

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - August 22, 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  
Dawn Sullivan, Esq., Township Attorney  
Stacy Sullivan-Gruca, Township Clerk  
Margaret Shepard, Deputy Clerk

Prayer and Pledge of Allegiance by Deputy Mayor Cooney

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**APPROVAL OF MEETING MINUTES**

July 18, 2023 Regular Meeting Minutes  
July 18, 2023 Closed Session Meeting Minutes  
August 1, 2023 Special Meeting Minutes

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

All in favor – Motion carried

**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

**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

*Director of Water/Sewer David Kirkham gives a brief explanation of the Ordinance which addresses the **Inflow** (water, other than wastewater, that enters a sewerage system, including sewer service connections, from sources such as roof leaders, cellar drains, yard drains, etc.) and **Infiltration** (water, other than wastewater that enters a sewerage system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections or manholes) issues in the sanitary sewer system in accordance with current practices. He further explains that the ordinance is for housekeeping purposes only; this has already been a practice and we are just memorializing the process.*

Motion by Conklin second by Cooney to open public hearing on Ordinance 2023-20

All in Favor - Motion Carried

*No Public Comments*

Motion by Witty second by Cooney to close public hearing on Ordinance 2023-20

All in Favor - Motion Carried

Motion by Cooney second by Witty to adopt Ordinance 2023-20

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

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**REPORTS**

**Administrator's Report**

Resolution 2023-281 awards the Two Bridges Road & Barney Lane Improvement Project, as a result of the re-bid. Re-bid results in a savings of approximately \$100,000. Administrator advises that while the project totals around \$1 million, the Township received approximately \$800,000 or 80% in NJDOT grant funds which is virtually unheard of.

**Attorney Report**

None

**Township Committee liaison reports and comments**

**Cook**

Summer Concert Series continues - ARENA Rock 8/23/2023 at 7pm at the Amphitheatre

**Conklin**

No report

**Cooney**

No report

**Witty**

Housing Committee discussed the Mill Creek project

VFW 9/11 Event planning for September 11, 2023 at 11am

Compliments the Facilities Maintenance staff in charge of the fields and area of Community Park (care of fields and garbage removal)

**Kayne**

Reminder on behalf of the Police Chief to lock car doors, remove key fobs and personal belongings from vehicles and keep personal belongings out of sight inside the house.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**ORDINANCE INTRODUCTIONS**

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**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

*Cooney comments: "I know that we now have a prior survey of the property which shows the easement. I also know that we had to cut down several dead trees on the Township's property – the Morris Canal area – and the only way that a contractor could access those trees was by utilizing this easement area. Based on this recent concern that was raised, I no longer believe that we should proceed with vacating the access easement and this Ordinance. The Township needs to keep this easement for the benefit of the residents of the Township and to maintain the safety of Township property. I am asking that we withdraw this Ordinance."*

Motion by Cooney second by Conklin to withdraw Ordinance 2023-09

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

**Ordinance 2023-21** Ordinance amending Ordinance No. 2023-11 establishing salaries or wages of unrepresented officials and employees of the Township of Montville, in the County of Morris.

Motion by Cooney second by Witty to introduce Ordinance 2023-21

All in Favor - Motion Carried

Clerk set public hearing date September 12, 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 Cooney second by Conklin to open public portion

All in favor – Motion Carried

*Public Comments*

Jennine Dattoli, 5 Vanderhoof Road, Montville

Speaks up regarding a tragic accident in her family which has resulted in an urgent need for affordable housing (currently staying at her family's house in the Chase Development). Affordable housing application submitted, questions her placement on list and if anything can be done to expedite the process. Administration will reach out to land use and social services for their assistance.

Shari Seffer, 53 Davenport Road, Montville

Speaking as a neighbor of Dattoli, concerned over condo units that remain empty within the complex, while applicants – like Dattoli - remain waiting on the list.

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Motion by Cooney second by Witty to close public portion

All in favor – Motion Carried

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA14**

**Resolution 2023-256** Resolution authorizing appointments to Design Review Committee

BE IT RESOLVED, that the Township Committee make the following appointments:

DESIGN REVIEW COMMITTEE:

Joe Daughtry – appoint as full member, unexpired term ending 1/1/2024

Victor M. Canning – appoint as Alternate #1, unexpired term ending 1/1/2024

Howard Chesler – appoint as Alternate #2, unexpired term ending 1/1/2024

**Resolution 2023-257** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for construction services for replacement of the Windsor Water Tank

WHEREAS, the Township of Montville has a need to procure the services of a contractor to perform construction services for Windsor Water Tank Replacement; and,

WHEREAS, the services may exceed the bid threshold; and,

WHEREAS, the replacement of the Windsor Water Tank was approved as part of the Water Capital budget so funds are available for the project.

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 Administrator is hereby authorized to publish bid specifications for construction services for replacement of the Windsor Water Tank.

The Resolution shall take effect immediately.

**Resolution 2023-258** Resolution of the Township of Montville, County of Morris and State of New Jersey supporting an application to, and acceptance of, award from the New Jersey Department of Community Affairs

WHEREAS, the Township of Montville desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$35,000 state share with \$7,000 local share for a total contract of \$42,000 in 2023-2024 to hire personnel to continue, expand and create new recreation programs for the disabled population of Montville Township and surrounding communities.

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

1. That the Township of Montville does hereby authorize the application for such a grant; and
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between the Township of Montville and the New Jersey Department of Community Affairs.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection herewith:

**Resolution 2023-259** Resolution approving a block party on Avalon Drive – September 30, 2023

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Saturday, September 30, 2023 (rain date on October 1, 2023), on Avalon Drive 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 Avalon Drive, Montville, to be held on Saturday, September 30, 2023 (rain date on October 1, 2023) 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 2023-260** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the publication of bid specifications for the purchase of police interceptor utility vehicles

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WHEREAS, the Township of Montville has a need for up to three (3) new, unused 2023 or newer Ford police interceptor utility vehicles; and

WHEREAS, it is necessary for the Township to publish bid specifications 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, that the Township Administration is hereby authorized to publish bid specifications for the purchase of up to three (3) new, unused 2023 or newer Ford police interceptor utility vehicles.

This Resolution shall take effect immediately.

[Resolution 2023-261](#) Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the waiver of park court fees for a Charity Pickleball Tournament for a Cause event on September 30, 2023

WHEREAS, pursuant to Section 169-6 of the Montville Township Code, the Recreation Department sets the fees for its programs, services and use of its facilities; and

WHEREAS, several Montville Township residents have teamed up with NJ United Pickleball Academy, a local company who runs the Township's Recreation Pickleball lessons, to run a Charity Pickleball Tournament for a Cause event; and

WHEREAS, NJ United Pickleball Academy is providing their services free of charge to help our residents organize and run the tournament; and

WHEREAS, one hundred percent (100%) of the proceeds will be donated to a specific local cause; and

WHEREAS, the Recreation Director recommends waiving the Park Court fees for the upcoming tournament scheduled for Saturday, September 30, 2023 with a rain date of Sunday, October 1, 2023.

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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The Park Court fees are waived for NJ United Pickleball Academy as it pertains to their participation in the Charity Pickleball Tournament for a Cause event on Saturday, September 30, 2023, with a rain date of Sunday, October 1, 2023.

This Resolution shall take effect immediately.

**Resolution 2023-262** Resolution to cancel grant receivable and/or grant appropriation balance

WHEREAS, there exists a grant receivable balance and a corresponding unexpended grant appropriation which is no longer valid due to the time period of the grant; and

WHEREAS, it is necessary to formally cancel the receivable balance and its' offsetting appropriation balance;

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Montville that the following grant receivable and appropriation balance be cancelled:

<u>Grant Title</u>	<u>Amount Cancelled</u>
Municipal Alliance-2022/2023 Grant	\$ 2,842.29
Municipal Alliance Supplemental Grant	\$ 246.91

**Resolution 2023-263** Resolution to cancel outstanding checks

WHEREAS, the following checks issued from a Township of Montville bank account have been outstanding for more than 1 year and are now stale-dated; and

WHEREAS, it is necessary to now formally cancel the below outstanding, stale dated checks;



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<u>CURRENT FUND</u>			
	<u>CHECK NUMBER</u>	<u>DATE</u>	<u>AMOUNT</u>
	38829	8/8/2022	25.38
	38907	8/8/2022	25.38

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Montville that the outstanding checks issued from a Township of Montville bank account be cancelled.

**Resolution 2023-264** Resolution authorizing the change of a petty cash custodian

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund; and

WHEREAS, said Petty Cash funds were established by resolution and received approval from the Director of Local Government Services on 5/7/1962 and 1/21/1992, respectively; and

WHEREAS, a previously authorized petty cash custodian has changed positions as of 8/1/2023; and

WHEREAS, the Township wishes to name a new Petty Cash custodian;

NOW THEREFORE, BE IT RESOLVED, that the following Petty Cash Custodian is named to replace Jennifer Storey, the previous Finance-Petty Cash custodian:

Finance – Anna Collemi                      Petty Cash Amount \$500

BE IT FURTHER RESOLVED, all other Petty Cash custodians, dollar amounts and Change Funds remain the same, as reaffirmed on January 3, 2023.

**Resolution 2023-265** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing property maintenance work to be completed by the Township of Montville Department of Public Works to place the premises at 19 Montgomery Avenue in conformance with the Property Maintenance Ordinance

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WHEREAS, there is in existence within the Township of Montville a property located at 19 Montgomery Avenue, designed on the Montville Township Tax Map as Block 125.13, Lot 5 (the "Property"); and

WHEREAS, the Property has not been maintained in compliance with the Township's Property Maintenance Ordinance; and

WHEREAS, a Notice of Violation was served on July 10, 2023 requiring compliance; and

WHEREAS, a Notice of Lien was posted upon the front door of the Property and mailed to the property owner on July 25, 2023 requiring compliance on August 4, 2023; and

WHEREAS, to date, the property maintenance violations have not been abated; and

WHEREAS, the Township Property Maintenance Ordinance, §287-33, permits the Township to abate property maintenance violations, the costs of which are to be a lien against the Property; and

WHEREAS, the Township's General Supervisor of the Department of Public Works has performed an inspection of the Property and provided a cost estimate of the work necessary to bring the Property up to Code; and

WHEREAS, the cost estimate for the work on the Property totals \$415.24 as follows:

Lawn Mower Operator x 2 hours	\$51.71/hour	\$103.42
Weed Wacker/Blower x 2 hours	\$48.89/hour	\$ 97.78
Weed Wacker/Blower X 2 hours	\$47.02/hour	\$ 94.04
<u>Equipment X 2 hours:</u>	<u>\$60.00/hour</u>	<u>\$120.00</u>
Total:		\$415.24

; and

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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 if the Property is not timely remediated by the property owner, the Township Administration and Department of Public Works is hereby authorized to perform work on the property located at 19 Montgomery Avenue pursuant to the report of the Director of Public Works, attached hereto, in the amount not to exceed \$415.24, said amount to become a lien against the property, in order to remediate the property maintenance violations.

This Resolution shall take effect immediately.

**Resolution 2023-266** Resolution approving a block party on Stafford Place and Abbott Road – October 1, 2023

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Sunday, October 1, 2023 (rain date on October 8, 2023), on Stafford Place and Abbott Road in Towaco; 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 Stafford Place and Abbott Road, Towaco, to be held on Sunday, October 1, 2023 (rain date on October 8, 2023) 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 2023-267** Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the execution of a lost Letter of Credit Affidavit and Indemnity Agreement to Provident Bank for Roome Road, LLC

WHEREAS, Roome Road, LLC (“Roome”), in connection with development in the Township of Montville, provided Performance Bond Letter of Credit No. 10144 on January 3, 2019 in the amount of \$169,894.00; and

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WHEREAS, pursuant to approval by the Township Engineer and Land Use Department, the original Performance Bond Letter of Credit was returned to the bank and a reduced Irrevocable Letter of Credit No. 10144 in the amount of \$52,435.00 was issued to Roome Road, LLC; and

WHEREAS, Roome requested that the Township release the reduced Irrevocable Letter of Credit No. 10144 and accept a cash bond in its place; said request was approved by Resolution 2023--225; and

WHEREAS, Roome does not have the original Irrevocable Letter of Credit, No. 10144, additionally the Township of Montville does not have, nor can staff locate the original Irrevocable Letter of Credit No. 10144; and

WHEREAS, the Township Attorney obtained the attached Lost letter of Credit Affidavit and Indemnity Agreement from Provident Bank, has reviewed and approves of same; and

WHEREAS, in order for the Irrevocable Letter of Credit No. 10144 to be released by the bank, the Township is required to present the original or, in the alternative, the attached Lost Letter of Credit Affidavit and Indemnity 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, that the Mayor and Township Clerk are hereby authorized and directed to execute the Lost Letter of Credit Affidavit and Indemnity Agreement regarding Irrevocable Letter of Credit No. 10144.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be delivered to Roome Road, LLC.

This Resolution shall take effect immediately.

[Resolution 2023-268](#) Resolution authorizing the cancellation of a portion of the 2023 Current Fund Budget appropriation for the 2022/2023 Montville Township Board of Education Non-

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Public Nursing Services Shared Service Agreement and the corresponding anticipated revenue/receivable

WHEREAS, the Township of Montville Board of Health and the Montville Township Board of Education entered into an agreement for 2022/2023 Non-Public Nursing Services; and

WHEREAS, the full Non-Public Nursing Services contract was not performed due to a request from the principal of the Craig School; and

WHEREAS, the portion of the receivable from the Board of Education for non-public nursing services for the Craig School will not be received; and

WHEREAS, it is necessary to formally cancel the portion of the agreement allocated for the Craig School in the amount of \$3,696.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montville in the County of Morris, that the portion of the appropriation in the 2023 Current Fund Budget for the 2022/2023 Shared Services agreement between the Township of Montville Board of Health and the Montville Township Board of Education for non-public nursing services for the Craig School in the 22/23 School Year be cancelled in the amount of \$3,696.00 and that the corresponding anticipated revenue, in the amount of \$3,696.00, also be cancelled.

**[Resolution 2023-269](#)** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Meadows at Montville Phase I Road Resurfacing Project

WHEREAS, as part of a settlement agreement, the Township of Montville is required to make improvements to the nine (9) 'Courts' at the Meadows at Montville ('Meadows') residential community which include milling and resurfacing of each; and

WHEREAS, the settlement agreement allows the work to be completed in two phases, wherein four (4) 'Courts' will be resurfaced in 2023 and five (5) 'Courts' will be resurfaced in 2024; and

WHEREAS, the Township wishes to place the first phase of the project out for public bid.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the Township Administration and

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Engineering Department are hereby authorized to move forward with soliciting bids for road improvements at The Meadows at Montville residential community.

This Resolution shall take effect immediately.

**Resolution 2023-270** Resolution approving request from Tax Collector for refund of overpayment

WHEREAS, due to a change in assessment, creating an overbill of tax for the 3<sup>RD</sup> & 4<sup>th</sup> Qtr, 2023, 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:

RCS-Montville, LLC

342 Changebridge Rd	3 <sup>rd</sup> Qtr 2023	\$23,847.80
Block 159 Lot 5.2	4 <sup>th</sup> Qtr 2023	<u>\$23,847.80</u>
TOTAL REFUND		\$47,695.60

12 Route 46, LLC

13 Bloomfield Ave	3 <sup>rd</sup> Qtr 2023	\$ 37.68
Block 162 Lot 4	4 <sup>th</sup> Qtr 2023	<u>\$ 37.68</u>
TOTAL REFUND		\$ 75.36

PBNJ Capital LLC

16 Rt 46	3 <sup>rd</sup> Qtr 2023	\$ 4,352.26
Block 162 Lot 7	4 <sup>th</sup> Qtr 2023	<u>\$ 4,352.26</u>

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TOTAL REFUND \$ 8,704.52

[Resolution 2023-271](#) Resolution authorizing the processing of certain tax sale certificate redemptions

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

Block 39.6 Lot 99.3, Abbott Rd

Lien Redemption Certificate #22-00011	\$ 44,428.17
Premium Money	<u>\$ 80,100.00</u>
Total Payment	\$124,528.17

To: WSFS AS CUST FOR TOWER DB XII TRUST 2022-1

Block 39.8 Lot 2, 7 James Ter

Lien Redemption Certificate #22-00012	\$ 3,215.88
Premium Money	<u>\$ 3,000.00</u>
Total Payment	\$ 6,215.88

To: WSFS AS CUST LVTLOPS/FIRSTTRUST

Block 47 Lot 16.1, 18A Fulton St

Lien Redemption Certificate #22-00021	\$ 1,630.98
Premium Money	<u>\$ 1,700.00</u>
Total Payment	\$ 3,330.98

To: PRO CAP 8 FBO FIRSTTRUST BANK

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Block 110 Lot 7, 808 Rt 202

Lien Redemption Certificate #22-00034 \$ 1,764.64

Premium Money \$ 1,000.00

Total Payment \$ 2,764.64

To: PRO CAP 8 FBO FIRSTRUST BANK

**Resolution 2023-272** 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 Adelman, Marc & Bari

20 Michelle Way	2018 Tax Appeal	\$1,727.51
Block 163 Lot 1.27	2019 Tax Appeal	<u>\$1,744.02</u>
	TOTAL REFUND	\$3,471.53

Motion by Cooney second by Conklin to adopt consent agenda resolutions, Resolution 2023-256 through Resolution 2023-272

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

\*\*Kayne Abstains from vote on Resolution 2023-266

**RESOLUTIONS**



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Motion by Cook second by Cooney to adopt Resolution approving the listing of bills and signing of checks for August 22, 2023

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

**Resolution 2023-273** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of radio frequency meter interface unit brackets for the Water Department under the Morris County Cooperative Pricing Council Contract #47, category D., #1.E.

WHEREAS, the Montville Township Water Department wishes to purchase Neptune R900 Radio Frequency Meter Interface Unit brackets 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. E. Neptune R900 Radio Frequency Meter Interface Unit Brackets; and

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

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

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

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

- Rio Supply, Inc. - \$3,500.00 (Morris County Cooperative Pricing Council Contract #47, Category D, #1. E., one hundred (100) Neptune R900 Radio Frequency Meter Interface Unit Brackets @ \$35.00 per unit)

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

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

- 3-05-55-500-245 – Water Utility: Meters; \$3,500.00

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 Conklin second by Cook to adopt Resolution 2023-273

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

[Resolution 2023-274](#) Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (New Jersey Association of County and City Health Officials Enhancing Local Public Health Infrastructure Grant – Year 2)

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 \$115,516.00, which is now available from the New Jersey Association of County and City Health Officials (NJACCHO) Enhancing Local Public Health Infrastructure Grant (Year 2) in the amount of \$115,516.00.

BE IT FURTHER RESOLVED, that the like sum of \$115,516.00 is hereby appropriated under the caption NJACCHO Enhancing Local Public Health Infrastructure Grant; and

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BE IT FURTHER RESOLVED, that the above is the result of additional funds for Year 2 of the Enhancing Local Public Health Infrastructure Grant Program from the New Jersey Association of County and City Health Officials (NJACCHO) in the amount of \$115,516.00, amending the total award from \$114,872.00 to \$230,388.00 for the grant period now ending 6/30/2024.

Motion by Witty second by Cooney to adopt Resolution 2023-274

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

**Resolution 2023-275** 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 2022 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 Cooney second by Conklin to adopt Resolution 2023-275

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

Resolution 2023-276 Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (National Opioid Settlement – Year 3)

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 \$14,978.61, which is available from the National Opioids Settlement Fund in the amount of \$14,978.61.

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BE IT FURTHER RESOLVED, that the like sum of \$14,978.61 is hereby appropriated under the caption National Opioids Settlement Fund; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the participation in the National Opioids Settlement to be used specifically for Opioid Remediation, to be paid out over 18 years, in the amount of \$14,978.61 from the year 3 distributions for the National Opioids Settlement Fund (Distributor Payment 3 and Janssen Payment 3).

Motion by Cook second by Witty to adopt Resolution 2023-276

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

Resolution 2023-277 Resolution ratifying the payment of unused accumulated absence pay to retiree

WHEREAS, the following employees of the Township of Montville are retiring as listed; and

WHEREAS, these employees have accumulated sufficient unused absences to entitle them to accrued pay in accordance with the corresponding bargaining unit contracts and Township policy; and

WHEREAS, sufficient funds have been budgeted in current and prior year budgets and reserved in the Accumulated Absence Trust Fund designated for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that unused accumulated absence pay is hereby authorized to be paid out in accordance with the corresponding bargaining unit contracts and Township policy as listed:

<u>Date of Retirement</u>	<u>Name</u>	<u>Amount</u>
06/01/2023	Dana Reid	\$ 46,669.11
08/01/2023	Joyce Horan	\$ 20,267.91

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BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the following individual:

Katie Yanke – Chief Financial Officer

This Resolution shall take effect immediately.

Motion by Witty second by Cook to adopt Resolution 2023-277

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

**Resolution 2023-278** 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 Christopher P. Statile, P.A. 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 in connection with roadway improvements of Two Bridges Road and Barney Lane drainage improvements; and

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

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$25,000; and

WHEREAS, funds are available for this purpose; and

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

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

Section 1. The contract with Christopher P. Statile, P.A. is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. §40A:11-5(1)(a) of

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the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Christopher P. Statile, P.A. shall provide professional engineering services to the Township as set forth in its proposal of August 8, 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 Christopher P. Statile, P.A., 3 Fir Court, Oakland, New Jersey 07430, for their information and guidance.

Section 5. The account to be used for these services is as follows:  
Engineering Professional Fees, 3-01-20-165-227, not to exceed \$25,000

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2023-278

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

**Resolution 2023-279** Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing an amendment to the contract with Joseph H. Burgis, P.P., AICP of Burgis Associates, Inc. for 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 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 Burgis Associates, Inc. previously entered into an Agreement authorized by Resolution 2023-253 to perform such services; and

WHEREAS, the Agreement had a not to exceed amount of \$6,500; and

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WHEREAS, the Township and Joseph H. Burgis of Burgis Associates, Inc. wish to amend the Agreement for an additional \$15,000 for a total not to exceed an amount of \$21,500 due to additional work needed for Rachel Gardens litigation.

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 of Montville hereby awards and authorizes the Township Clerk to execute an Addendum with Burgis Associates, Inc. for professional planning services in the matter of *RG Realty Investors v. Township of Montville, et al* for a fee not to exceed a total of \$15,000.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the total fee authorized for this contract shall not exceed \$21,500 without the prior written approval of the Township Committee.

NOW, THEREFORE, BE IT FURTHER RESOLVED that funds for these additional services are available through the following account:

T-16-56-608-800, Affordable Housing Trust (Township Contribution-Budget) – not to exceed \$15,000

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2023-279

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

**Resolution 2023-280** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of a Bobcat Skid Steer with optional equipment for the Montville Township Department of Public Works under the Bergen County Co-Op, Catalog/Commercial Grounds Maintenance Equipment & Accessories, BC-Bid-22-09

Motion by Cooney second by Witty to table Resolution 2023-280

All in favor – Motion carried

**Resolution 2023-281** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the Two Bridges Road and Barney Lane Improvement Project to American Asphalt & Trucking, LLC



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WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the Two Bridges Road and Barney Lane Improvement Project Rebid; and

WHEREAS, four (4) sealed bids were received and opened on August 18, 2023, in accordance with the bid specifications:

	<u>Bid Price</u>
1) American Asphalt & Trucking, LLC	\$1,002,266.34
2) D&L Paving Contractors, Inc.	\$1,072,618.19
3) Cifelli & Son Geneal Contractor, Inc.	\$1,095,959.00
4) PM Construction	\$1,238,147.82

; 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 American Asphalt & Trucking, LLC at a bid price of \$1,002,266.30 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 from the following accounts:

C-04-56-164-005	\$450,000.00
C-04-56-157-005	\$500,000.00
3-01-41-866-301	<u>\$ 52,266.34</u>
	\$1,002,266.34

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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:

1. The Township Committee hereby awards a contract to American Asphalt & Trucking, LLC, 24 Murray Street, West Orange, New Jersey 07052, for the Two Bridges Road and Barney Lane Improvement Project in accordance with the bid specifications at the pricing set forth in its bid proposal at prices not to exceed a bid price of \$1,002,266.30.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with American Asphalt & Trucking, LLC in accordance with its bid for the Two Bridges Road and Barney Lane Improvement Project.

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

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

This Resolution will take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-281

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

**Resolution 2023-282** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the Konner Avenue Drainage Improvements Project

WHEREAS, the Township of Montville has identified stormwater piping within a drainage easement and within the Township's right-of-way that needs to be replaced and/or upgraded; and

WHEREAS, the Township has previously entered into a Professional Services Contract with Mott MacDonald for the design of improvements to this portion of stormwater piping; and

WHEREAS, design of these improvements has been completed; and

WHEREAS, the project must be put out to bid for construction.

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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, that the Township Administration and Engineering Department are hereby authorized to move forward with soliciting bids for the Konner Avenue Drainage Improvements Project in the Township of Montville.

This Resolution shall take effect immediately.

Motion by Conklin second by Cooney to adopt Resolution 2023-282

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

**Resolution 2023-283** Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing a change to the contract for the 2023 Road Resurfacing Project between the Township of Montville and American Asphalt & Trucking, LLC; accepting maintenance bond; accepting public improvements and authorizing final payment

WHEREAS, pursuant to Resolution, American Asphalt & Trucking, LLC was awarded a contract in the amount of \$745,425.33 for the 2023 Road Resurfacing Project; and

WHEREAS, American Asphalt & Trucking, 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	\$6,900.00	(\$462.00)	(\$7,362.60)
Asphalt Price Adjustment	\$12,700.00	\$7,760.96	(\$4,939.00)
Police Traffic Directors	\$20,000.00	\$20,648.52	\$648.52
Reset Inlet, Type A, B, D, & E, Using Existing Casting	22 Units	18 Units	(\$0.18)
Reconstruct Inlet, Type B, D, Using Existing Casting			

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	17 Units	9 Units	(\$0.09)
Curb Piece, Type N-Eco (Typ.), Furnish & Install	81 Units	83 Units	\$700.00
Bicycle Safe Grate, Furnish & Install	51 Units	52 Units	\$350.00
Tack Coat	3,595 Gallons	3,000 Gallons	(\$5.95)
HMA Milling, 0-2" Depth	35,209 SY	35,400.59 SY	\$1,230.01
HMA 9.5M64 Surface Course, 2" Thick	5,700 Tons	5,119.99 Tons	(\$34,800.60)
HMA 19M64 Base Course, If and Where Directed	50 Tons	0 Tons	(\$0.50)
Construct Concrete Sidewalk, 4" Thick	47 SY	66.32 SY	\$2,898.00
Construct Belgium Block Vertical Curbing	30 LF	560 LF	\$26,500.00
Traffic Stripes, Long Life, Thermoplastic, 4" Width White	1,000 LF	998 LF	(\$2.98)
Traffic Stripes, Long Life, Thermoplastic, 6" Width White	300 LF	565 LF	\$590.95
Traffic Stripes, Long Life, Thermoplastic, 12" Width White	90 LF	147 LF	\$254.22
Traffic Stripes, Long Life, Thermoplastic, 4" Width Yellow	90 LF	460 LF	\$551.30

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Work Item	Contract Quantity	Actual Quantity	Difference
Supplemental Construction	\$10,000.00	\$0	(\$7,760.00))
Saw Cut Driveways & Restoration (Davenport Road)	\$0	\$2,240.00	\$2,240.00
Change Order – Construct Concrete Vertical Curbing (Sunrise Way)	\$0	\$56,450.00	\$56,450.00
		<b>Total Net Change Order:</b>	<b>\$35,301.06</b>

; and

WHEREAS, the Township Engineer has recommended the above changes to the contract price by Memorandum dated August 21, 2023 reflecting a change to the contract total in the amount of \$35,301.06 for the above-described work; and

WHEREAS, the original contract amount was \$745,425.33; the amended contract amount based upon the completed work is \$780,726.39 which is a 4.7% 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 & Trucking, LLC has provided a two-year Performance and Maintenance Bond #CSC-229349M in the amount of \$78,072.63 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 & Trucking, LLC

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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 August 21, 2023; and

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

WHEREAS, by Memorandum, August 21, 2023, the Township Engineer has recommended acceptance of the work performed as part of the 2023 Road Resurfacing Project, issuance of final payment in the amount of \$61,899.93 to American Asphalt & Trucking, LLC, acceptance of all public improvements and acceptance of the performance and 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 & Trucking, LLC as follows:

Original Contract:	\$745,425.33
Change	<u>\$ 35,301.06</u>
New Contract Total:	\$780,726.39

Increase of 4.7%

2. The work performed by American Asphalt & Trucking, LLC for the 2023 Road Resurfacing Project is hereby accepted by the Township of Montville.
3. All public improvements completed by American Asphalt & Trucking, LLC for the 2023 Road Resurfacing Project are hereby accepted by the Township of Montville.

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4. Final Payment in the amount of \$61,899.93 for the 2023 Road Resurfacing Project is hereby authorized to be made to American Asphalt & Trucking, LLC.
  
5. Performance and Maintenance Bond # CSC-229349M in the amount of \$78,072.63 provided by American Asphalt & Trucking, LLC for the 2023 Road Resurfacing Project is hereby accepted.
  
6. The account to be used for these services is as follows:  
ARPA: Roadway Infrastructure Improvements; 3-01-41-866-301; \$35,301.06

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-283

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

**Resolution 2023-284** Resolution approving a block party on Jewel Court – September 13, 2023

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Jewel Court on Wednesday, September 13, 2023 (rain date September 14, 2023); 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 Jewel Court, Montville, to be held on Wednesday, September 13, 2023 (rain date September 14, 2023) 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.

Motion by Cook second by Conklin to adopt Resolution 2023-284

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

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**REVIEW OF MEETING ACTION ITEMS**

Hercek to follow up with Land Use Department Head Mowles and Social Services Director Mertz for additional resources for Dattoli.

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

**Contract Negotiations**

**Litigation**

Monarch v. Montville MRS-L-1986-21; RG Realty vs. Montville Township

**Personnel**

**Attorney-Client Privilege/Potential Litigation**

Township infrastructure; 19 Montgomery Avenue

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

All in favor – Motion carried

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

**CLOSED SESSION**

Motion by Conklin second by Witty to adjourn

All in favor – Motion carried

**ADJOURNMENT** at 9:02pm

Approved:  
Montville Township Committee

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

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

Next Regular Meeting: September 12, 2023 at 7pm