

**MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - September 8, 2020**

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

Montville Township Committee Regular Meeting  
Tuesday, September 8, 2020 at 7:00pm  
Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

**PUBLIC SESSION** 7:00pm

Statement of Open Public Meetings Act Compliance read by Township Clerk

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, September 8, 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.montvillenj.org](http://www.montvillenj.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  
Dawn Sullivan, Township Attorney  
Stacy Sullivan-Gruca, Township Clerk

Prayer read by Committeeman Conklin

Cooney called for a moment of silence in honor of those lost to COVID19 virus, as well as VFW member Joe Quade. The mayor gave a brief summary of Joe Quade's military service, as well as his service to the Township. He was a beloved member of VFW Post 5481 and the community. Condolences shared with his family on behalf of the Township Committee and Montville Township.

**APPROVAL OF MEETING MINUTES**

August 18, 2020 Township Committee Regular Meeting Minutes  
Motion by Witty Second by Conklin to approve the above regular meeting minutes  
All in favor - Motion carried

**APPROVAL OF MEETING MINUTES (cont'd)**

August 18, 2020 Township Committee Closed Executive Session Meeting Minutes  
Township Committee Closed Executive Session Meeting Minutes: **May 12, 2020; May 26, 2020;  
June 9, 2020; June 30, 2020; July 21, 2020**

Motion by Kayne Second by Witty to approve the above closed executive session meeting minutes  
All in favor - Motion carried

**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION:**

**Ordinance 2020-17** An Ordinance of the Township of Montville, County of Morris, and State of New Jersey amending Ordinance 2020-09 which established the rates of compensation for employees covered by collective bargaining agreements with Morris Council No. 6 – White Collar, Township of Montville, County of Morris, State of New Jersey – 2019 to 2020

Motion by Kayne Second by Conklin to open public hearing on Ordinance 2020-17  
All in favor - Motion carried

*No public comments*

Motion by Cook Second by Kayne to close public hearing on Ordinance 2020-17  
All in favor - Motion carried

Motion by Conklin Second by Cook to adopt Ordinance 2020-17  
Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No - 0

**Ordinance 2020-18** Bond Ordinance providing for various capital improvements in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$1,181,000 therefor and authorizing the issuance of \$1,000,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Cook Second by Witty to open public hearing on Ordinance 2020-18  
All in favor - Motion carried

*No public comments*

Motion by Cook Second by Conklin to close public hearing on Ordinance 2020-18  
All in favor - Motion carried

Motion by Kayne Second by Conklin to adopt Ordinance 2020-18  
Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No - 0

**REPORTS**

**Administrator's Report**

**COVID19 Update** Four days with zero cases

Reminder about our second **Recycling Day** on Saturday, September 12, 2020 from 9 until noon for paper shredding, electronic recycling and disposal of medications

**Credit Rating** AAA bond rating again for the Township, Resolution 2020-260 Annual Audit report, no recommendations for 3 years in a row. Conklin asked Canning to explain the advantage of this rating for the Township. Canning stated that we are able to procure the lowest interest rates possible, the difference from some Townships paying 3-4% to getting less than 1% over a 10-15 year loan. Congratulations from Mayor on behalf of Township Committee.

**Fund Balance Policy** will be discussed later under New Business

**Attorney's report**

Appeared at County Tax Board for tax appeals, some cases resolved in advance. However, the 18 appeals that remained and the Assessor considered justified, were upheld by the Court.

**Township Committee liaison reports and comments**

Deputy Mayor Cook

Recreation Commission Trunk or Treat is cancelled, plan to hold a Halloween movie night instead  
Reported the success of the summer concert series, at least 200 people in attendance each performance

Recreation Department hoping to plan more movie nights and concerts in Fall 2020

Board of Adjustment still needs a member

Committeeman Conklin

HPRC met September 8 in the morning and they need a member as well

Towaco will celebrate 100 years serving Montville Township in November. Conklin suggests a proclamation and a photo to be taken to commemorate the occasion with gratitude.

Committeewoman Witty

Relay for Life holding a zoom leadership meeting September 9

VFW holding an outdoor meeting with zoom option September 9

9/11 Zoom event to be held Friday @ 11am, event participants will be at Freedom Park

Back in 2009 Montville Township students did an interview video project with Joe Quaid that can be still be viewed

DAC is ordering supplies for Red Ribbon Week

Rotary hosting a Zoom Opiate Recovery and Resources Session on September 17

Open Space downed trees on trails affecting Eagle Scout projects. Town to cut at least 4 foot of the trees.

Women's Club Annual Town wide Garage Sale on September 26 and September 27

Shredding event reminder and expired/unused drug recycling on September 12

Committeeman Kayne

Congrats to CFO, Victor and business offices for bond rating

Board of Health and Environmental Commission meeting next week

Health Department monitoring COVID numbers as schools reopen, nice to hear that last 4 days are zero

Many residents continue to have problems with Altice, however the system we set up is working.

Concerned that residents are not getting the message that now is the time to come forward to report any issues/complaints using Google Form or reporting directly to Marilyn Davis at Altice. Township will continue to try to find competition, Planet Networks Resolution 2020-259 introduces the beginning of competition for Altice in town for Wi-Fi only.

Asked Administration when the representative of JCP&L will meet to discuss the continuous issues –

Canning hopeful that JCP&L representative will come to September 22 meeting.

Mayor Cooney

No reports

**NEW BUSINESS**

*Presentation – Eagle Scout Candidate Troop 74, Will Lucas*

Thanked the Township Committee for hearing his proposal to refurbish and enhance the Red Trail at Camp Dawson. Township Committee thanked Will and let him know that Administration would assist in any way possible, if needed

**NEW BUSINESS (cont'd)**

*Proposal – Kiwanis Memorial Park*

Recreation Commission put forth the proposal for the Kiwanis Memorial Park honoring Bill O'Dowd and Jerry Hug, who both contributed countless hours to the youth of Montville for more than 40 years before their recent passing. The committee is in support of the memorial, however more specific sizing was requested in addition to the sketch that was provided.

*Fund Balance Policy*

Adminstrator explains the benefit of formalizing our Fund Balance (surplus) Policy, written by CFO, Katie Yanke. The policy sets the minimum goal at no less than 10% of operating expenditures, with the secondary goal of 16.7% (National GFOA recommended minimum). This type of policy further preserves our fiscal integrity and is advantageous to the Township and the taxpayers. A resolution will be put forward for consideration at the September 22, 2020 meeting.

**OLD BUSINESS**

*Project Status Report*

Kayne inquired about the Old Lane project: Step 4 of loan process. June Heccek explained that Step 4 involved compiling data and that the step was completed and all info was sent to the state. Next step is either approval or denial of the loan.

**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 \$793,000 therefor and authorizing the issuance of \$635,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Cook Second by Conklin to introduce Ordinance 2020-11 and set the public hearing for September 22, 2020

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

**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 \$1,448,000 therefor and authorizing the issuance of \$1,250,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Witty Second by Kayne to introduce Ordinance 2020-12 and set the public hearing for September 22, 2020

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

**Ordinance 2020-19** Ordinance amending Ordinance No. 2020-13 establishing salaries or wages of unrepresented officials and employees for the year 2020. Salaries of unrepresented employees shall be amended to read as follows to include the addition of titles Secretary Board/Commission – Health, TACO (stipend), and the removal of the title Animal Attendant now listed in the White Collar Salary and Wage Ordinance

Motion by Cook Second by Conklin to introduce Ordinance 2020-19 and set the public hearing for September 22, 2020

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

**Ordinance 2020-20** Ordinance of the Township of Montville, County of Morris, and State of New Jersey amending Chapter 230 "Land Use and Development Regulations" and Chapter 169 "Fee Schedule" of the Code of the Township of Montville, New Jersey

Motion by Cook Second by Kayne to table Ordinance 2020-20

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

**PUBLIC PORTION**

*Reminder from Mayor for public to state name/address for the record and limit comments to 3 minutes*

Motion by Cook Second by Kayne to open Public Portion

All in favor - Motion carried

Robert Boyle 1 Ivy Crest Lane Denville from Planet Networks on the line in case anyone had specific questions for Resolution 2020-259

*No other public comments*

Motion by Cook Second by Kayne to close Public Portion

All in favor - Motion carried

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2020-CA16:**

**Resolution 2020-251** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township of Montville to conduct its free paper shredding and electronics recycling event on Saturday, September 12, 2020, from 9am-noon, in the Town Hall parking lot

WHEREAS, the Township recognizes its residents and businesses may feel uncomfortable throwing important documents into the recycling bin with the threats of identity theft; and

WHEREAS, the Township believes that the proper processing of old electronic devices is essential to ensure that these materials are not released into the environment; and

WHEREAS, the Township wishes to provide a way for residents and businesses to get rid of documents in a safe and secure way, as well as an opportunity to properly recycle electronics; and

WHEREAS, the Township will host a Free Paper Shredding and Electronics Recycling Event on Saturday, September 12, 2020, from 9:00am until noon, for its residents and businesses; and

WHEREAS, to increase participation at the September 12 event, the Township will advertise a variety of ways including TAP into Montville, Facebook, Twitter, Instagram, and the Montville Township website.

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 will host a Free Paper Shredding and Electronics Recycling Event for its residents and businesses, on Saturday, September 12, 2020, from 9:00am until noon, in the Town Hall parking lot.

This Resolution shall take effect immediately.

**Resolution 2020-252** 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 45 Lot 9 4 Rt 202 Lien Redemption Certificate #18000007	\$10,764.62
Premium Money	<u>\$10,000.00</u>
Total Payment	\$20,764.62

To: Cedar Village LLC

Block 148 Lot 19 107 Konner Ave Lien Redemption Certificate #19-00026	\$ 1,608.53
Premium Money	<u>\$ 200.00</u>
Total Payment	\$ 1,808.53

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

**Resolution 2020-253** Resolution approving request from Tax Collector for cancellation of taxes erroneously assessed

WHEREAS, property taxes were erroneously assessed for 4th 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	\$ 6,767.75
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51 Indian Ln E Block: 32 Lot: 24 Delmhorst Instrument Co	\$ 8,952.66
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3 Woodland Rd Block: 139 Lot: 5 Woodland Properties LLC	\$ 11,398.13
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10 Bloomfield Ave Block: 160.1 Lot: 10 10 Bloomfield A and B Pine Brook NJ	\$101,143.82
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32 Rt 46 Block: 176 Lot: 1 O'Dowd Realty	\$ 1,540.66
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**Resolution 2020-254** Resolution approving request from Tax Collector for refund of overpayment

WHEREAS, due to a change in assessment, creating an overbill of tax for the 4<sup>th</sup> Qtr, 2020, entitling the property owner to a refund of overpayment;

AND, WHEREAS, it is the recommendation of the Tax Collector that these monies are refunded;

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

DRA 350 Main LLC  
350 Rt 202  
Block 57.1 Lot 6.1

4<sup>th</sup> Qtr, 2020

\$1,304.63

Motion by Conklin Second by Witty to adopt the above consent agenda Resolutions 2020-251 through 2020-254

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

**RESOLUTIONS:**

**Resolution** approving the listing of bills and signing of checks for September 8, 2020.

Motion by Cook Second by Witty to approve the listing of bills and signing of checks for September 8, 2020

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

**Resolution 2020-255** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing an agreement for preventative maintenance for the Franklin Miller Grinder at the River Road pumping station

WHEREAS, N.J.S.A. 40A:11-4 requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(gg), the Township of Montville is authorized by law to enter into a contract for the maintenance of a wastewater treatment system without public bidding; and

WHEREAS, the Township purchased a Franklin Miller grinder for the River Road Pumping Station from Pumping Services, Inc. and now wishes to enter into an agreement for preventative maintenance for the grinder as outlined in quote #SQ32896; and

WHEREAS, in order to maintain all clauses in the warranty, only a Franklin Miller authorized representative or vendor can service the grinder; and

WHEREAS, Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, NJ 08846, is an authorized vendor for Franklin Miller; and

WHEREAS, the Township's Water and Sewer Engineer recommends this service; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey authorizing an agreement with Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, NJ 08846, for preventative maintenance for the Franklin Miller Grinder at the River Road Pumping Station, pursuant to N.J.S.A. 40A:11-5(1)(gg), as it relates to Quote #SQ32896.

BE IT FURTHER RESOLVED that the accounts to be used for this purchase are the following:

- Sewer Utility, Plant Maintenance; 0-07-55-500-246, \$925.00
- Sewer Utility, Plant Maintenance; 1-07-55-500-246, \$925.00\*\*  
\*\*(based on budget appropriation and subject to availability of funds)

This Resolution shall take effect immediately.

Motion by Cook Second by Kayne to adopt Resolution 2020-255

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

Resolution 2020-256 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 Lerch, Vinci & Higgins, LLP to perform financial advisory services for Montville Township

WHEREAS, there exists a need for financial advisory services to be rendered to the Township of Montville in connection with a water and sewer rate study; and

WHEREAS, the Township wishes to retain Lerch, Vinci & Higgins, LLP to perform such services; and

WHEREAS, the maximum amount of for services under this contract shall not exceed a total of \$40,000; 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 Lerch, Vinci & Higgins, LLP 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. Lerch, Vinci & Higgins, LLP shall provide financial advisory services to the Township as set forth in its proposal of August 18, 2020.

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 Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, New Jersey 07410, for their information and guidance.



- Section 5. The accounts to be used for these services are as follows:  
0-05-55-500-227, Water Operating, Professional Fees, \$20,000.00  
0-07-55-500-227, Sewer Operating, Professional Fees, \$20,000.00

This Resolution shall take effect immediately.

Motion by Conklin Second by Witty to adopt Resolution 2020-256

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

**Resolution 2020-257** Resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the award of a professional services contract without competitive bidding to Van Cleef Engineering Associates, LLC to perform engineering services for the Riverside Drive pumping station discharge channel, Parsippany-Troy Hills Wastewater Treatment Plant project

WHEREAS, there exists a need for engineering services for the Riverside Drive Pumping Station Discharge Channel, Parsippany-Troy Hills Wastewater Treatment Plant project in Montville Township; and

WHEREAS, the Township wishes to retain Van Cleef Engineering Associates, LLC to perform such services; and

WHEREAS, the maximum amount of the contract shall not exceed \$21,000.00; 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 Van Cleef Engineering 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 performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Van Cleef Engineering Associates, LLC shall provide engineering services to the Township as set forth in its proposal of August 25, 2020.

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 Van Cleef Engineering Associates, LLC, 111 Howard Boulevard, Suite 110, Mount Arlington, New Jersey 07856, for their information and guidance.

Section 5. The account to be used for these services is as follows:  
0-07-55-500-227, Sewer Operating, Professional Fees, \$21,000.00

This Resolution shall take effect immediately.

Motion by Cook Second by Witty to adopt Resolution 2020-257

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

**Resolution 2020-258** Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (Municipal Court Alcohol Education and Rehabilitation Fund)

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;

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 \$250.06, which is now available from the State of New Jersey Alcohol Education & Rehabilitation Fund in the amount of \$250.06

BE IT FURTHER RESOLVED, that the like sum of \$250.06 is hereby appropriated under the caption Alcohol Education and Rehabilitation; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Alcohol Education and Rehabilitation Fund in the amount of \$250.06.

Motion by Conklin Second by Kayne to adopt Resolution 2020-258

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

**Resolution 2020-259** Resolution authorizing the use of the public rights-of-way by Planet Networks, Inc.

WHEREAS, Planet Networks, Inc. ("Planet Networks") is a telecommunications services provider authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the Township of Montville for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place."; and

WHEREAS, N.J.S.A. 27:16-6 provides, in part, that “[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality . . . shall consent thereto.”; and

WHEREAS, N.J.S.A. 48:17-8 provides that, “[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same”; and

WHEREAS, it is in the best interest of the Township and its citizens to grant such consent to Planet Networks.

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 does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public rights-of-way and to install new utility poles, upon the following terms and conditions:
  - a. Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
  - b. Planet Networks shall obtain any applicable permits in connection with the installation of its facilities.
  - c. Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
  - d. Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
  - e. Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
  - f. Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
  - g. If a new utility pole is to be installed, Planet Networks, Inc., agrees to submit an escrow of \$750 for the application.

- h. In addition, Planet Networks, Inc. shall provide an escrow of \$750 and reimburse the Township for any actual costs and any services rendered by the Township or its professionals in connection with the granting of this consent and use of the public right of way.
  - i. The term of this consent shall be fifteen (15) years.
  - j. Planet Networks will provide the Township with advance notice at least fifteen (15) calendar days prior to installation of backbone fiber optic lines of over one mile in length within the right of way along high volume thoroughfares and will provide maps detailing the areas where such work will be performed for the purposes of notifying residents and scheduling traffic control, when necessary. This notification provision will not apply to customer installations or installation of fiber backbone on side or residential streets which are not high-volume thoroughfares.
2. The Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution
  3. This Resolution shall take effect immediately.

Motion by Kayne Second by Conklin to adopt Resolution 2020-259

Canning explained briefly that this is to give access to the right of way for installation of fiber optic lines

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

Kayne further clarified that these fiber optic lines are for Wi-Fi only

**Resolution 2020-260** Governing Body Certification of the annual audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New

Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Montville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion by Witty Second by Conklin to adopt Resolution 2020-260

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

Resolution 2020-261 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract to Denville Line Painting for traffic striping work under the Morris County Cooperative Pricing Council

WHEREAS, a Morris County Cooperative Pricing Council contract is available for road resurfacing (Contract #36 Traffic Striping on Roadways); and

WHEREAS, the Township of Montville has a need for traffic striping for the following project:

<u>Project</u>	<u>Account #</u>	<u>Amount</u>
Restripe approximately 145,000 linear feet of 4" wide yellow and white traffic stripes on various Township roads	0-01-26-290-255	not to exceed \$15,000.00

; and

WHEREAS, the Township of Montville wishes to award the contract for traffic striping of the above-referenced project to Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey, under the Morris County Cooperative Pricing Council in the total amount not to exceed \$15,000.00.

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 Denville Line Painting, Inc. is hereby awarded the Contract for the following municipal projects under the Morris County Cooperative Pricing Council, Contract #36 Traffic Striping for Roadways:

<u>Project</u>	<u>Account #</u>	<u>Amount</u>
Restripe approximately 145,000 linear feet of 4" wide yellow and white traffic stripes on various Township roads	0-01-26-290-255	not to exceed \$15,000.00

This Resolution will take effect immediately upon its passage.

Motion by Kayne Second by Witty to adopt Resolution 2020-261

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

Motion by Cook Second by Conklin to add Resolution 2020-262 to the agenda

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

**Resolution 2020-262** Resolution of the Township of Montville, County of Morris and State of New Jersey accepting the withdrawal of the lowest bid and rejecting all remaining bids for the Montville Township Youth Center Fieldhouse drainage and sidewalk improvement project

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the Montville Township Youth Center Fieldhouse Drainage and Sidewalk Improvement Project; and

WHEREAS, nine (9) sealed bids were received and opened on September 3, 2020, in accordance with the advertised date for acceptance of bids; and

WHEREAS, the four (4) following bids comprise the lowest four (4) bids received:

(1) Messercola Excavating Inc.	\$62,312.50
(2) Captain Construction Inc.	\$122,425
(3) Green valley Landscaping Inc.	\$127,345
(4) Cipriano Enterprises, Inc.	\$133,510

; and

WHEREAS, the 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 Messercola Excavating Inc. is the apparent low bid; and

WHEREAS, the Township has received and accepted a request from Messercola Excavating Inc. to withdraw its bid; and

WHEREAS, the Mayor and Township Committee find and declare that all remaining bids exceed the Engineer's estimate and budget for this project; and

WHEREAS, the Local Public Contracts Law, specifically N.J.S.A. §40A:11-13.2 authorizes a municipality to reject all bids; and

WHEREAS, the Mayor and Township Committee find and declare that in light of the remaining bids being over budget, there are no responsible bidders and all bids are rejected; and

WHEREAS, the Mayor and Township Committee authorize the Montville Township Youth Center Fieldhouse Drainage and Sidewalk Improvement Project to be re-bid.

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 all bids received for the Montville

Township Youth Center Fieldhouse Drainage and Sidewalk Improvement Project be and are hereby rejected for the reasons stated in this Resolution.

BE IT FURTHER RESOLVED that the Township Administration is authorized to re-bid the Montville Township Youth Center Fieldhouse Drainage and Sidewalk Improvement Project.

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

Motion by Cook Second by Kayne to adopt Resolution 2020-262

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

**REVIEW OF MEETING ACTION ITEMS:**

**Administrator**

Confirm with JCP&L Representative to meet on September 22, 2020 and to get the final design from Kiwanis for the memorial

**Attorney**

No action items from open session. Possibly action items from closed session.

**Township Committee**

Cook Towaco Center pedestrian crosswalk and town clock going out to bid which will improve crossing safety as well as downtown Towaco Center design

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

**Contract Negotiations**

Open Space Purchase Proposal; Surprise Lake; Shared Service Agreement Boonton Twp.; Professional Services; Montville Twp PBA

**Litigation**

Affordable Housing (AH1, AH2); 82934BRP; Utility Fee

**Personnel**

Health; Engineering; Tax Assessor; Municipal Judge; Administration

**Attorney-Client Privilege**

Route 46 Redevelopment; Altice; Diversified Properties: River Rd/202

Motion by Cook second by Kayne to adopt the resolution authorizing closed executive session and to move into closed session. All in favor - Motion carried

Time 7:45pm

Cooney stated action will be taken after closed session. Invited public to stay on the line if interested.

Time 9:52 pm

Motion by Cook Second by Kayne to add Resolution 2020-263 to the agenda

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

**Resolution 2020-263** Resolution of the Township of Montville, County of Morris and State of New Jersey reappointing Christopher Lauver as Municipal Tax Assessor

WHEREAS, Christopher Lauver has served as the Municipal Tax Assessor for the Township since 2016; and

WHEREAS, pursuant to N.J.S.A. 40A:9-146, the Governing Body shall provide for the appointment of a Tax Assessor; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, the term for a Municipal Tax Assessor runs for four (4) years, beginning July 1 and ending June 30; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148.1, a Municipal Tax Assessor shall hold a tax assessor certificate as provided for in P.L. 1967, c 44 (C. 54:1-35.25 *et seq.*) and shall have the duty of assessing property for the purpose of general taxation; and

WHEREAS, Christopher Lauver continues to meet the qualifications for Tax Assessor; and

WHEREAS, based upon his qualifications and performance to date, the Township has decided to reappoint Christopher Lauver as the Township of Montville Municipal Tax Assessor; and

WHEREAS, Lauver shall be appointed the Township of Montville Municipal Tax Assessor, effective July 1, 2020; and

WHEREAS, Lauver shall acquire tenure as a result of this appointment; and

WHEREAS, Lauver shall be paid in accordance with the current salary ordinance for this position.

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 pursuant to N.J.S.A. 40A:9-148, Christopher Lauver is hereby reappointed as the Municipal Tax Assessor for the Township of Montville, effective July 1, 2020. Since this is a reappointment, this is an appointment that affords Lauver tenure.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Christopher Lauver, the Township Administrator, the Chief Financial Officer, the Township Auditor, the Administrator of the Morris County Board of Taxation, the Director of the Division of Taxation for the State of New Jersey, and the New Jersey Civil Service Commission for their records.

This Resolution will take effect immediately.

Motion Conklin Second Kayne to adopt Resolution 2020-263  
Roll Call: Yes – Kayne, Witty, Cook, Conklin, Cooney No - 0

**ADJOURNMENT** Time 10:00pm  
Motion by Cook Second by Conklin to adjourn  
All in favor – Motion carried

Next Regular Meeting: September 22, 2020, time TBD



Respectfully submitted,

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

Approved:  
Montville Township Committee

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