

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - September 26, 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, or call NJ211, or visit the Township website at 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.

Roll Call Township Committee

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

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

Prayer and Pledge of Allegiance by Committeeman Cook

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APPROVAL OF MEETING MINUTES

September 12, 2023 Regular Meeting Minutes
September 12, 2023 Closed Session Meeting Minutes

Motion by Cooney second by Witty to adopt above listed minutes

All in favor – Motion carried

PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

[Ordinance 2023-22](#) Ordinance to amend Ordinance 2022-05 establishing the salaries or wages of officials and employees of the Township of Montville in the County of Morris for years 2021-2025 Morris Council No. 6 – White Collar

Motion by Conklin second by Cooney to open public hearing on Ordinance 2023-22

All in Favor - Motion Carried

No Public Comments

Motion by Cooney second by Conklin to close public hearing on Ordinance 2023-22

All in Favor - Motion Carried

Motion by Cooney second by Conklin to adopt Ordinance 2023-22

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

REPORTS

Administrator's Report

Public auction of 70 Changebridge Road (Township property) to be held on October 24, 2023 at 6pm – Resolution 2023-308 authorizes the auction

State Health Benefits Program representative scheduled to speak to employees during the open enrollment period

The Windsor Tank Replacement Project to go out to bid in Quarter 4

Paper Shredding & Electronic Recycling Event on October 21st from 9am until noon

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Attorney Report

Best Practices Annual Inventory to be completed and submitted by the Township

Circulation of an Altice settlement agreement, terms are being reviewed and details to be made available as appropriate. Terms to be reviewed in closed session with the Township Committee members

Township Committee liaison reports and comments

Cooney

The Dog Park Members will hold a Halloween Parade on October 21st at 12:30pm

Witty

Environmental Commission considering an “adopt a storm drain” program; a presentation on electronic vehicles at an upcoming meeting, holding a native plant sale

Open Space looking for interest in the “adopt a trail” program

Board of Health holding flu vaccine clinics on October 2nd and October 11th

Cook

Montville Day October 8th from 1-6pm at the Amphitheater

Conklin

HPRC held its State mandated annual training

Kayne

Mention of an event held by New Pathway Counseling at Camp Dawson on September 30th supporting addiction recovery

Read the following statement: “This governing body values historic structures but recognized there are certain limitations when it comes to private ownership. Recognizing the need for a new roof for the Van Duyne Cider Mill, my colleagues and I are thrilled to announce that, through the Chamber of Commerce, Blue Nail on Changebridge Road has graciously offered to replace the roof of the Cider Mill at no cost to the property owner. The work is scheduled to take place in December. We are pleased to have such a generous neighbor in the Township and look forward to the much-needed improvements.”

Acknowledges the already implemented JCP&L improvements, makes mention of recent outages and consideration of potential additional improvements (i.e. notifications and alerts)

UNFINISHED BUSINESS

None

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NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

None

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 Witty to open public portion

All in favor – Motion Carried

Public Comments

David Modrak, 17 Cambray Road, Montville – Board of Education President

Quick review of happenings at the Montville Township Public Schools, including the Lazar Middle School play scheduled for November 2nd & 3rd and the Montville High School play scheduled for November 16th – 18th; a new sport streaming service subscription offer and funds raised by Valley View students for St. Jude’s Children Hospital totaling \$3,000.

The following residents followed up on their September 12th comments and questions opposing the recent Board of Adjustment decision to pass an application to build 266 age-restricted apartments and townhouses in the River Road/Route 202 area:

Holly Cox, 1 Dey Court, Towaco

Would like an update since the comments/concerns brought up at the last meeting, curious if the Township Committee intends to appeal the Board of Adjustment decision and read a list of “are you aware” statements of questionable actions of the Board of Adjustment, as well as uneasy over the impervious coverage and the obvious problems of rainfall drainage and displacement that will affect the surrounding homes. Mention that this approved development did not meet statutory requirements.

Neil Boyle, 228 Main Road, Montville

Urges the Township Committee again to read the testimony he presented to the Board of Adjustment (available online at Montville Residents for Responsible Growth). Reiterated major concerns over the decision of the Board of Adjustment which include the lack of proof of positive criteria being met for approval; the silence of certain members who still voted yes – thought they did not ask questions of the experts; the possible sale of the development cannot guarantee the 55+ age restrictions. Citizens who are considering appealing the decision and have been in discussion with an attorney that raised the potential of collusion.

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Olivia Nasisi, 223 Main Road, Montville

Dreading the anticipated effects of the destruction of 29 acres of woodland and the increased amount of drainage issues that will inevitably increase because of it. Asserts that the Board of Adjustment overstepped its boundaries by re-zoning this property.

Janice Nasisi, 223 Main Road, Montville

Reiterates the concerns raised over the increase of traffic this development will create, which she believes was not considered appropriately before this approval. Township roads are not equipped to handle the current traffic, let alone an additional 266 units. Raises the issue of an overwhelming burden on the volunteer Firefighters and EMS members.

Motion by Cooney second by Cook to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA16

Resolution 2023-304 Resolution approving a block party on Boyletown Road – October 7, 2023

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Boyletown Road, Montville, on Saturday, October 7, 2023 (rain date October 8, 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 Boyletown Road, Montville, to be held on Saturday, October 7, 2023 (rain date 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 2023-305 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the waiver of Garage Sale fee for a Garage Sale to be held on October 28 & 29, 2023

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WHEREAS, pursuant to Section 169-2 of the Montville Township Code, the Clerk Department sets the fees for its licenses; and

WHEREAS, the Sandol Church, a non-profit religious organization, located at 356 Changebridge Road, Montville, has applied to hold a Garage Sale on October 28, 2023 and October 29, 2023; and

WHEREAS, the Sandol Church has requested that the fee be waived for their organization; and

WHEREAS, the Township Clerk recommends waiving the Garage Sale fee for the sale to be held on October 28, 2023 and October 29, 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:

The Garage Sale fee is waived for Sandol Church as it pertains to their garage sale on Saturday, October 28, 2023 and October 29, 2023 and the Township Clerk may issue the Garage Sale License.

This Resolution shall take effect immediately.

[Resolution 2023-306](#) Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the person-to-person transfer of liquor license #1421-33-004-004 from Don Pepe II, Inc. to Rumba of Pine Brook, LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License, heretofore issued to Don Pepe II, Inc.;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

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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, does hereby approve the transfer of the aforesaid Plenary Retail Consumption License to Rumba of Pine Brook, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Rumba of Pine Brook, LLC, effective October 6, 2023."

Resolution 2023-307 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the person-to-person transfer of liquor license #1421-33-001-007 from Don Pepe Steakhouse, Inc. to N & A Hospitality Group, LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License, heretofore issued to Don Pepe Steakhouse, Inc.;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, does hereby approve the transfer of the aforesaid Plenary Retail Consumption License to N & A Hospitality Group, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to N & A Hospitality Group, LLC, effective October 6, 2023."

Resolution 2023-308 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the sale of certain land and property no longer needed for public use by the Township of Montville pursuant to N.J.S.A. 40A:12-13 Et. Seq.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 *et seq.*, authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Township of Montville is the owner of certain real property not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell same.

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WHEREAS, the Township desires to make available for sale to the highest bidder the parcels identified as 70 Changebridge Road, Block 82.05, Lot 86, in accordance with N.J.S.A. 40A:12-13(a); and

WHEREAS, the Township of Montville desires to make this property available for public sale, with the right of first refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2; and

WHEREAS, the suggested minimum bid is \$350,000.00; and

WHEREAS, any sale of the property pursuant to this Resolution shall include any and all right-of-way utility easements.

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 of Montville hereby declares that the lands and premises located at 70 Changebridge Road, Block 82.05, Lot 86, is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.
2. The Township Committee of the Township of Montville hereby authorizes the Township Clerk to offer for sale to the highest bidder at public auction property identified as 70 Changebridge Road, Block 82.05, Lot 86.
3. The public sale shall take place at the Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey on October 24, 2023 at 6pm or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.
4. Any person bidding on behalf of a corporation must either submit a copy of a resolution of the corporation or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.
5. The successful bidder at the time of sale must present cash, check or money order, payable to the Township of Montville, in an amount that equals ten percent (10%) of the sales price. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser. The purchaser shall be entitled to possession immediately following closing of title.

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6. The Township reserves the right to, at its discretion, accept or reject any and all bids at the public sale and to not award to the highest bidder. Such decision will be made by the Township Committee at a public meeting within thirty (30) days from the date of such public sale.
7. The Township makes no representations as to the title of the land to be sold. The Township of Montville makes no representations of any kind as to the condition of the property, said premises are being sold in their present condition "as is".
8. The successful purchaser shall establish and record with the Morris County Clerk a Sight Triangle Easement based on Township Code Chapter 230-58(Q). The Sight Triangle Easement must be cleared of obstructions within the rights-of-way of Changebridge Road and Cedar Road, as necessary, to provide adequate sight distance for the Cedar Road/Changebridge Road intersection, as required by the Montville Township Code. Clearing and excavation shall include, but may not be limited to, the removal and disposal of trees, stumps and soil necessary to achieve the required sight distance and shall be at the expense of the purchaser. The removal of soil shall include all earth, boulders, rock, stumps or any other material excavated, hammered, blasted, or removed by any other means necessary from the Sight Triangle Easement or rights-of-way, in conformance with a grading plan to be submitted by the purchaser for approval by the Montville Township Engineer, and in compliance with all applicable permits.
9. The successful purchaser shall maintain the Sight Triangle Easement, in perpetuity, in conformance with the requirements of the Montville Township Code so as to maintain the required sight distance for the Cedar Road/Changebridge Road intersection.
10. The driveway for a dwelling unit to be constructed on the property in question must only connect to Cedar Road and must be designed in conformance with all requirements of the Montville Township Code.
11. In the event the Township of Montville is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, the Township shall not be liable to the purchaser for any further costs, expenses, damages or claims, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Township Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Township Committee, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts title in its present condition. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township of Montville in connection with the quality of title conveyed.
12. The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey

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would reveal and any present or future assessments for the construction of improvements benefiting said property. The Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is."

13. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
14. The Township Committee reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township. No bid shall be considered finally accepted until passage of a resolution by the Township Committee as set forth in Paragraph 15 hereof.
15. The acceptable bid shall be confirmed by resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale.
16. The property herein sold may not be further subdivided at any point in the future.
17. If the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided if the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
18. If no adjoining property owners are present to bid on the property, the bidding will be opened to the public. The Township will not represent, warrant or guarantee the right to build on or improve the property listed for sale. The property will be subject to all federal, state and local laws and ordinances.
19. In the event that the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.
20. A public notice of sale shall be published in the Township's official newspaper at least once a week for two (2) consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Resolution shall take effect immediately.

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Resolution 2023-309 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to file a claim through the New Jersey Treasury Unclaimed Property Administration

WHEREAS, the Township of Montville has identified property in the Township's name using the New Jersey Treasury Unclaimed Property Administration website; and

WHEREAS, the Township is entitled to funds that are being safeguarded by the State of New Jersey, and

WHEREAS, the Township wishes to file a claim with the State of New Jersey to claim the unclaimed property.

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 Mayor are hereby authorized to file a claim through the New Jersey Treasury Unclaimed Property Administration.

This Resolution shall take effect immediately.

Resolution 2023-310 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to solicit bids for Water and Sewer materials

WHEREAS, the Township of Montville Water and Sewer Department need to purchase water and sewer materials for the construction, maintenance, and/or repair of the Township-owned water and sewer infrastructures; and;

WHEREAS, the purchase of these goods may exceed the bid threshold.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the Township is hereby authorized to move forward with soliciting bids for water and sewer materials as they relate to Township-owned water and sewer infrastructures.

This Resolution shall take effect immediately.

Resolution 2023-311 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to solicit bids for construction, maintenance and/or repair services for Township-owned Water and Sewer Infrastructure

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WHEREAS, the Township of Montville has a need to purchase water and sewer utilities contractor services to assist in the construction, maintenance, and/or repair services of Township-owned water and sewer infrastructure; and

WHEREAS, the services may exceed the bid threshold.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the Township is hereby authorized to move forward with soliciting bids to procure a licensed and qualified utilities contractor to assist in the construction, maintenance and/or repair services of Township-owned water and sewer facilities.

This Resolution shall take effect immediately.

[Resolution 2023-312](#) Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to solicit bids for the Water Meter Replacement Program

WHEREAS, the Township of Montville wishes to retain a contractor to furnish all labor, materials, equipment and incidentals necessary to remove existing cold water meters and appurtenances, and to install new cold water meters and appurtenances; and

WHEREAS, these meters and appurtenances must be compatible with the Township's existing fixed network system and where the existing water meter system is more than 10 years old; and

WHEREAS, the job must be put out to bid.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the Township Administration, and Water and Sewer Department are hereby authorized to move forward with soliciting bids for the Water Meter Replacement Program in the Township of Montville.

This Resolution shall take effect immediately.

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Resolution 2023-313 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to solicit bids for licensed electrical services for Township-owned Water and Sewer facilities

WHEREAS, the Township of Montville is in need for a licensed and qualified electrical services contractor to assist in the maintenance and/or repair services of Township-owned water and sewer facilities; and

WHEREAS, these services may exceed the bid threshold.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the Township is hereby authorized to move forward with soliciting bids to procure licensed electrical services for Township-owned water and sewer facilities.

This Resolution shall take effect immediately.

Resolution 2023-314 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 5 Windsor Drive, block 157, lot 39

WHEREAS, the property owner, Marc Wenstrom, has requested a release of the cash bond submitted in connection with work being performed at 5 Windsor Drive, Block 157, Lot 39, 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 September 18, 2023, that the cash soil stabilization bond in the amount of \$1,500.00, held in connection with this project, 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 bond held in connection with this project, which is in the amount of \$1,500.00, be released to Marc Wenstrom, 5 Windsor Drive, Pine Brook, New Jersey 07058.

This Resolution shall take effect immediately.

Resolution 2023-315 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:

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Block 39.10 Lot 5.10, 99 Washington Ct	
Lien Redemption Certificate #22-00014	\$5,201.25
Premium Money	<u>\$3,400.00</u>
Total Payment	\$8,601.25

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

Resolution 2023-316 Resolution to cancel reserve for preliminary expenses

WHEREAS, A General Capital Reserve exists for Preliminary Expenses regarding assessing the scope and the cost for certain Municipal Building Renovations; and

WHEREAS, A General Capital Reserve exists for Preliminary Expenses regarding assessing the scope and the cost for a Police Communications System; and

WHEREAS, there are balances in these reserve that are no longer necessary; and

WHEREAS, it is necessary to formally cancel said reserve balances; and

WHEREAS, there exists certain accounts payable on the books of the Township in relation to the Reserve for Preliminary Expenses; and

WHEREAS, the purchase order creating the accounts payable has been investigated and it has been determined that this purchase order should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that the balance of \$1,450 appropriated for preliminary costs to assess the scope and the cost of certain Municipal Building Renovations be canceled back to the Capital Improvement Fund of the General Capital Fund.

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BE IT FURTHER RESOLVED, by the Township Committee of the Township of Montville that the unexpended balance of PO 21-01563 in the amount of \$1,450 be cancelled.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Montville that the balance of \$1,740.47 appropriated for preliminary costs to assess the scope and the cost of a Police Communications System be canceled back to the Capital Improvement Fund of the General Capital Fund.

Resolution 2023-317 Resolution of the Township of Montville, County of Morris and State of New Jersey, evidencing consent of the Township of Montville for the use of certain properties subject to various public utility easements

WHEREAS, the Township of Montville has completed the design phase of the Montville Walking/Biking Trail project (from South Abbott Road to Towaco Center); and

WHEREAS, the Township of Montville owns certain properties to be included in the project identified as Block 39, Lots 9.02, 27, 34.02, 67, 75, 83, and 83.02 as shown on the municipal tax assessment maps; and

WHEREAS, as part of this project, the Township desires to construct a 1.32 mile long, shared use trail for pedestrians and bicyclists through the above-mentioned vacant lands whose route has been laid out by the Township; and

WHEREAS, there are various public utility easements previously granted by the Township over the above-listed lands for gas transmission and overhead high voltage electric transmission; and

WHEREAS, the Township must obtain certain general environmental permits from the New Jersey Department of Environmental Protection for the trail's construction; and

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 this Resolution serves as written consent by the Committee for the above-described shared use trail to be constructed in part over easements granted to various utility providers.

This Resolution shall take effect immediately.

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Resolution 2023-318 Resolution authorizing contracts with certain additional approved Educational Services Commission of NJ Cooperative Pricing System 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 Educational Services Commission of New Jersey Cooperative Pricing System (ESCNJ); 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 ESCNJ 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 ESCNJ with the additional Referenced Cooperative Vendors;

VENDOR		
<u>Vendor:</u>	<u>Contract #:</u>	<u>Contract Purpose/Description:</u>
Sport Care	ESCNJ Co-op Contract 22/23-37	Synthetic Turf Maintenance, Repair and Replacement

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 Educational Services Commission of New Jersey Cooperative Pricing System with the additional above referenced cooperative vendors.

Motion by Cooney second by Conklin to adopt consent agenda resolutions, Resolution 2023-304 through Resolution 2023-318

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

RESOLUTIONS

Motion by Cook second by Witty to adopt Resolution approving the listing of bills and signing of checks for September 26, 2023

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

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Resolution 2023-319 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of annual subscription for Neptune AMI 360 Software

WHEREAS, the Montville Township Water Department wishes to maintain the software necessary to collect meter readings utilizing the current Automated Meter Interface (AMI) system; and

WHEREAS, the Montville Township Water Department wishes to purchase an annual software subscription that is proprietary and designed to operate the fixed collector radio network; and

WHEREAS, Rio Supply, Inc. has a valid Contract through the Morris County Cooperative Pricing Council - Contract #47, Category J, #4. for Neptune 360 AMI Software; and

WHEREAS, while the annual subscription under the Morris County Cooperative Pricing Council is \$17,500, Rio Supply is offering the subscription at \$10,500 because the Township has fewer residents, or endpoints, on the Neptune system at this time, so the price of \$10,500 is more fair while still being considered co-op pricing; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey authorize the purchase of Neptune 360 AMI Advanced Annual Subscription Software, and Installation as follows:

- Rio Supply, Inc. - \$10,500.00 (Morris County Cooperative Pricing Council – Contract #47, Category J, #4., Neptune 360 AMI Advanced Annual Subscription Software)

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
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BE IT FURTHER RESOLVED that the accounts to be used for this purchase are the following:

- | | |
|-------------------------------------|------------|
| • Service Contracts 3-05-55-500-209 | \$5,250.00 |
| • Service Contracts 3-07-55-500-209 | \$5,250.00 |

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

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-319

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

REVIEW OF MEETING ACTION ITEMS

Administration and Attorney to follow up on the briefing of the Board of Adjustment decision.

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

Contract Negotiations

Municipal Court personnel; 2024 Professional Services

Litigation

Altice update

Personnel

Attorney-Client Privilege/Potential Litigation

384-394 Main Road; Township infrastructure; utilities; Land Use discussion - Diversified

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

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CLOSED SESSION

Motion by Conklin second by Cooney to adjourn

All in favor – Motion carried

ADJOURNMENT at 9:11pm

Approved:
Montville Township Committee

Stacy Kostka, Township Clerk

Matthew S. Kayne, Mayor

Next Regular Meeting: October 10, 2023 at 7pm