

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - October 12, 2021

7:00pm – PUBLIC SESSION

Statement of Open Public Meetings Act Compliance read by Mayor

In accordance with the Open Public Meetings Act, adequate notice of this meeting has been provided by mailing, emailing and/or faxing notice to the Daily Record and the Citizen newspapers, posting notice on the Township website and posting notice on the bulletin boards of the Municipal Building, 195 Changebridge Road, Montville, NJ 07045, and sending notice to those individuals requesting same.

Roll Call Township Committee

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

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

Prayer and Pledge of Allegiance by Committeeman Conklin

OATH OF OFFICE

Chief Caggiano gives a brief biography of Officer Daniel Casillo, who grew up in Montville Township, joined the Montville Township Police Department on January 13, 2014 and graduated the Police Academy in June 2014. Mayor Cooney administers an Oath of Office to promote Casillo to Sergeant.

APPROVAL OF MEETING MINUTES

September 28, 2021 Township Committee Regular Meeting Minutes
September 28, 2021 Township Committee Closed Executive Session Meeting Minutes

Motion by Kayne second by Cook to approve above listed minutes

All in favor – Motion carried

PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

[Ordinance 2021-23](#) Ordinance of Township Committee of the Township of Montville, County Morris, State of New Jersey, authorizing the acceptance of a deed of declaration stormwater management infrastructure maintenance requirements for the property designated as Block 183, Lot 8.01 on the Montville Township Tax Map

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Motion by Conklin second by Kayne to open public hearing on Ordinance 2021-23

All in Favor - Motion Carried

No Public Comments

Motion by Kayne second by Cook to close public hearing on Ordinance 2021-23

All in Favor - Motion Carried

Motion by Cook second by Kayne to adopt Ordinance 2021-23

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

REPORTS

Administrator's Report

COVID Update: 1 new case / 1 cleared case / 9 current cases / 1904 total cleared cases to date / 1913 total cases to date

2022 Municipal Budget Workshop to be tentatively scheduled for December 11, 2021 from 9am to noon

Montville Day 2021 held on October 3, 2021; reported a very successful event

Attorney report

Altice CBG technical expert to meet with Administration and Township Attorney on site October 19, 2021 and begin field investigation thereafter

Township Committee liaison reports and comments

Cooney

Museum to re-open October 23, 2021 and every second and fourth Saturday thereafter from 8am until noon

Witty

VFW to begin planning Veterans Day event

Open Space to continue drafting a request to use Cole Avenue area for possible launch and trails. Reminder of request from Fire Department to determine if water can be drafted from the Passaic River at Cole Avenue for fire-fighting purposes.

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Dog Park Advisory Committee various requests include bench placement, adding agility items and removing the acorn trees (as acorns are poisonous to dogs).

Kayne

Board of Health and Environmental Commission meet next week

Cook

Fall Clean-Up Day is October 23, 2021 – register with Recreation Department

Conklin

No report

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

[Ordinance 2021-24](#) Ordinance amending salary and wage Ordinance 2020-17

Motion by Witty second by Kayne to introduce Ordinance 2021-24

All in Favor - Motion Carried

Clerk set public hearing date for October 26, 2021

PUBLIC PORTION

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

Motion by Conklin second by Witty to open public portion

All in favor – Motion Carried

Public Comments

Ellen Conlon, 26 Old Lane, Towaco

Asked if homeowners involved in Old Lane Sewer Expansion Project will be notified of what to expect during the construction

Confirmed that affected homeowners will be notified of a pre-construction meeting to be held at Town Hall (after the Township's official pre-construction meeting with the contractor).

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Motion by Conklin second by Witty to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2021-CA16

Resolution 2021-279 Resolution adopting the holiday schedule for officials and employees of the Township of Montville for the year 2022

WHEREAS, the Township Committee of the Township of Montville has approved holidays for officials and employees of the Township of Montville; and

WHEREAS, the following Holiday Schedule is established for the year 2022;

2022 HOLIDAY SCHEDULE

1.	NEW YEAR'S DAY	MONDAY	01/03/22
2.	MARTIN LUTHER KING DAY	MONDAY	01/17/22
3.	PRESIDENTS' DAY	MONDAY	02/21/22
4.	GOOD FRIDAY	FRIDAY	04/15/22
5.	MEMORIAL DAY	MONDAY	05/30/22
6.	JULY 4 TH HOLIDAY	MONDAY	07/04/22
7.	LABOR DAY	MONDAY	09/05/22
8.	COLUMBUS DAY	MONDAY	10/10/22
9.	VETERANS DAY	FRIDAY	11/11/22
10.	THANKSGIVING DAY	THURSDAY	11/24/22
11.	THANKSGIVING FRIDAY	FRIDAY	11/25/22
12.	CHRISTMAS EVE	FRIDAY	12/23/22
13.	CHRISTMAS DAY	MONDAY	12/26/22

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 Holiday Schedule for the year 2022 be approved and adopted.

Resolution 2021-280 Resolution approving blue light permit for member of the Pine Brook Volunteer Fire Department – Aleksey Gavlin

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WHEREAS, the Pine Brook Volunteer Fire Department in Montville Township has submitted the request for blue light permit to the Township Clerk; and

WHEREAS, the Chief of the Pine Brook Volunteer Fire Department has reviewed and signed the application for the following Pine Brook Volunteer Fire Department member:

Aleksey Gavlin

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey that the blue light permit for the above member is authorized and may be submitted to Motor Vehicle Commission.

This Resolution shall take effect immediately.

Resolution 2021-281 Resolution to cancel capital appropriation balances for completed projects

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances, so that the unexpended balances may be returned to each respective Capital improvement fund, Reserve, Open Space Trust (where applicable), or credited to Capital Fund Balance, and unused debt authorizations may be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

<u>Ord. #</u>	<u>Project Description</u>	<u>Funded</u>	<u>Unfunded</u>
2011-13	Various General Improvements	\$5,000.00	
2012-11	Various General Improvements	\$1,671.31	
2013-19	Various General Improvements	\$5,000.00	
2014-17	Various Capital Improvements	\$3,160.00	
2016-13	Various Capital Improvements	\$1,200.00	
2018-04	Various Capital Improvements	\$ 100.00	
2018-08	Open Space - Advisory Services	\$ 335.00	
2019-17	Various Capital Improvements		\$7,643.00
2020-18	Various Capital Improvements		\$2,038.00
Total To Be Cancelled		<u>\$16,466.31</u>	<u>\$9,681.00</u>

Resolution 2021-282 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the submission of a grant application to the USDA Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWP)

WHEREAS, an Emergency Watershed Protection Program (EWP) was set up by Congress to respond to emergencies created by Natural Disasters; and

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WHEREAS, the County of Morris received disaster declaration status by FEMA due to damages incurred from Hurricane Ida; and

WHEREAS, the Township of Montville Engineer and Director of the Department of Public Works has identified drainage infrastructure on Bromley Court which is in need of debris removal due to severe erosion from Hurricane Ida; and

WHEREAS, the Township of Montville Engineer and Director of the Department of Public Works has requested authorization to apply for an Emergency Watershed Protection Program (EWP); and

WHEREAS, the Township meets all of the requirements outlined in the grant proposal.

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 Engineer and Director of the Department of Public Works, and Township Administration, is authorized to submit a grant to the NRCS Emergency Watershed Protection Program for the above mentioned purpose.

This Resolution shall take effect immediately.

[Resolution 2021-283](#) Resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the execution of amendment no. 1 to Bulk Water Agreement between the Township of Montville and Jersey City Municipal Utilities Authority

WHEREAS, the Township of Montville entered into a Bulk Water Agreement with the Jersey City Municipal Utilities Authority (“JCMUA”) for the provision of water to the Township; and

WHEREAS, the Township has a need to increase the daily limit of bulk water it receives through the JCMUA; and

WHEREAS, the Township and JCMUA have reached an agreement for the increased bulk water and wish to execute Addendum No. 1 to the Bulk Water Agreement addressing the increased bulk water to be supplied to the Township; and

WHEREAS, Amendment No. 1 is authorized pursuant to Municipal and County Utilities Law, as amended (N.J.S.A. 40:14B-1 *et seq.*)

WHEREAS, the Township Attorney and Township Administrator have reviewed Amendment No. 1 and recommend that the Township Committee accept same.

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. Amendment No. 1 to the Bulk Water Agreement between the Township of Montville and Jersey City Municipal Utilities Authority is approved and accepted.

Section 2. The Township Clerk and Township Administrator are hereby authorized to take whatever actions are necessary to finalize execution and acceptance of Amendment No. 1.

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

This Resolution shall take effect immediately.

Resolution 2021-284 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of a Water Interconnection Agreement between the Township of Montville and Borough of Lincoln Park

WHEREAS, the Township of Montville (“Montville”) and the Borough of Lincoln Park (“Lincoln Park”) entered into a Water Connection Agreement on or about October 3, 2006 wherein Lincoln Park agreed to provide up to three hundred thousand (300,000) gallons of water per day to Montville for a period of fifteen (15) years; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, Bureau of Water Allocation, in accordance with N.J.A.C. 7:19-7 et seq., approved the October 3, 2006 agreement by letter dated January 6, 2006; and

WHEREAS, Montville and Lincoln Park desire to continue the Water Interconnection Agreement which is expiring this year; and

WHEREAS, Montville continues to have a need to purchase bulk water supply from Lincoln Park to service its residents; and

WHEREAS, Lincoln Park possesses a sufficient water supply and the capacity to provide water to meet the current demand of Montville; and

WHEREAS, the proposed Water Interconnection Agreement is attached hereto as Exhibit A.

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 execution of the Water Interconnection Agreement between the Township of Montville and the Borough of Lincoln Park is hereby approved subject to approval by the State of New Jersey, Department of Environmental Protection, Bureau of Water Allocation in accordance with N.J.A.C. 7:19-7 et seq.; and
2. The Township Administrator is hereby authorized and directed to submit a copy of the Water Interconnection Agreement to the State of New Jersey, Department of Environmental Protection, Bureau of Water Allocation in accordance with N.J.A.C. 7:19-7 et seq.; and
3. A copy of said Agreement is on file in the office of the Township Clerk and may be viewed during normal business hours; and
4. The Mayor and Township Clerk and/or any other applicable individual be and are hereby authorized and directed to execute said Water Interconnection Agreement on behalf of the Township; and

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5. The Water Interconnection Agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, approval of the State of New Jersey and execution of the Agreement by all the parties thereto.

This Resolution will take effect immediately.

Motion by Cook second by Conklin to adopt consent agenda resolutions, Resolution 2021-279 through Resolution 2021-284

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

RESOLUTIONS

Motion by Cook second by Witty to adopt [Resolution](#) approving listing of bills and signing of checks for October 12, 2021

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

[Resolution 2021-285](#) Resolution authorizing the execution of an agreement for 2021 municipal services between the Township of Montville and RG Realty Investors, LLC, a management company representing Rachel Gardens Apartment Complex

WHEREAS, N.J.S.A. 40:66-1.3, et seq., provides in pertinent part that qualified multi-family dwellings are entitled to receive certain municipal services during local budget year 2002 and thereafter; and

WHEREAS, RG Realty Investors, LLC, a Management Company representing Rachel Gardens Apartment Complex is a qualified multi-family dwelling complex, as defined under the Act and the Township is a municipality governed by the Act; and

WHEREAS, the Act further provides that in lieu of providing certain municipal services to the Apartment Complex, the Township may opt to financially reimburse the Private Community; and

WHEREAS, the Township and the Private Community have mutually and freely agreed to the providing and receiving of certain services as more fully described in an Agreement for

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Municipal Services between the Township of Montville and RG Realty Investors, LLC, a Management Company representing Rachel Gardens Apartment Complex.

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 appropriate municipal officials are hereby authorized to execute an Agreement for Municipal Services between the Township of Montville and RG Realty Investors, LLC, a Management Company representing Rachel Gardens Apartment Complex, in the form attached hereto.

BE IT FURTHER RESOLVED that the Township will reimburse Rachel Gardens Apartment Complex an amount not to exceed \$9,741 per month for a total not to exceed \$116,892 for 2021.

Motion by Cook second by Kayne to adopt Resolution 2021-285

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

Resolution 2021-286 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing an Inter-local Services Agreement between the Township of Montville and the Borough of Victory Gardens for the provision of animal pound and shelter services, and limited Animal Control Officer services

WHEREAS, the Borough of Victory Gardens is in need of animal pound and shelter services, and limited animal control officer services for its residents; and

WHEREAS, the Township of Montville is able to provide said animal pound and shelter services, and limited animal control officer services to the Borough of Victory Gardens; and

WHEREAS, it is in the best interests of the Township of Montville to provide said animal pound and shelter services, and limited animal control officer services to the Borough of Victory Gardens; and

WHEREAS, the Township of Montville and the Borough of Victory Gardens have agreed to the terms and conditions of an inter-local services agreement for the provision of said animal pound and shelter services, and limited animal control officer services; and

WHEREAS, municipal entities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, authorizes the execution of a

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shared services agreement for the provision of animal pound and shelter services, and limited animal control officer services.

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-286

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

Resolution 2021-287 Resolution of the Township of Montville, in the County of Morris and State of New Jersey, authorizing the award of a Professional Services Contract without competitive bidding to BBG/Izenberg Appraisal Associates to perform appraisal services for the Route 46 West Redevelopment Project

WHEREAS, there exists a need for additional professional appraisal services for the Route 46 West Redevelopment project in Montville Township; and

WHEREAS, the Township wishes to retain BBG/Izenberg Appraisal Associates to perform such services; and

WHEREAS, the maximum amount of the contract shall not exceed \$4,500.00; and

WHEREAS, approval of this Professional Services Agreement is subject to funds becoming available in the applicable escrow account 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 BBG/Izenberg Appraisal Associates is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. BBG/Izenberg Appraisal Associates shall provide appraisal services to the Township as set forth in its proposal of October 8, 2021.

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

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to BBG/Izenberg Appraisal Associates, 205 Main Street, PO Box 255, Chatham, New Jersey 07928, for their information and guidance.

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Section 5. If the funds are placed in escrow for this purpose, the account to be used will be: P20-10: 12 Route 46/Paul Miller Escrow for an amount not to exceed \$4,500. If the funds are not placed in escrow, the contract will not be executed.

This Resolution shall take effect immediately.

Motion by Conklin second by Cook to adopt Resolution 2021-287

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

Resolution 2021-288 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the Old Lane Sewer Expansion Project to P.M. Construction Corp.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the Old Lane Sewer Expansion Project; and

WHEREAS, five (5) sealed bids were received and opened on September 15, 2021, in accordance with the bid specifications:

1) P.M. Construction Corp.	\$2,472,800.00
2) Underground Utilities Corp.	\$2,553,760.25 ¹
3) M.S.P. Construction Corp.	\$2,576,500.00
4) Colonnelli Brothers, Inc.	\$3,755,500.00
5) Montana Construction	\$3,981,111.00

; and

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

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

WHEREAS, the bid received from P.M. Construction Corp. at a total bid price of \$2,472,800.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

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

WHEREAS, the Township is in receipt of the Authorization to Award, issued by the State of New Jersey Department of Environmental Protection, which is a requirement for funding through the New Jersey Water Bank.

¹ The total bid amount of \$2,553,751.05 on the proposal was calculated in error. The corrected amount is listed above

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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 as follows:

1. The Township Committee hereby awards a contract to P.M. Construction Corp., 1310 Central Avenue, Hillside, New Jersey 07205, for the Old Lane Sewer Expansion Project in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$2,472,800.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with P.M. Construction Corp. in accordance with its bid for the Old Lane Sewer Expansion Project.
3. The Township's Chief Financial Officer has certified the availability of funds for this contract.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
5. Funds for these services are available from the following account:
ORD 2021-08; Old Lane Sewer Expansion; C-08-55-569-501; \$2,472,800.00
6. The NJDEP reviewed the bid materials and issued an Authorization to Award which is a requirement for funding through the New Jersey Water Bank.

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2021-288

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

REVIEW OF MEETING ACTION ITEMS

Administration to follow up on Dog Park Advisory requests. Administrator thanks Hercek for work on Shared Service Agreement adopted this evening, as well as continued progress on Old Lane Sewer Expansion Project.

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

Contract Negotiations

PBA; White Collar; Blue Collar

Litigation

Personnel

Police Department

Attorney-Client Privilege/Potential Litigation

American Rescue Plan Funds

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

All in favor – Motion carried

Mayor noted we will not be taking action after closed session

Motion by Cook second by Conklin to adjourn

All in favor – Motion carried

ADJOURNMENT at 8:15pm

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Frank W. Cooney, Mayor

Next Regular Meeting: October 26, 2021, 7pm