

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - July 18, 2023**

**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 mailing, emailing and/or faxing 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.

We would like to remind residents that the Governor signed into law P.L. 2021, c. 317 which established various COVID-19 relief measures for residential customers of local government water, sewer and electric service. To comply with the law, Montville Township provides installment plans for a minimum 12-month duration for arrearages accruing between March 9, 2020 and March 15, 2022. Residents are encouraged to contact the Water and Sewer Department at (973) 331-3330 for more information about these COVID-19 Ratepayer Relief Payment Agreements.

The State Low Income Household Water Assistance Program (LIHWAP) can help you pay arrears for your water and sewer bills. The program may also be able to help address tax liens due to water and sewer arrears. To get more information and apply, go to [waterassistance.nj.gov](http://waterassistance.nj.gov), or call NJ211, or visit the Township website at [www.montvillenj.org](http://www.montvillenj.org).

The Winter Termination Program helps to prevent service discontinuation for eligible residential customers receiving residential electric, sewer and water service from a local government from November 15th through March 15th. Service cannot be disconnected during this period to those residential customers who meet certain criteria. For more information on this program, please refer to the notice on the Township website at [www.montvillenj.org](http://www.montvillenj.org).

Roll Call Township Committee

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

Also present: June E. Hercek, Township Administrator  
Fred Semrau, Esq., Township Attorney  
Stacy Sullivan-Gruca, Township Clerk  
Margaret Shepard, Deputy Clerk

Prayer and Pledge of Allegiance by Committeeman Cook

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**OATHS OF OFFICE**

Alexander Yang, Lieutenant

Lifelong resident of Montville. Hired by Montville in 2012, promoted to Sergeant in July 2020. Lieutenant Yang will be assigned as the shift commander of squad 4.

Bradley Meece, Sergeant

Earned his bachelor's degree in criminal justice. He began his Public Safety career as a 9-1-1 dispatcher for the Montclair Police Department. Hired by Montville in June 2018. In Patrol Division, he is also the department's Resiliency Officer and is a child safety seat technician. Officer Meece will be assigned as the Patrol Sergeant for squad 4, under the command of Lieutenant Yang.

Stacy Sullivan-Gruca, Township Clerk

Reappointment of Township Clerk (current term expires 7/31/2023) grants tenure to Stacy Sullivan-Gruca as Montville Township Clerk, per State Statute. Resolution 2023-234 memorializes the reappointment.

**APPROVAL OF MEETING MINUTES**

June 27, 2023 Regular Meeting Minutes  
June 27, 2023 Closed Session Meeting Minutes

Motion by Witty second by Cook to approve above listed minutes

All in favor – Motion carried

**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

[Ordinance 2023-19](#) Ordinance of the Township Committee of the Township of Montville in the County of Morris and State of New Jersey amending Chapter 230, "Land Use and Development," of the revised general ordinances of the Township of Montville pertaining to flagpole heights

Motion by Conklin second by Witty to open public hearing on Ordinance 2023-19

All in Favor - Motion Carried

*No Public Comments*

Motion by Witty second by Cook to close public hearing on Ordinance 2023-19

All in Favor - Motion Carried

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Motion by Conklin second by Cook to adopt Ordinance 2023-19

Roll Call: Yes – Kayne, Witty, Cook, Conklin No – 0 Not present for vote – Cooney

**REPORTS**

**Administrator’s Report**

Mention of Township property located at 70 Changebridge Road (auctioned in May 2023). Administration to re-auction the property, Township Committee agrees.

Hercek provides an update on the Abbott Road Walking/Biking Trail. Hercek and the Township Engineer met with members of the Morris County Parks Commission, Park Planning & Development, on July 6, 2023.

“The purpose of the meeting was to discuss our recent submission to the County with our Letter of Intent to construct a trail in Montville Township with the anticipation to submit an application for a grant opportunity.

There was a lot of good information discussed at the meeting. In terms of the grant application, the County thought we have a great start but are not quite ready yet to apply for the grant. They want to see projects that are basically shovel ready and have all of their permits and funding already available. Therefore, we will need to submit to and obtain our NJDEP permits, which we are in the midst of, and decide on the trail surface so that we can calculate a more accurate cost estimate and request an appropriate grant amount. We concluded it would be better to apply for this grant next spring/summer.”

**Attorney Report**

All Brand Tires – Block 183, Lot 1 – Unsafe structure, action being taken to enforce demolition of what remains of the building. Property owner has 60 days to complete demolition permit process. If deadline passes, the Township can take the structure down and place a lien on the property.

Explanation of Resolution 2023-248 – lease agreement with 17 Hook Mountain Rd, LLC is for Police Equipment.

RG Realty vs. Montville Township – extension of affordability controls litigation due to go to trial at the end of August. Township’s efforts to extend controls of 171 affordable units. Resolution 2023-253 awards a Professional Services Agreement with regards to this litigation.

**Township Committee liaison reports and comments**

**Witty**

VFW Patriot’s Day Event to be held on September 11, 2023 at 11am at the 9/11 Memorial site (the highly anticipated 9/11 monument will be installed by the event date)

**Cooney**

No report

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**Cook**

Recreation Department Summer Concert Series are running and well-attended

**Conklin**

No report

**Kayne**

Gratitude expressed to the 4<sup>th</sup> of July Committee for another successful event.

Planning Board approved renovations to the Pine Brook McDonald's (which will continue the Route 46 corridor improvements)

Reports attendance of the Mayor's breakfast for NJ District 11, held by Congresswoman Mikie Sherrill at Montville Diner

Recognizes the efforts of Chief Caggiano for continually publicizing the issues surrounding the multitude of auto thefts on the State and Federal level.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**HPRC Presentation**

Restatement of the Commission's interest for Township to purchase historic property at 107 Changebridge Road; interest in relaunching the Historical Society; concerns over the roof of the historic cider mill – questions whether the Township can tarp the roof of the structure; continue to review and organize historic artifacts recovered by the Township from the Montville museum – new Township location in review by Administration that HPRC may have access to in order to continue the process (current basement storage area)

**ORDINANCE INTRODUCTIONS**

[Ordinance 2023-09](#) Ordinance of the Township of Montville, in the County of Morris and State of New Jersey, vacating an easement along block 51, lots 19.05 and 19.06

Motion by Cooney second by Cook to re-introduce Ordinance 2023-09

*Cooney suggests that a survey of the property to be reviewed before introduction of the Ordinance. Township Committee and Administration in agreement.*

Motion defeated.

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**Ordinance 2023-20** Ordinance in the Township of Montville, County of Morris, State of New Jersey to amend Chapter 300 “Sewers”, Article I “General Provisions”, Section 300-2 “Definitions”, and Article III “Building Sewers; Connections; Fees; Public Sewer System Extension”, Section 300-15 “Application for Service” and Section 300-17 “Sewer Rates” of the code of the Township of Montville, New Jersey

Motion by Cook second by Conklin to introduce Ordinance 2023-20

All in Favor - Motion Carried

Clerk set public hearing date August 22, 2023

**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*

The below listed residents emphatically expressed their anger over existing PILOT programs (sometimes referred to during public portion as “tax-abatement” or “tax exempt”) within the Township at the Avalon Bay and Mill Creek developments:

Truscha Quatrone, 4 Majorca Road, Towaco

Read a prepared statement with projected calculations of taxes per apartment both monthly and over a 30-year period for Avalon Bay and Mill Creek developments – at a much lower assessed amount than taxpayers who own homes and condos within the Township (points out that all taxes from these developments will be paid to the Township without any money going to the Board of Education, State, County or Fire Department for the corresponding district).

Also makes asseveration that Rachel Gardens is under-assessed and recommends a re-assessment of the development to the Tax Assessor.

Feels the Committee did not consider the fairness of the tax burden to the homeowners. She concludes her statement by suggesting (on behalf of every homeowner) that an “independent negotiator representing the homeowners to be party of the negotiations to advise and inform them at large prior to any signed contracts for the future.”

Sharon Press, 23 Brittany Road, Montville

(Financial background – educated in finance of commercial and residential building, owns a building in Elizabeth with a PILOT program) Believes these PILOT agreements were approved without proper financial analysis or educated consideration. “PILOTs are not meant for Montville, they are meant for low to moderate income communities, it’s meant for regentrification and opportunity zones” and urges Township Committee to be

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more careful when considering these for future developments. Attributes “the mess” and “harm” done to the taxpayers to lack of education among the approvers of the agreement and failure to consult properly with experts in the subject of PILOT agreements.

Wendi Leicht, 10 Charlemagne Place, Pine Brook

Angry over the PILOT programs and the Board of Education referendum, concerned that the tax burden will fall on the residents.

Anthony Meli, 44 Upper Mountain Avenue, Montville

Expresses his love for the Township. Hoping to learn more about PILOT programs after reading some information by residents that concerned him greatly.

Anjana Kapur, 16 Renshaw Drive, Montville

*(In response to HPRC presentation)* expresses interest in Historic Society, upset regarding the survey review before introduction of Ordinance 2023-09, believes there may be issues of incompetence in assessment of taxes on properties. Expresses an urgency for the Township to give more final timelines when asked. Suggests that the Township elected officials take into consideration the concerns or suggestions from the residents and work together.

Motion by Cooney second by Cook to close public portion

All in favor – Motion Carried

*Attorney addresses some of the PILOT concerns:*

*A PILOT program is not an exemption from making a payment to the Township. Payments owed and paid to the Township (in lieu of taxes) – who may distribute the funds however they so choose. If payment not paid, property owner is subject to interest/foreclosure. PILOT is tied to a percentage of rents, if rental fees increase the payment to township will increase accordingly. No payment amounts are known currently, until the project is complete (vacant land and land under construction tax rate is lower in any development situation). Once the rental fees are set, the landlord will be required to send audited financial statements and payment in lieu of taxes will be paid to the Township on a quarterly basis. These properties have no rights to file tax appeals or challenge the assessment. These developments (that were already zoned for this type of development) are being constructed due to the Affordable Housing Obligation for Montville Township from the State of New Jersey. Through the PILOT programs, the Township was able to minimize high density development and reduce the number of proposed units, reduce the number of bedrooms for the market priced units to 1-2 bedrooms to reduce the number of school-aged children, there is no sanitation pick-up cost affecting the homeowners in Montville Township through property taxes.*

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*Other Townships with current PILOT programs in order to meet their Affordable Housing Obligations: Harding, Upper Saddle River, Chatham, Madison*

*(Also notes that the County Board of Taxation orders revaluations, in reference to the Rachel Garden's assessment that was suggested)*

*The Jean Drive/Gallen Property was an additional location that was being considered for an affordable housing development, however, was recently approved by the governing body for purchase by the Township to preserve as Open Space.*

Mayor Kayne expresses gratitude to Joseph Nadler, who is resigning from the Design Review Committee after 17 years of volunteering. Resignation accepted on Resolution 2023-236

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA13**

**Resolution 2023-234** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the reappointment of Stacy Sullivan-Gruca as Township Clerk

WHEREAS, the Township of Montville presently has the position of Township Clerk pursuant to Article V, Section 4-26 of the Township Code; and

WHEREAS, Stacy Sullivan-Gruca, Registered Municipal Clerk, was appointed by the Township Committee to serve as Municipal Clerk for the Township of Montville for a term commencing August 1, 2020, for a three-year term expiring July 31, 2023; and

WHEREAS, Stacy Sullivan-Gruca has worked with diligence, dedication and professionalism as the Municipal Clerk for the Township of Montville; and

WHEREAS, the Township Committee has reviewed the contributions and dedication of Stacy Sullivan-Gruca and hereby would like to reappoint her to serve in the capacity of Township Clerk commencing August 1, 2023.

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

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1. Stacy Sullivan-Gruca is hereby reappointed Municipal Clerk effective August 1, 2023.
2. The reappointment of Stacy Sullivan-Gruca, pursuant to N.J.S.A. 40A:9-133.7 grants her tenure of office in accordance with the laws of the State of New Jersey.

This Resolution will take effect immediately.

**Resolution 2023-235** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for construction, maintenance and/or repair services for Township-owned Water and Sewer Infrastructures

WHEREAS, the Township of Montville has a need to procure the services of a contractor to perform construction services for Water Main, Valves, Hydrants and water service construction for Cheryl Road, Rennes Street, and Breton Drive.

WHEREAS, the services may exceed the bid threshold.

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 is hereby authorized to move forward with procuring licensed and qualified utilities contractor to assist in the construction, maintenance and/or repair services of Township-owned water and sewer facilities.

The Resolution shall take effect immediately.

**Resolution 2023-236** Resolution accepting resignation from the Design Review Committee

BE IT RESOLVED, By the Township Committee of Montville that Design Review Committee member Joseph Nadler's resignation is accepted with regret as of June 28, 2023.

**Resolution 2023-237** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the execution of an agreement between Brandywyne at Montville Owners Association, Inc. and the Township of Montville

WHEREAS, he Brandywyne Village development was created pursuant to Resolution of Approval from the Montville Township Planning Board and a Developer's Agreement; and

WHEREAS, upon the request of the homeowners' association for the Township to accept two of the roads within the development, the Township investigated the condition of the roads and associated improvements and the Township Engineer determined that the Township should accept the roads; and



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WHEREAS, the Township Committee determined that the roads at issue should be accepted and directed that an agreement related to same be executed; and

WHEREAS, an acceptable agreement for the Township to accept Gabriel Drive and Adina Terrace was negotiated.

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

Section 1. The Mayor and Township Clerk are hereby authorized to execute the agreement between Brandywyne at Montville Owners Association, Inc. and the Township of Montville.

Section 2. The Township Administrator and Township Attorney are authorized and directed to take whatever steps are necessary to fulfill the purpose of this Resolution.

Section 3. A copy of this Resolution shall be provided to Brandywyne at Montville Owners Association, Inc. for its information and guidance.

This Resolution shall take effect immediately.

**Resolution 2023-238** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the execution of a discharge of combination promissory note and mortgage for a property known as block 52.2, lot 6, commonly known as 5 Joan Drive, Montville

WHEREAS, on August 1, 2012 the Township of Montville entered into a Combination Promissory Note & Mortgage with Steven and Nora Cannizzo with respect to the property known as Block 52.2, Lot 6, commonly known as 5 Joan Drive, Montville, New Jersey; and

WHEREAS, said Combination Promissory Note & Mortgage was in the amount of \$6,373.00 and was recorded in the Morris County Clerk's Office in Book 22200 at page 1667 on December 10, 2012; and

WHEREAS, the Township has received payment in full of the Combination Promissory Note & Mortgage.

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NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville in the County of Morris, State of New Jersey, that the Township Administrator is hereby authorized to execute the attached Discharge of Mortgage in connection with this matter as the Combination Promissory Note & Mortgage has been paid in full.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be provided to the Township Water & Sewer Department and Steven and Nora Cannizzo.

**Resolution 2023-239** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the execution of a discharge of combination promissory note and mortgage for a property known as block 125.5, lot 11, commonly known as 177 Pine Brook Road, Montville

WHEREAS, on February 13, 2019 the Township of Montville entered into a Combination Promissory Note & Mortgage with Julio and Silvia Loyola with respect to the property known as Block 125.5, Lot 11, commonly known as 177 Pine Brook Road, Montville, New Jersey; and

WHEREAS, said Combination Promissory Note & Mortgage was in the amount of \$6,373.00 and was recorded in the Morris County Clerk's Office in Book 23500 at page 426 on March 15, 2019; and

WHEREAS, the Township has received payment in full of the Combination Promissory Note & Mortgage.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville in the County of Morris, State of New Jersey, that the Township Administrator is hereby authorized to execute the attached Discharge of Mortgage in connection with this matter as the Combination Promissory Note & Mortgage has been paid in full.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be provided to the Township Water & Sewer Department and Julio and Silvia Loyola.

**Resolution 2023-240** Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening permit bond received for work performed at 30 Chapin Road, block 183, lot 7.01

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WHEREAS, High Point Utilities has requested a release of the cash road opening permit bond submitted in connection with work being performed at 30 Chapin Road, Block 183, Lot 7.01, 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 5, 2023, that the cash road opening permit bond in the amount of \$550.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the 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 \$550.00, be released to High Point Utilities, 18 Northfield Drive, Sussex, New Jersey 07461.

This Resolution shall take effect immediately.

**[Resolution 2023-241](#)** Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening permit bond received for work performed at 10 Bloomfield Avenue, block 160.01, lot 10

WHEREAS, High Point Utilities has requested a release of the cash road opening permit bond submitted in connection with work being performed at 10 Bloomfield Avenue, Block 160.01, Lot 10, 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 5, 2023, that the cash road opening permit bond in the amount of \$550.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the 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 \$550.00, be released to High Point Utilities, 18 Northfield Drive, Sussex, New Jersey 07461.

This Resolution shall take effect immediately.

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**Resolution 2023-242** Resolution ratifying a collective negotiations agreement between the Township of Montville and Morris Council No. 6 – White Collar

WHEREAS, the collective negotiations agreement between the Township of Montville and Morris Council No. 6, New Jersey Civil Service Association, IFPTE, AFL-CIO, White Collar and Professional Unit (hereinafter referred to as “Council 6”) expired on December 31, 2021; and

WHEREAS, the Township and Council 6 have been negotiating the terms to a successor collective negotiations agreement; and

WHEREAS, the Township and Council 6 have negotiated and agreed upon the terms to a successor collective negotiations agreement set forth in the Memorandum of Agreement executed on January 6, 2022 attached hereto as exhibit A; and

WHEREAS, the Memorandum of Agreement was ratified by the members of the Council 6 on January 6, 2022; and

WHEREAS, the Township of Montville is desirous of ratifying the agreed upon terms to the successor collective negotiations agreement set forth in the Memorandum of Agreement executed on January 6, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris, State of New Jersey that the Memorandum of Agreement with Morris Council No. 6, New Jersey Civil Service Association, IFPTE, AFL-CIO, White Collar and Professional Unit for the period from January 1, 2021 through December 31, 2025 is hereby ratified.

**Resolution 2023-243** Resolution of authorization for the Township of Montville to execute the 2021-2025 PBA Local 140 Collective Negotiations Agreement

WHEREAS, the Township of Montville and PBA Local 140 are parties to a collective negotiations agreement which expired on December 31, 2020; and

WHEREAS, the Township of Montville and PBA Local 140 have agreed to terms for a successor Collective Negotiations Agreement via a Memorandum of Agreement dated February 9, 2022; and

WHEREAS, a successor Collective Negotiations Agreement was drafted for the period of January 1, 2021 through December 31, 2025 between the Township of Montville and PBA Local 140; and

WHEREAS, on July 6, 2023, the PBA executed the successor Collective Negotiations Agreement and provided it to the Township for execution; and

WHEREAS, the Township Committee of the Township of Montville have reviewed the partially executed successor Collective Negotiations Agreement for the period of January 1, 2021 through December 31, 2025 and seek to execute same which is attached hereto as exhibit A; and

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

- 1). The Township ratifies the collective negotiations agreement for the period of 2021-2025 attached hereto as exhibit A.
- 2). The Mayor is authorized to hereby execute the collective negotiations agreement on behalf of the Township of Montville.
- 3). That this resolution shall take effect immediately.

**Resolution 2023-244** Resolution approving request from Tax Collector for refund of overpayment (tax appeals)

WHEREAS, The TAX COURT OF NJ has entered judgment on appeals filed by taxpayers in the Township of Montville;

WHEREAS, The judgment reduced assessments and cancelled tax creating an overpayment of taxes for the various years;

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

Valerie Hofer, Esq. Trust Account  
for Ponte, Eusebio & Kimberly  
12 Philips Manor

Block 39.3 Lot 92.4	2018 Tax Appeal	<u>\$1,201.50</u>
	TOTAL REFUND	\$1,201.50

Valerie Hofer, Esq. Trust Account  
for Crokos, Alexander & Megan

7 Ryan Court	2018 Tax Appeal	\$2,412.00
Block 102 Lot 4.11	2019 Tax Appeal	<u>\$1,216.50</u>
	TOTAL REFUND	\$3,628.50

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**Resolution 2023-245** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the replacement of windows at the Montville Township Municipal Building

WHEREAS, the Township of Montville has identified windows at the Montville Township Municipal Building that are in need of replacement; and

WHEREAS, the Township wishes to replace windows at the Montville Township Municipal Building; and

WHEREAS, the project will be publicly bid to have the new windows fabricated and installed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the Township Administration and Engineering Department are hereby authorized to move forward with soliciting bids for the replacement of windows at the Montville Township Municipal Building in the Township of Montville.

This Resolution shall take effect immediately.

**Resolution 2023-246** Resolution authorizing the cancellation of the unexpended balance of the 2023 current fund budget appropriation for the 2022/2023 School Year SLEO III Shared Service Agreement and the corresponding revenue/receivable balance

WHEREAS, the Township of Montville and the Montville Township Board of Education entered into an agreement for a Class III Special Law Enforcement Officer (SLEO III) for the 2021/2022, 2022/2023 and 2023/2024 school years; and

WHEREAS, the terms that were outlined in the contract for the 2022/2023 school year have been met and the 2022/2023 school year ended as of 6/30/2023; and

WHEREAS, the terms and conditions and corresponding dollar amounts have been determined for the new 2023/2024 school year; and

WHEREAS, there remains an unexpended appropriation balance of \$3,454.00 and a corresponding receivable balance which will not be collected for the 2022/2023 school year due to the timing of the agreement and the end of the 2022/2023 school year; and

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WHEREAS, it is necessary to formally cancel said balances;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montville in the County of Morris, that the unexpended balance of the appropriation in the 2023 Current Fund Budget for the 2022/2023 Shared Services agreement between the Township of Montville and the Montville Township Board of Education be cancelled and that the balance of the receivable in the amount of \$3,454.00 also be cancelled.

Motion by Cooney second by Witty to adopt consent agenda resolutions, Resolution 2023-234 through Resolution 2023-246

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

**RESOLUTIONS**

Motion by Witty second by Cooney to adopt Resolution approving the listing of bills and signing of checks for July 18, 2023

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

Resolution 2023-247 Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (Montville Township Board of Education Shared Service Agreement – Class III Special Law Enforcement Officers (SLEOIII) – 2023/2024 School Year)

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 2023 in the sum of \$46,879.68, for the months of September through December of

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2023, which is now available from the Montville Township Board of Education 2023-2024 Budget in the amount of \$46,879.68.

BE IT FURTHER RESOLVED, that the like sum of \$46,879.68 is hereby appropriated under the caption Montville Township Board of Education Shared Service – SLEO III; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Montville Township Board of Education for a shared services agreement – Class III Special Law Enforcement Officer for the 2021-2022, 2022-2023 and 2023-2024 School Years.

Motion by Witty second by Conklin to adopt Resolution 2023-247

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

**Resolution 2023-248** Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing a twenty-year commercial lease agreement with 17 Hook Mountain Road, LLC

WHEREAS, 17 Hook Mountain Road, LLC (“Hook Mountain”) is the owner of land and improvements located at 17 Hook Mountain Road, Montville, New Jersey (the “Property”); and

WHEREAS, the Township desires to lease from Hook Mountain, and Hook Mountain desires to lease to the Township, a portion of a building on the Property for the placement of two roof antennas and supporting electrical equipment, for the term June 1, 2023 through May 31, 2043, as depicted in Exhibit A attached hereto; and

WHEREAS, the Township and Hook Mountain have negotiated a New Jersey Commercial Lease Agreement attached hereto as Exhibit B, to memorialize the terms and conditions of the lease; and

WHEREAS, the Township Committee desires to authorize the agreement.

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:



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1. A New Jersey Commercial Lease Agreement, attached hereto and incorporated herein as Exhibit B, with 17 Hook Mountain Road, LLC for the lease of a portion of a building located at 17 Hook Mountain Road, Montville, New Jersey, for the placement of two roof antennas and supporting electrical equipment, as depicted in Exhibit A, attached hereto and incorporated herein, is hereby authorized for the term June 1, 2023 through May 31, 2043.

2. The Mayor and Township Clerk are hereby authorized and directed to execute the agreement.

3. This resolution and agreement shall be available for public inspection in the office of the Township Clerk.

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

3-01-25-240-241, Police: Radio Service, \$100.00

This Resolution will take effect immediately.

Motion by Witty second by Cook to adopt Resolution 2023-248

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

Resolution 2023-249 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the UHF Radio System upgrade to Philip M. Casciano Associates, Inc. (d/b/a PMC Associates Wireless Communications)

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the UHF radio system upgrade; and

WHEREAS, two (2) sealed bids were received and opened on June 22, 2023, in accordance with the bid specifications:

- |  |                |
|--|----------------|
| 1) Philip M. Casciano Associates, Inc. (d/b/a<br>PMC Associates Wireless Communications) | \$ 664,707.66  |
| 2) Motorola Solutions, Inc.  | \$1,378,900.00 |

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; and

WHEREAS, said bids have been duly reviewed and analyzed by the Montville Township Attorney, Chief of Police and Township Administration; 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 Philip M. Casciano Associates, Inc. (d/b/a PMC Associates Wireless Communications) at a bid price of \$664,707.66 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 Philip M. Casciano Associates, Inc. (d/b/a PMC Associates Wireless Communications), 8 Crown Plaza, Suite 106, Hazlet, New Jersey 07730, for the UHF radio system upgrade in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$664,707.66.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Philip M. Casciano Associates, Inc. (d/b/a PMC Associates Wireless Communications) in accordance with its bid for the UHF radio system upgrade.

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:

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2-01-41-866-302, ARPA Dispatch Radio Improvement Program; \$600,000.00

3-01-41-866-302, ARPA Dispatch Radio Improvement Program; \$ 64,707.66

This Resolution will take effect immediately.

Motion by Cooney second by Conklin to adopt Resolution 2023-249

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

**Resolution 2023-250** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of radio frequency meter interface units for the Water Department under the Morris County Cooperative Pricing Council contract #47, category D, #1.B.

WHEREAS, the Montville Township Water Department wishes to purchase Neptune R900 Radio Frequency Meter Interface Units as part of its water meter replacement program; and

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

WHEREAS, the Township's Director of Water and Sewer Utility recommends this purchase; and

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

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

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

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- Rio Supply, Inc. - \$22,125.00 (Morris County Cooperative Pricing Council Contract #47, Category D, #1.B., One hundred fifty (150) Neptune R900 Radio Frequency Meter Interface Units @ \$147.50 per unit)

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

- C-06-55-573-504 – 2022-20 Fixed Network Meter, Radio & Equipment; \$22,125.00

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 Cook second by Witty to adopt Resolution 2023-250

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

**Resolution 2023-251** 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 Matarazzo Engineering, LLC to perform professional engineering services for Montville Township

WHEREAS, there exists a need for professional engineering services to be rendered to the Township of Montville to prepare plans and specifications for the mapping and design of improvements to the roads and drainage systems on Redding Place, Forest Place, Forest Hill Road and a portion of Barney Lane; and

WHEREAS, the Township wishes to retain Matarazzo Engineering, LLC to perform such services in accordance with their proposal dated June 13, 2023; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$69,500.00; and

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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 Matarazzo Engineering, 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. Matarazzo Engineering, LLC shall provide professional engineering services to the Township as set forth in its proposal of June 13, 2023.

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 Matarazzo Engineering, LLC 575 Route 46 West, Fairfield, New Jersey 07004, for their information and guidance.

Section 5. The account to be used for these services is as follows:

C-04-56-164-009, 2023-14 Eng: Redding/Forest Hill/Forest, not to exceed \$69,500

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2023-251

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

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[Resolution 2023-252](#) Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing change order #1 and final payment to Marini Brothers Construction Company, Inc. for the Bloomfield Avenue Sidewalk Project and acceptance of maintenance bond, for the Bloomfield Avenue Sidewalk Project

WHEREAS, pursuant to Resolution No. 2023-186 adopted on May 9, 2023, the Township of Montville awarded a contract in the amount of \$119,210.00 to Marini Brothers Construction Company, Inc. for the Bloomfield Avenue Sidewalk Project (the "Project"); and

WHEREAS, the Project was partially funded by a 2021 Community Development Block Grant awarded to the Township in the amount of \$80,000.00; and

WHEREAS, certain items in the contract have been modified from the originally estimated quantities needed, resulting in a decrease in the total contract price; and

WHEREAS, the cost of Change Order #1, as provided by the Township Engineer in correspondence dated July 11, 2023, is a \$7,563.67 decrease in the original contract price, resulting in a final contract price of \$111,646.33; and

WHEREAS, in accordance with N.J.S.A. 5:30-11.3, the proposed change order has not caused the originally awarded contract price to be exceeded by more that 20%; and

WHEREAS, the Township Engineer has recommended Change Order #1 as final reconciliation of unit-cost items for the Project closeout; and

WHEREAS, the Township Attorney has reviewed same and finds Changer Order #1 to be in accordance with the Local Public Contracts Law;

WHEREAS, the Township Attorney has also reviewed a maintenance bond submitted by Marino Brothers Construction Company, Inc. in the amount of \$11,164.63 and finds it acceptable.

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. Change Order #1 for the Bloomfield Avenue Sidewalk Project, reflecting a decrease of \$7,563.67 and resulting in a final contract price of \$111,646.33 with Marini Brothers Construction Company, Inc., is hereby authorized.

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2. The Township hereby authorizes final payment to Marini Brothers Construction Company, Inc. of the adjusted final amount due of \$44,695.42 to close out the Project.

3. The Township hereby accepts a maintenance bond submitted by Marini Brothers Construction Company, Inc. in the amount of \$11,164.63.

4. This resolution and Change Order #1 shall be available for public inspection in the office of the Township Clerk.

This Resolution will take effect immediately.

Motion by Witty second by Cooney to adopt Resolution 2023-252

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

**Resolution 2023-253** 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 Joseph H. Burgis, P.P., AICP of Burgis Associates, Inc. to provide professional planning services in the matter of RG Realty Investors v. Township of Montville, et al

WHEREAS, there exists a need for professional planning services to be rendered to the Township of Montville in connection with the matter entitled RG Realty Investors v. Township of Montville, et al.; and

WHEREAS, the Township wishes to retain Joseph H. Burgis, P.P., AICP of Burgis Associates, Inc. to perform such services in accordance with his proposal dated July 13, 2023; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$6,500; 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.

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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 Joseph H. Burgis, P.P., AICP of Burgis Associates, Inc. is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Joseph H. Burgis, P.P., AICP shall provide professional appraisal services to the Township as set forth in its proposal of July 13, 2023.

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 Joseph H. Burgis, P.O., AICP of Burgis Associates, Inc. for their information and guidance.

Section 5. The account to be used for these services is as follows:

T-16-56-608-800, Affordable Housing Trust (Township Contribution-Budget) – not to exceed \$6,500

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2023-253

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

**Resolution 2023-254** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing a settlement in the matter of Township of Montville v. Peter Nagle Builders Et Al, Docket No. MRS-L-295-23

WHEREAS, the Township of Montville sought to obtain completion of various improvements in the Valhalla Ridge and Forest Ridge subdivisions and as a result, filed an action in Superior Court entitled Township of Montville v. Peter Nagle Builders, et al., Docket No. MRS-L-295-23; and



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WHEREAS, the Administration, in conjunction with the Municipal Attorney, have resolved this matter in the best interest of the Township; and

WHEREAS, the settlement calls for the Township to have a lien on a property located in the Forest Ridge subdivision in order to receive compensation and ensure the completion of improvements primarily in the Forest Ridge subdivision as well as for Valhalla Ridge.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, that the Administration is hereby authorized to execute a settlement agreement in connection with the above referenced litigation.

This Resolution shall take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-254

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

**REVIEW OF MEETING ACTION ITEMS**

Administration and Attorney to determine an appropriate location for HPRC to review/catalog historic documents/items

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

**Contract Negotiations**

School Resource Officer

**Litigation**

RG Realty vs. Montville Township; Altice USA BPU Docket No. CX21020139

**Personnel**

**Attorney-Client Privilege/Potential Litigation**

PBA grievance; block 183, lot 1

Motion by Cooney second by Witty to adopt the above Resolution authorizing closed executive session

All in favor – Motion carried

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*Mayor notes no action will be taken after closed session*

*CLOSED SESSION*

Motion by Cook second by Witty to adjourn

All in favor – Motion carried

**ADJOURNMENT** at 9:52pm

Approved:  
Montville Township Committee

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Stacy Sullivan-Gruca, Township Clerk

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Matthew S. Kayne, Mayor

Special Meeting: August 1, 2022 (project contract award)

Next Regular Meeting: August 22, 2023 at 7pm