

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - August 17, 2021

7:00pm – PUBLIC SESSION

Statement of Open Public Meetings Act Compliance read by Mayor

In accordance with the Open Public Meetings Act, adequate notice of this meeting has been provided by 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.

Roll Call Township Committee

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

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

Prayer and Pledge of Allegiance by Deputy Mayor Cook

APPROVAL OF MEETING MINUTES

July 19, 2021 Township Committee Special Meeting Minutes
July 20, 2021 Township Committee Regular Meeting Minutes
July 20, 2021 Township Committee Closed Executive Session Meeting Minutes

Motion by Witty second by Kayne to adopt the above listed minutes

All in favor – Motion carried

PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

None

REPORTS

Administrator's Report

COVID Update: as of 8/16/2021: 1 new case / 1 cleared case / 9 current cases / 1762 total cleared to date / 1771 total cases to date

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Interim Health Officer, Michael Hodges, along with Administration - Masks will be strongly recommended at Town Hall and Township facilities

2020 Audit Report

Completed and has been reviewed. No auditors' recommendations for the second year in a row.

Attorney report

None

Township Committee liaison reports and comments

Kayne

Board of Health – passed Food Truck Ordinance, concern over masks in schools voiced by residents, explained that is a school decision

JCP&L – still awaiting response for requested info from June meeting

Altice – CBG Communications retained as technical experts to evaluate service and equipment being provided to the Township and to make recommendations to be submitted to the BPU. Township will request for reimbursement of cost for CBG by Altice.

Witty

Housing Committee – Sterling Development presentation

Environmental Commission – Garden plot is very successful, asking for consideration of utilizing the decommissioned Green House at Town Hall, and several other ideas being considered

Open Space – approved Open Space and Recreation Plan Update

DAC – due to meet in September

VPW – 9/11 Event on September 11th at 11am, 20th anniversary and Flag Retirement Ceremony on September 18th at 10am at the Amphitheater Pavilion

Cook

Board of Adjustment –

Amphitheater project continues, footings being poured, building to be delivered this week

Conklin

Design Review Committee – Sterling Development presentation, sent back for revision

Cooney

Library – request to share that Township facilities are strongly recommending masks going forward

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UNFINISHED BUSINESS

Old Lane Sewer Expansion Project – Received authorization to advertise the bid

Anticipated timeline: Bid advertised - August 16, 2021; Receive bids - September 15, 2021;
Award bid - September 28, 2021

NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

Ordinance 2021-20 Ordinance of the Township of Montville, County of Morris, State of New Jersey to amend Chapter 230 entitled “Land Use and Development Regulations” of the Revised General Ordinances of the Township of Montville

Motion by Kayne second by Witty to introduce Ordinance 2021-20

All in Favor - Motion Carried

Clerk set public hearing date for September 14, 2021

PUBLIC PORTION

Reminder to the public to state your name and address for the record, and there is a 3 minute time limit on all public comments

Motion by Witty second by Conklin to open public portion

All in favor – Motion Carried

Public Comments

Historic Preservation Review Commission (HPRC) members: Pat Gamsby, 102 Hook Mountain Road and Meta Janowitz, 89 Moraine Road, Morris Plains (noted that HPRC has a CRG Program designation – recognized by the State – and that they are an advisory committee to the Planning Board)

Revisit items, sent to Township Committee in May 2021 for review, that have not been addressed. Concerns over historical structures and a request for emergency stabilization, according to the Township’s demolition by neglect Ordinance for the structure at 107 Changebridge Road and the VanDuyne Cider Mill

Township Committee responds

107 Changebridge Road (chimney and foundation) – Chimney was stabilized from inside

HPRC confirms that there was a report prepared and submitted previously to the Township Committee outlining necessary repairs

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Administration and Township Committee to follow up with the Construction Official and report back to the HPRC

VanDuyne Cider Mill (roof) – no corrective actions have been authorized

Administration states that grant opportunities have been discussed with the property owners, however no action has been taken by the property owners to apply for grants.

HPRC expresses the difficulty of the grant writing process, and does not believe the homeowners would be able to easily complete the process. Questions whether the Township can stabilize and lien, in accordance with the Township Ordinance.

Administration will request the Construction Official to inspect the roof and report back.

HPRC request funds to be designated for these repairs

Administration agrees. Discussed late in the 2021 budget cycle, however will be placed for consideration in 2022 budget cycle.

Reminder to HPRC to submit the signage plan and cost for Young's Field and Dorsey Pond to Township Committee for review

Motion by Conklin second by Kayne to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2021-CA13

Resolution 2021-224 Resolution authorizing the granting of a special permit to the Knights of Columbus to allow the consumption of alcoholic beverages (beer and wine) at an event being held at 130 Changebridge Road, Montville, New Jersey

WHEREAS, Montville Township Code Chapter 85-16 permits the issuance of special permits for the consumption of alcohol on public property; and

WHEREAS, the Knights of Columbus will hold an event on September 26, 2021 at the Montville Community Park, located at 130 Changebridge Road, Montville, and have requested that the Township grant a "special permit" to allow the consumption of alcohol (beer and wine) at this event; and

WHEREAS, the Knights of Columbus has submitted their request in accordance with Chapter 85-16 and has agreed to comply with the conditions of said Chapter, which include compliance with all insurance requirements and compliance with all requirements of the Police and Fire Departments; and

WHEREAS, the Township Committee has reviewed the request and has determined to grant a special permit to allow the consumption of alcohol at the event.

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that a "special permit" shall be granted to allow the consumption of alcohol (beer and wine) at the Knights of Columbus event to be held at Montville Community Park, 130 Changebridge Road, Montville, New Jersey on September 26, 2021.

Resolution 2021-225 Resolution authorizing submission of a Grant Application Fiscal Year 2022 for the Montville Municipal Alliance

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Committee of the Township of Montville, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED by the Township of Montville, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Montville Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$9,670.00
Cash Match	\$2,417.50
In-Kind	\$7,252.50

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 2021-226 Resolution approving a block party on Diann Drive – August 28, 2021

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Saturday, August 28, 2021 (rain date on August 29, 2021), on Diann Drive in Montville; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the request for a block party on Diann Drive, Montville, to be held on Saturday, August 28, 2021 (rain date on August 29, 2021) is hereby approved. Access must be allowed for emergency vehicles should the need arise and any barricades or cones which are placed on the roadway must be removed if required.

Resolution 2021-227 Resolution approving request from Tax Collector for refund of overpayment

WHEREAS, due to a change in assessment, creating an overbill of tax for the 3RD & 4th Qtr, 2021, 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:

Chang, Timothy & Low, Vanessa		
6 Craig Ct	3 rd Qtr 2021	\$442.31
Block 125.2 Lot 15	4 th Qtr 2021	<u>\$442.30</u>
TOTAL REFUND		\$844.61

Resolution 2021-228 Resolution approving request from Tax Collector for refund of overpayment

WHEREAS, due to a change in assessment, creating an overbill of tax for the 3RD & 4th Qtr, 2021, along with payments received creating an overpayment of tax, 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:

Deer Lake Club		
Boonton Ave	3 rd Qtr 2021	\$ 987.96
Block 1 Lot 28 Qualifier QFARM	4 th Qtr 2021	<u>\$ 293.21</u>
TOTAL REFUND		\$1,281.17

Resolution 2021-229 Resolution approving request from Tax Collector for refund of overpayment

WHEREAS, due to payments received creating an overpayment of tax for the year/years listed

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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:

Kril, Liz			
Block 51.1 Lot 5	14 Cooks Farm Rd	2021, 3 rd Qtr	\$4,773.78

Resolution 2021-230 Resolution accepting resignations of the Township of Montville DAC/Municipal Alliance members

BE IT RESOLVED, By the Township Committee of Montville that DAC/Municipal Alliance member's resignations are accepted with regret: Steven Marcus' resignation as of July 13, 2021; Angela Flora's resignation date August 11, 2021.

Resolution 2021-231 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing an agreement between the Township of Montville and the property owners of 165 Pine Brook Road

WHEREAS, the Township received a request from the owners of 165 Pine Brook Road to waive the requirement to connect to the Township's water system as it will create an economic hardship; and

WHEREAS, said property owners wish to reinstall and/or drill a new well on the existing premises; and

WHEREAS, the property owners are aware that if a new well cannot be drilled or installed they will be responsible to connect to the Township's water system; and

WHEREAS, the Township has considered and evaluated all the facts and circumstances surrounding this request and has entered into an agreement with the property owners regarding this matter.

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 the Township hereby waives the requirement for the property owners of 165 Pine Brook Road to connect to the Township's water system in accordance with the terms and conditions of the agreement between the Township and the property owners, a copy of said agreement being on file with the Township Clerk.

This Resolution shall take effect immediately.

Resolution 2021-232 Resolution authorizing the cancellation of the unexpended balance of the 2021 current fund budget appropriation for the 2020/2021 School Year SLEO III Shared Service Agreement and the corresponding revenue/receivable balance

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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 2018/2019, 2019/2020 and 2020/2021 school years; and

WHEREAS, the terms that were outlined in the contract for the 2020/2021 school year have been met and the 2020/2021 school year ended as of 6/30/2021; and

WHEREAS, a new agreement for a Class III Special Law Enforcement Officer (SLEO III) has been entered into for the 2021/2022, 2022/2023 and 2023/2024 school years and the terms and conditions and corresponding dollar amount has been determined for the new 2021/2022 school year; and

WHEREAS, there remains an unexpended appropriation balance of \$15,511.20 and a corresponding receivable balance which will not be collected for the 2020/2021 school year due to the timing of the agreement, the end of the 2020/2021 school year as well as the partial schedules and remote learning during portions of the 20/21 year due to the Coronavirus pandemic; and

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 2021 Current Fund Budget for the 2020/2021 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 \$15,511.20 also be cancelled.

Resolution 2021-233 Resolution approving contracts with certain additional approved Morris County Cooperative Pricing Council Contract Vendors

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

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

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

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<u>MCCPC Contract #</u>	<u>Description</u>	<u>Vendor (s)</u>
#6	Road Resurfacing and Curb Repair	Schifano Construction Corporation Reivax Contracting Corporation D&L Paving Contractors
#9	Crushed Stone & Sand	Eastern Concrete Materials, Inc
#16	Office Supplies	Office Concepts W.B. Mason
#17	Water Treatment Chemicals	Main Pool and Chemical Company
#19	Concrete Block and Granite Curb Blocks	Continental Hardware, Inc.
#28	Traffic Sign Materials	ATD Highway Products, LLC
#27	Traffic Paint	The Sherwin Williams Company
#31	Calcium Chloride	Levitt's, LLC
#36	Traffic Striping	Denville Line Painting
#37	Traffic Signal Maintenance & Repairs	Jen Electric, Inc.

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

[Resolution 2021-234](#) Resolution authorizing the issuance of one year Solicitor's License –Kelly Global Consultants

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

WHEREAS, Kelly Global Consultants, solicitor, has filed an application and all necessary fees for a solicitors license for the duration of one year; and

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

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 solicitor's license for Kelly Global Consultants for one year from the date of issuance be issued to the following applicant:

Kristina Galiotto
 Timothy Gilbert

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BE IT FURTHER RESOLVED that Montville Township's "No Solicitation List" as per Township Code Chapter 281-7 (E) be issued to each solicitor upon the issuance of their solicitor's permit.

Resolution 2021-235 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash bond received for work performed at 24 Old Lane, Block 21.01, Lot 38.15

WHEREAS, the property owner, Dave Auerbach, has requested a release of the cash soil stabilization bond submitted in connection with work being performed at 24 Old Lane, Block 21.01, Lot 38.15, 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 August 11, 2021, that the cash soil stabilization bond held in connection with this project, in the amount of \$344.00, be released:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash soil stabilization bond held in connection with this project, which is in the amount of \$344.00, be released to the property owner.

This Resolution shall take effect immediately.

Resolution 2021-236 Resolution authorizing appointment to Dog Park Advisory Committee

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

DOG PARK ADVISORY COMMITTEE:

Tracey Bednash – appoint as full member, annual appointment, term ending 01/01/2022

Resolution 2021-237 Resolution authorizing the one time reduction of annual Limousine License Fee for applicant – United Limo2GoLux

WHEREAS, the fee for Limousine Licenses has been set by Township Ordinance; and

WHEREAS, the current public health emergency has put unnecessary strain on certain businesses, including the reduced need for limousine operation; and

WHEREAS, United Limo2Go Lux wishes to apply for and resume limousine operation for the remainder of 2021; and

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WHEREAS, the Township Committee finds that it is reasonable to prorate the Township Clerk Limousine License Fee from \$50 to \$17, in this instance, as a monthly proration for the period of August 2021 through the license expiration date of December 31, 2021; and

WHEREAS, United Limo2Go Lux will comply with all other fees associated with the Limousine License and understands that this reduction of fee is applicable to the 2021 License Application only.

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 Limousine License fee for the remainder of the 2021 License Term for United Limo2Go Lux, shall be reduced from \$50 to \$17 for the period of August through December of 2021.

Resolution 2021-238 Resolution approving a block party on Washington Court – September 11, 2021

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Saturday, September 18, 2021 (rain date on September 19, 2021), on Washington Court in Montville; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that the request for a block party on Washington Court, Montville, to be held on Saturday, September 18, 2021 (rain date on September 19, 2021) is hereby approved. Access must be allowed for emergency vehicles should the need arise and any barricades or cones which are placed on the roadway must be removed if required.

Resolution 2021-239 Resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing a Developer's Agreement between the Township of Montville and Montville Urban Renewal, LLC

WHEREAS, on or about July 7, 2015, in response to the Supreme Court's decision in In re Adoption of N.J.A.C. 5:96 and 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), the Township filed a declaratory judgment action in the case entitled In the Matter of the Application of the Township of Montville, bearing Docket No. MRS-L-1633-15 seeking a declaration of its compliance with the Mt. Laurel doctrine and the Fair Housing Act of 1985,

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N.J.S.A. 52:27D-301, et seq., and also petitioned the Court for temporary immunity from builder's remedy lawsuits (the "Affordable Housing Action"); and

WHEREAS, Avalonbay Communities, Inc. ("Redeveloper's Affiliate") is the contract purchaser of certain property designated as Block 167, Lots 23-32, Block 178, Lot 3 and Block 179, Lot 1 in the Township's official Tax Map, consisting of approximately 38.80 acres (the "Property"); and

WHEREAS, by Order dated November 16, 2015, Redeveloper's Affiliate, was granted leave to intervene in the Affordable Housing Action; and

WHEREAS, on or about October 22, 2018, the Township and Redeveloper's Affiliate executed an agreement settling Redeveloper's Affiliate's intervention in the Affordable Housing Action (the "Settlement Agreement"); and

WHEREAS, in furtherance of the Settlement Agreement, the Township designated the Property as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., and on April 9, 2019, the Township Committee adopted a Redevelopment Plan for the Property pursuant to Ordinance No. 2019-08 (the "Redevelopment Plan"); and

WHEREAS, Redeveloper's Affiliate will assign the purchase contract for the Property to Redeveloper to enable Redeveloper to acquire fee title to the Property to develop a multi-family residential community with 349 family rental apartment units (the "Project"); and

WHEREAS, the Redeveloper and the Township entered into a Redevelopment Agreement dated September 12, 2019, for the redevelopment of the Property with the Project in accordance with the Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, pursuant to a memorializing resolution dated May 6, 2020, the Planning Board of the Township of Montville granted preliminary and final major site plan approval with attendant waivers and soil movement permission for the Project (the "Site Plan Approval") in accordance with plans entitled "Site Plan for Montville Urban Renewal, L.L.C.", prepared by Boswell Engineering, dated August 20, 2019, revised through November 7, 2019 (the "Site Plans") and Architectural Plans entitled "Avalon Montville", prepared by The Architectural Team, dated August 20, 2019, revised through November 7, 2019 (the "Architectural Drawings"); and

WHEREAS, as a condition of the Site Plan Approval, the Planning Board required Redeveloper to enter into a Developer's Agreement with the Township;

WHEREAS, said Developer's Agreement, in conjunction with the Redevelopment Agreement and Settlement Agreement, shall set forth the rights, duties and obligations of the parties in connection with the approvals received; and

WHEREAS, the Township and Redeveloper, Montville Urban Renewal, LLC, have negotiated an acceptable Developer's Agreement; and

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

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1. Subject to final Attorney review and final review and approval by Township Administration, the Mayor and Township Clerk are hereby authorized and directed to execute the attached Developer's Agreement between the Township of Montville and Montville Urban Renewal, LLC.

2. A copy of this resolution shall be provided to the Township Planning Department and Montville Urban Renewal, LLC, for their information and guidance.

3. A copy of the Developer's Agreement shall remain on file in the Township Clerk's office and available for public inspection.

This Resolution shall take effect immediately.

Motion by Kayne second by Cook to adopt Consent Agenda Resolutions, Resolution 2021-224 through Resolution 2021-239

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

RESOLUTIONS

Motion by Cook second by Conklin to adopt [Resolution](#) approving listing of bills and signing of checks for August 17, 2021

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

[Resolution 2021-240](#) 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 Burgis Associates, Inc. to perform professional planning services for Montville Township

WHEREAS, there exists a need for professional planning services to be rendered to the Township of Montville in connection with the preparation of an Amended Route 46 West Redevelopment Plan for Block 162, Lots 4, 6 and 7; and

WHEREAS, the Township wishes to retain Burgis Associates, Inc. to perform such services; and

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

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

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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 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. Burgis Associates, Inc. shall provide professional planning services to the Township as set forth in its proposal of July 23, 2021.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of Montville as required by law.

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey 07675, for their information and guidance.

Section 5. The account to be used for these services is as follows:
P20-10: 12 Route 46/Paul Miller Escrow; not to exceed \$20,000

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-240

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

Resolution 2021-241 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing a change to the contract for the 2021 Road Resurfacing Project between the Township of Montville and American Asphalt & Milling Services, LLC; accepting maintenance bond; accepting public improvements and authorizing final payment

WHEREAS, pursuant to Resolution, American Asphalt & Milling Services, LLC was awarded the contract in the amount of \$570,546.76 for the 2021 Road Resurfacing Project; and

WHEREAS, American Asphalt & Milling Services, LLC has completed the Project; and

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

Work Item	Contract Quantity	Actual Quantity	Difference
Fuel Price Adjustment	\$ 4,300.00	\$10,555.89	\$ 6,255.89
Asphalt Price Adjustment	\$ 8,800.00	\$26,000.70	\$17,200.70
Police Traffic Directors	\$20,000.00	\$17,627.50	(\$ 2,372.50)
Reset Manhole, Using Existing Casting	7 Units	0 Units	(\$ 0.07)
Reset Inlet, Type 'B', Using Existing Casting	34 Units	18 Units	(\$ 0.16)

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Reconstruct Inlet, Type 'B', Using Existing Casting	17 Units	26 Units	\$ 2,700.00
Curb Piece, Type N-Eco (Typ.), Furnish & Install	83 Units	80 Units	(\$ 810.00)
Bicycle Safe Grate, Furnish & Install	83 Units	42 Units	(\$11,070.00)
Tack Coat	3,197 GAL	3,000 GAL	(\$ 1.97)
HMA Milling, 2 Inch Depth	32,047 SY	32,819 SY	\$ 2,964.48
Hot Mix Asphalt, 9.5M64 Surface Course, 2 Inch Thick Compacted	4,268 TON	4,684.81 TON	\$29,176.70
Hot Mix Asphalt, 19M64 Base Course, If and where directed	25 TON	15 TON	(\$ 700.00)
Construct Concrete Sidewalk, 4 Inch Thick	130 SY	187.70 SY	\$ 4,486.75
Construct Belgium Block Vertical Curbing	365 LF	423 LF	\$ 2,030.00
Construct Concrete Vertical Curbing	130 LF	0 LF	(\$ 4,550.00)
Concrete Driveway Repair, 6 Inch Thick w/Wire Mesh	143 SY	62.4 SY	(\$ 6,963.84)
Asphalt Driveway Repair	10 SY	22 SY	\$ 880.00
Detectable Warning Surface	13 Units	17 Units	\$ 900.00
Traffic Stripes, Long Life, Thermoplastic 4 Inch, Yellow	2,860 LF	3,371 LF	\$ 480.34
Traffic Stripes, Long Life, Thermoplastic 4 Inch, White	655 LF	623 LF	(\$ 30.08)
Traffic Stripes, Long Life, Thermoplastic 12 Inch, White	180 LF	245 LF	<u>\$ 182.65</u>

; and

WHEREAS, the Township Engineer has recommended the above changes to the contract price by Memorandum dated July 29, 2021 reflecting a change to the contract total in the amount of \$30,758.89 for the above-described work; and

WHEREAS, the original contract amount was \$570,546.76; the amended contract amount based upon the completed work is \$601,305.65 which is a 5.4% increase from the original contract amount; and

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

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

WHEREAS, American Asphalt & Milling Services, LLC has provided Maintenance Bond #CSC-227378M in the amount of \$90,195.84 for the Project; and

WHEREAS, the Township Engineer has reviewed the completed work and recommended to the Township Committee that it modify its agreement with American Asphalt &

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Milling Services, LLC as a result of the above-referenced change of conditions which have occurred on the project and as detailed in the Township Engineer's Memorandum, dated July 29, 2021; and

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

WHEREAS, by Memorandum, dated July 29, 2021, the Township Engineer has recommended acceptance of the work performed as part of the 2021 Road Resurfacing Project, issuance of final payment in the amount of \$105,051.90 to American Asphalt & Milling Services, LLC, acceptance of all public improvements and acceptance of the maintenance bond; and

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

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

1. The Contract Amount is hereby approved in the contract between the Township of Montville and American Asphalt & Milling Services, LLC as follows:

Original Contract:	\$570,546.76
Change	<u>\$ 30,758.89</u>
New Contract Total:	\$601,305.65

Increase of 5.4%

2. The work performed by American Asphalt & Milling Services, LLC for the 2021 Road Resurfacing Project is hereby accepted by the Township of Montville.
3. All public improvements completed by American Asphalt & Milling Services, LLC for the 2021 Road Resurfacing Project are hereby accepted by the Township of Montville.
4. Final Payment in the amount of \$105,051.90 for the 2021 Road Resurfacing Project is hereby authorized to be made to American Asphalt & Milling Services, LLC.
5. Maintenance Bond #CSC-227378M in the amount of \$90,195.84 provided by American Asphalt & Milling Services, LLC for the 2021 Road Resurfacing Project is hereby accepted.
6. The account to be used for these services is as follows:
ORD 2020-08 ENG: Roadway Resurfacing Improv; C-04-56-145-001; \$30,758.89

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-241

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

Resolution 2021-242 Resolution requesting approval of items and appropriation NJS 40A:4-87 (Montville Township Board of Education Shared Service Agreement – Class III Special Law Enforcement Officers (SLEO III) – 2021/2022 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 2021 in the sum of \$53,150.80, for the months of September through December of 2021, which is now available from the Montville Township Board of Education 2021-2022 Budget in the amount of \$53,150.80.

BE IT FURTHER RESOLVED, that the like sum of \$53,150.80 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 School Year.

Motion by Witty second by Conklin to adopt Resolution 2021-242

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

Resolution 2021-243 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 Klein Traffic Consulting, LLC to provide professional traffic engineering services for Montville Township

WHEREAS, there exists a need for professional traffic engineering services to perform a traffic control signal needs study at the intersection of River Road with Knoll Road in Montville Township; and

WHEREAS, the Township wishes to retain Klein Traffic Consulting, LLC to perform such services; and

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WHEREAS, the maximum amount for the proposed services under this contract shall not exceed \$7,250.00; 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 Klein Traffic Consulting, 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. Klein Traffic Consulting, LLC shall provide professional traffic engineering services to the Township as set forth in its proposal of July 28, 2021.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of Montville as required by law.

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer and to Klein Traffic Consulting, LLC, 156 Walker Road, West Orange, New Jersey 07052, for their information and guidance.

Section 5. The account to be used for these services is as follows:
1-01-20-165-227; Engineering Professional Fees; not to exceed
\$7,250.00

This Resolution shall take effect immediately.

Motion by Cook second by Kayne to adopt Resolution 2021-243

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

Resolution 2021-244 Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the revision of an agreement in settlement of a claim by a resident with respect to water service

WHEREAS, the Township received a claim by a resident relating to a water main break and expense incurred as a result thereof related to the property known as 19 Indian Lane; and

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

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WHEREAS, the Governing Body approved Resolution 2021-209 at a regular meeting of the Township Committee on July 20, 2021, authorizing the payment of \$613.09 to the property owner of 19 Indian Lane with respect to a claim relating to water service; and

WHEREAS, upon execution of the agreement, Administration learned that the amount due should be \$475.00, rather than \$613.09.

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, the reduced payment of \$475.00 to the property owner of 19 Indian Lane with respect to a claim relating to water service is hereby authorized.

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2021-244

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

Resolution 2021-245 Resolution of the 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 2020 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

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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 Conklin second by Witty to adopt Resolution 2021-245

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

Resolution 2021-246 Resolution of the Township of Montville, County of Morris, and State of New Jersey authorizing the execution of an addendum to the January 1, 2021 agreement between the Township of Montville and Cleary Giacobbe Alfieri Jacobs LLC – Matthew J. Giacobbe, Esq. – for Labor Counsel

WHEREAS, there exists a need for Labor Counsel for the Township of Montville and it has been determined to award this contract as a professional service without obtaining competitive bids or quotations pursuant to the provisions of NJSA 19:44A-205; and

WHEREAS, the Township and Cleary Giacobbe Alfieri Jacobs LLC previously entered into an Agreement, dated January 1, 2021, for Matthew J. Giacobbe, Esq. to perform such services; and

WHEREAS, the Agreement had a not to exceed amount of \$20,000 but the Township wishes to amend the Professional Services Agreement to increase the not to exceed amount from \$20,000 to \$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 a contract for professional service without competitive bidding, and the contract itself, be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the Township of Montville hereby awards and authorizes the Township Clerk to execute an Addendum with Cleary Giacobbe Alfieri Jacobs LLC – Matthew J. Giacobbe, Esq. for Labor Counsel for a fee not to exceed \$40,000; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the total fee authorized for this contract shall not exceed \$40,000 without the prior written approval of the Township Committee;

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and

NOW, THEREFORE, BE IT FURTHER RESOLVED that funds for these services are available through the following account: Professional Fees, 1-01-20-155-227.

This Resolution shall take effect immediately.

Motion by Kayne second by Witty to adopt Resolution 2021-246

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

Resolution 2021-247 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the purchase of a new or used, under 400 hours, 2020 or newer John Deere 524L Front End Wheel Loader or equivalent to Jesco, Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the purchase of a new or used, under 400 hours, 2020 or newer John Deere 524L front end wheel loader or equivalent; and

WHEREAS, two (2) sealed bids were received and opened on August 12, 2021, in accordance with the bid specifications:

- | | |
|--|--------------|
| 1) JESCO, Inc. | \$149,500.00 |
| 2) Highway Equipment Company of New Jersey, Inc. | \$158,500.00 |

; and

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

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

WHEREAS, the bid received from JESCO, Inc. at a bid price of \$149,500.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

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

NOW, THEREFORE, BE IT RESOLVED 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 JESCO, Inc., 118 St. Nicholas Avenue, South Plainfield, New Jersey 07080, for the purchase of a new or used, under 400 hours, 2020 or newer John Deere 524L front end wheel loader or equivalent in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$149,500.00.

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2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with JESCO, Inc. in accordance with its bid for purchase of a new or used, under 400 hours, 2020 or newer John Deere 524L front end wheel loader or equivalent.

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 account to be used for these services is as follows:
ORD #2021-11; C-04-56-150-006; Fleet: Front End Loader; \$149,500

This Resolution will take effect immediately.

Motion by Conklin second by Kayne to adopt Resolution 2021-247

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

Resolution 2021-248 Resolution authorizing the issuance of Limousine Business License – United Limo2GoLux, LLC

WHEREAS, Revised General Ordinance Chapter 342 requires the issuance of a license by the Township of Montville for Limousine Services; and

WHEREAS, United Limo2GoLux, LLC. has filed an application and all necessary fees for the renewal of a limousine business license for the year 2021:

United Limo2GoLux, LLC, 72 Bloomfield Avenue, Pine Brook
Parking Location: 72 Bloomfield Avenue, Pine Brook
2013 Chevrolet Suburban VIN 1GNSKJE77DR344318

; and

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

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 limousine business license be issued to United Limo2GoLux, LLC for the year 2021.

Motion by Cook second by Witty to adopt Resolution 2021-248

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

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REVIEW OF MEETING ACTION ITEMS

Administration

Environmental Commission requests to review, JCP&L additional follow up, HPRC follow up, include funding options for 2022 budget

Cook questions if limousine licensing is obsolete, to be reviewed by Clerk

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

Contract Negotiations

PBA; White Collar; Blue Collar

Litigation

Alpine Realty;

Personnel

None

Attorney-Client Privilege/Potential Litigation

Mars Court; 155/157 Changebridge Road; Hierwarter Property

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

All in favor – Motion carried

The Mayor noted that no action will be taking place

Motion by Conklin second by Cook to re-open public session

All in favor – Motion carried

Motion by Cook second by Kayne to adjourn

All in favor – Motion carried

ADJOURNMENT at 8:55pm

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Frank W. Cooney, Mayor

Next Regular Meeting: September 14, 2021, 7pm