (72) Pro-Coder Meters at \$183.00 per unit)
- Rio Supply, Inc. - \$5,200.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. C., twenty (20) Pro-Coder Meters at \$260.00 per unit)
- Rio Supply, Inc. - \$26,000 (Morris County Cooperative Pricing Council Contract #47, Category D, #1.B., two hundred (200) Neptune R900 Radio Frequency Meter Interface Units @ \$130.00 per unit)
- Rio Supply, Inc. - \$625.00 (2-3 Wire Backplate for R900, twenty five (25) backplates at \$25.00 each - not part of the Morris County Cooperative Pricing Council Contract)

and;

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

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

- ORD #2018 – 14; Meter Reading Radio Equip & Tower; C-06-55-568-506, \$51,701.00

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

This Resolution shall take effect immediately.

Motion by Witty second by Kayne to adopt Resolution #2020-224.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

4. Resolution #2020-225 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, 2020 – June 30, 2021; 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 May 6, 2020 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:

1. 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, 2020 – June 30, 2021, for a total amount not to exceed \$1,000.
2. The total fee authorized for this contract shall not exceed \$1,000 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 #2020-10, Open Space Advisory Services, C-04-56-146-001.

This Resolution shall take effect immediately.

Motion by Witty second by Kayne to adopt Resolution #2020-225.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Motion by Conklin second by Witty to add Resolution #220-226 to the agenda. All in favor. Motion adopted.

5. Resolution #2020-226 resolution of the Township of Montville, County of Morris and State of New Jersey correcting the effective date of transfer of liquor license # 1421-33-013-003

Motion by Cook second by Kayne to adopt Resolution #2020-226.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Committeeman Conklin asked whether this is a package or consumption license.

Chairman Cooney responded the license is for consumption.

Motion by Witty second by Conklin to add Resolution #2020-227 to the agenda.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

6. **Resolution #2020-227** a resolution of the Township of Montville, County of Morris, and State of New Jersey authorizing the Township Administrator to effectuate third quarter tax due date extensions, if permitted by law

Chairman Cooney explained this resolution preemptively allows Administration to extend the tax deadline in the event and only if the Governor enacts legislation allowing extensions.

Motion by Witty second by Kayne to adopt Resolution #2020-227.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Review of Meeting Action Items:

1. Administrator

- Will provide the additional information requested on introduced Ordinances #2020-11 and #2020-12 to the Township Committee members prior to next meeting.

2. Attorney

- Will work with Administration for the follow up work on the ordinances as discussed.
- Other items reserved for Executive Session

3. Township Committee - none

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

1. Contract Negotiations: Purchase of Open Space Property.
2. Attorney-Client Privilege: Jean Drive, Redevelopment Zone; Lake Surprise; Property Tax Payment Extension.
3. Litigation: Affordable Housing.
4. Personnel: Administration, Police, Clerk, Public Works, Engineering and Land Use Departments.

Chairman Cooney stated for the record that further official business would be conducted after the closed executive session. Should the public wish to attend, the line will be held open. Mr. Cooney could not comment on how long the closed session would last and when the public session would resume.

Motion by Kayne second by Cook to adopt the resolution authorizing Closed Executive Session and move into closed session. All in favor. Motion adopted.

Township Committee members were reminded to terminate the current call and call back on the designated conference number for closed session.

Public Session

Township Attorney Fred Semrau stated for the record that the public session reconvened at 9:25 pm on July 21, 2020.

Motion by Witty second by Cook to reopen public session. All in favor. Motion adopted.

7. Resolution #2020-228 resolution of the Township of Montville, County of Morris and State of New Jersey confirming expiration of Township Clerk's term and appointment of a new Township Clerk

Motion by Cook second by Witty to add and adopt Resolution #2020-228.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Chairman Cooney welcomed Stacy Gruca as the Montville Township Clerk effective August 1, 2020.

Adjournment

Motion by Witty second by Cook to adjourn. All in favor. Motion adopted.

Meeting adjourned at: 9:27 p.m.

Respectfully submitted

Leena M Abaza
Leena M. Abaza, Township Clerk

Adopted: 08/18/2020
Montville Township Committee
Frank W Cooney
Frank W. Cooney, Mayor