

**REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE**  
**Meeting Minutes - October 24, 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.

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  
Dawn Sullivan, Esq. Township Attorney  
Stacy Sullivan-Gruca, Township Clerk  
Margaret Shepard, Deputy Clerk

Prayer and Pledge of Allegiance by Committeeman Conklin

*The Mayor reads the following statement on behalf of the Committee and the Police Chief:*

“In light of the recent events going on in the world, the Township Committee affirms the value and dignity of human life. As in past crises, we commend the ability of the Montville Township community to preserve unity in the midst of diversity. We, as a Township, respect the rights, beliefs and safety of all our residents. We join together and support our peaceful co-existence and respect of one another.”

**LETTER OF RECOGNITION**

*The Mayor invites Jack Dang, MD to the front of the room and reads the following letter:*

“The Township of Montville takes great pride in the diverse religious and cultural traditions of our Township residents. The Township wishes to recognize our Hindu community, and Hindus worldwide, as they celebrate their culture, history, traditions, and achievements throughout the United States during the month of October.

Hindu Americans have made numerous positive contributions in all aspects of society, from science to business to politics to spirituality. The Hindu heritage, culture, traditions and values provide their followers invaluable solutions to many of life’s problems and often serve as a source of inspiration, reflection and contemplation for the millions of individuals who look to the teachings

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of Hinduism for guidance. The Montville Township Committee wishes to recognize the many contributions the Hindu community has made to our beloved town.”

**APPROVAL OF MEETING MINUTES**

October 10, 2023 Regular Meeting Minutes  
October 10, 2023 Closed Session Meeting Minutes  
October 20, 2023 Special Meeting Minutes  
October 20, 2023 Closed Session Special Meeting Minutes

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

All in favor – Motion carried

**PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION**

None

**REPORTS**

**Administrator’s Report**

Phase I of the Fuel Improvement Project and the Town Hall Sidewalk Paver Replacement Project have begun

Meadows at Montville Phase I Road Resurfacing Project has begun with milling complete and paving to begin on October 27<sup>th</sup>

**Attorney Report**

RG Realty vs. Montville Twp. reached a tentative settlement subject to formal agreement and court approval. Anticipated settlement: 40 units to remain permanently deed-restricted, affordable units. Per the settlement, these units would create over 100 Affordable Housing credits in the next round of Affordable Housing litigation (the significance of this number of credits is due to the estimated 500 regular market units in a newly constructed development required to generate 100 affordable units). The remaining unit occupants that are not part of the 40 permanently deed-restricted units would be able remain in their units until they no longer qualified for such (based upon income levels).

**Township Committee liaison reports and comments**

**Cooney**

Dog Park Costume Parade reported success of the event with 21 dogs in costume

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**Witty**

VFW planning Veteran's Day event on 11/11 at 11am to be held in the High School Auditorium and holding a dedication on 10/28 at 11am for the Eagle Scout Vietnam Memorial built at the VFW Post 5481 this fall. Reminder of the brick fundraiser being held by the VFW, as well.

Board of Health Rabies Clinic 11/4 from 9am-noon at 86 River Road

Environmental Commission presentation held by one of our recycling providers. Subcommittee created in anticipation of disseminating recycling information to residents

Plead for volunteers for our First Aid and Fire Districts

**Cook**

No report

**Conklin**

HPRC Blue Nail Roofing and Siding to replace the roof at the Van Duyne Cider Mill free of charge as part of their community outreach efforts; Historical Society revival efforts continue

**Kayne**

Library Board discussion of facility improvements

Reports attendance of NJ District 11 Military Service Academy Forum event held at MTHS for prospective candidates

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Semrau recommends that the Township join the consortium of other municipalities across New Jersey to protect the Township's rights with regards to affordable housing development. Due to the time-sensitive nature of joining, the Township Committee would need to authorize Administration to act on their behalf.

Motion by Cooney second by Cook to authorize the Township Administrator to act on behalf of the Township Committee.

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

**ORDINANCE INTRODUCTIONS**

None

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**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 Cook to open public portion

All in favor – Motion Carried

*Public Comments*

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

Unico Craft fair on October 28 & 29 at MTHS, Lazar Fall Play November 2<sup>nd</sup> & 3<sup>rd</sup>, MTHS Fall Play November 16-18, Special Election to be held December 12<sup>th</sup> for Referendum questions. Modrak questions whether the potential RG settlement (mentioned during Attorney report this evening) has any bearing on the schools.

*Attorney confirms that there is no effect on the schools resulting from this proposed settlement*

Jennifer Schneider, Solar Landscape, 60 Chapin Road, Pine Brook

Explains the State’s requirement of local Mayor approval in order to submit a proposal to the State for Community Solar Projects. Applications are time-sensitive, and approval is being requested. *Administration and Construction are aware of the requirement and continue to review requests on behalf of Montville Township.* Schneider leaves flyers that list the municipal benefits for review.

Dan Pagano, 11 Roome Road, Towaco

Expresses major issues with the Barney Lane/Two Bridges Drainage Project which include the construction company hitting a mis-marked gas main, NJ Natural Gas crew being unable to locate the shut-off valve, and a trench dug across the entire road (with no notice given to the homeowners on the road or the Police Department to direct/reroute traffic and no trench plates to allow passage of traffic). These actions created a safety hazard for the residents because no emergency vehicles would be able to access the homes along the street and the inconvenience to the residents could have been avoided if notice was given. Pagano expresses his anger at the way the situation was handled by Township staff. Points blame at the Township Committee as the body who he states, “sets the standard for how the employees treat the residents”. Alleges that the re-appointments of Board and Commission members in 2023, was a violation of the Open Public Meetings Act, as he believes the Committee met in private about the members who expressed interest in reappointment.

*Attorney confirms the power of the Governing Body to appoint Board/Commission members, refers to the term “caucus” as a means of members of the same party to discuss appointments. Semrau to review the process and confirm that the Open Public Meetings Act is complied with.*

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The following two residents spoke up again opposing the Board of Adjustment decision to pass a resolution approving a developer to build 266 age-restricted apartments and townhouses in the River Road/Route 202 area:

Neil Boyle, 228 Main Road, Montville

*First expresses gratitude to the Township Committee for their attention to the affordable housing residents in Rachel Gardens (based upon the Attorney Report this evening).*

Brings case law of a comparable situation in his research of the Township of Dover vs. Board of Adjustment in Dover – that ruled in the favor of the Township finding the Board of Adjustment acted beyond the intended scope of the variance procedure.

*Committeeman Cook confirms knowledge of the case law.*

Boyle is stunned by what he views to be misrepresentations in the Resolution adopted by the Board of Adjustment, based upon his knowledge of the proposed development having been present during the span of meetings regarding this topic. Boyle recounts a conversation with the County Traffic Engineer regarding the site stopping distance – which he states is violated in this development – to which the Engineer claimed this is the “Township’s problem”.

Holly Cox, 1 Dey Court, Towaco

Urges the Township Committee to appeal the Board of Adjustment’s decision. Repeats the recommendation to read Neil Boyle’s testimony, which includes that the development will be 8-10 stories higher than the surrounding homes. Reads several comments made by Board of Adjustment Chair James Marinello from the September 6<sup>th</sup> meeting (recording posted on [www.montvillenj.org](http://www.montvillenj.org) – Agenda Center) that are causes for concern considering the approval was made after such statements were made (i.e. Marinello advises the members that they are able to “grant a change of use” and asks them to reflect whether this is “a re-zoning”).

*Mayor Kayne reads the following statement:*

*“With respect to the Diversified Application and approval of the Board of Adjustment, as promised, the Township Committee is being briefed as to the decision. The Township has also engaged special counsel to offer additional guidance and briefing to the Governing Body. I would expect the Governing Body to discuss this matter and be fully apprised at the November 13, 2023 meeting of the Township.”*

Motion by Cook second by Cooney to close public portion

All in favor – Motion Carried

**RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA18**

**Resolution 2023-330** Resolution accepting resignation from the Board of Health

BE IT RESOLVED, By the Township Committee of Montville that Board of Health member Charles Perry’s resignation is accepted with regret as of October 30, 2023.

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**Resolution 2023-331** Resolution ratifying a sidebar agreement between the Township of Montville and PBA Local 140

WHEREAS, the Township of Montville (“Township”) and PBA Local 140 (“Union”) are signatories to a Collective Negotiations Agreement (“Agreement”) for the period of January 1, 2021 through December 31, 2025; and

WHEREAS, the Township and the Union have negotiated and agreed to a sidebar agreement which is attached hereto as exhibit A; and

WHEREAS, the sidebar has been executed and ratified by the Union allowing for modifications to the Agreement between the parties, specifically regarding outside duty (Article XIV, (IV), B, 9); and

WHEREAS, the Township of Montville is desirous of ratifying the agreed upon sidebar agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris, State of New Jersey that the sidebar agreement regarding step increment movement attached hereto as exhibit A is hereby ratified.

This Resolution will take effect immediately.

**Resolution 2023-332** 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 9 Windsor Drive, block 157, lot 41

WHEREAS, the property owner, Chad Crescibene, has requested a release of the cash site grading and retaining wall bond submitted in connection with work being performed at 9 Windsor Drive, Block 157, Lot 41, 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 October 16, 2023, that the cash site grading and retaining wall bond in the amount of \$15,500.00, 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 \$15,500.00, be released to Chad Crescibene, 9 Windsor Drive, Pine Brook, New Jersey 07058.

This Resolution shall take effect immediately.

**Resolution 2023-333** Resolution authorizing appointment to Board of Health

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

BOARD OF HEALTH:

Sarita Wilson – appoint as member, unexpired term ending 12/31/2023

**Resolution 2023-334** Resolution of the Township of Montville, County of Morris, State of New Jersey approving the annual compensation for the Fire Commissioners of Fire District No. 3 for the year 2024

WHEREAS, pursuant to N.J.S.A. §40A:14-88, compensation of the members of the Board of Fire Commissioners shall be reviewed by the governing body wherein the fire district is located; and

WHEREAS, on October 18, 2023, the Board of Fire Commissioners of Montville Township Fire District No. 3 adopted Resolution 2023-15 authorizing compensation of the Fire Commissioners for the year 2024; and

WHEREAS, said Resolution has been provided to the Mayor and Township Committee of the Township of Montville for review in accordance with the statutes.

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 Mayor and Township Committee have reviewed Resolution 2023-15 setting forth the 2024 compensation for the Fire Commissioners of Fire District No. 3.

2. The Mayor and Township Clerk hereby approve the compensation as set forth in Resolution 2023-15.

This Resolution will take effect immediately.

**Resolution 2023-335** Resolution authorizing the granting of a special permit to the Montville Unico Foundation to allow the consumption of alcoholic beverages (beer and wine) at an event being held at the Montville Senior House

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

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WHEREAS, the Montville Unico Foundation will hold an event on February 4, 2024 at the Montville Senior House and have requested that the Township grant a "special permit" to allow the consumption of alcohol (beer and wine) at this event; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that a "special permit" shall be granted to allow the consumption of alcohol (beer and wine) at the Montville Unico Foundation event to be held at the Montville Senior House on February 4, 2024.

Motion by Cooney second by Witty to adopt consent agenda resolutions, Resolution 2023-330 through Resolution 2023-335

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

**RESOLUTIONS**

Motion by Conklin second by Cooney to adopt Resolution approving the listing of bills and signing of checks for October 24, 2023

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

Resolution 2023-336 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the purchase of up to six (6) new, unused 2023 or newer Ford Police Interceptor Utility and or equivalent to Nielsen Ford of Morristown, Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the purchase of up to six (6) new, unused 2023 or newer Ford Police Interceptor Utility AWD or equivalent; and

WHEREAS, two (2) sealed bids were received and opened on October 13, 2023, in accordance with the bid specifications:



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1) Nielsen Ford of Morristown, Inc.	\$43,358.00 per vehicle
Up to four (4) total cost	\$174,632.00
2) Paramus Ford, Inc. d/b/a	
All American Ford of Paramus	\$48,500.00 per vehicle
Up to six (6) total cost	\$291,000.00

; and

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

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

WHEREAS, the bid received from Nielsen Ford of Morristown, Inc. at a bid price of \$43,358.00 per vehicle has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

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

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

1. The Township Committee hereby awards a contract to Nielsen Ford of Morristown, Inc., 170 Ridgedale Avenue, Morristown, New Jersey 07960, for the purchase of four (4) new, unused 2023 or newer Ford Police Interceptor Utility AWD or equivalent in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$43,358.00 per vehicle for a total of \$174,632.00.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Nielsen Ford of Morristown, Inc. in accordance with its bid for the purchase of four (4) new, unused 2023 or newer Ford Police Interceptor Utility AWD or equivalent.

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

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

5. The accounts to be used for this purchase are as follows:

- Police: 2022-17 SUV's w/Equipment, C-04-56-157-011, \$160,000.00
- Police: Patrol Vehicles, 3-01-25-240-245, \$14,632.00

This Resolution will take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-336

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

**Resolution 2023-337** Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the extension of a contract with Hoff Inc. for 2023/2024 snowplowing services

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for 2022/2023 Snowplowing Services for the Township; and

WHEREAS, one (1) sealed bid was received and opened on October 19, 2022, in accordance with the bid specifications:

Type of Vehicle	Hourly Rate per Vehicle	Number of Vehicles
Mason Dump Truck with Snow Plow	\$330	1
Dump Truck, five (5) yards or larger, single rear axle, with Snow Plow	\$360	3

; and

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WHEREAS, a contract was awarded to Hoff Inc. in accordance with the Local Public Contracts Law by adoption of Resolution 2022-334; and

WHEREAS, the contract between Hoff Inc. and the Township of Montville included the option for renewal of the contract for the same services at the same rates as bid; and

WHEREAS, the Township wishes to exercise this option and extend the contract with Hoff Inc. for the 2023/2024 snowplowing season; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for these services.

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 authorizes the extension of the contract with Hoff Inc., 57 Stiles Lane, Pine Brook, New Jersey 07058, for 2023/2024 Snowplowing Services in accordance with the initial contract.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Hoff Inc. in accordance with its bid and the original contract.

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

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

5. The accounts to be used for these services are as follows:

T-16-56-601-005; Snow Removal/Storm Recovery Trust; not to exceed \$25,000

4-01-26-290-254; Roads – Snow & Ice Removal; not to exceed \$50,000\*\*

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**\*\*based on budget appropriation and subject to availability of funds**

6. While it is impossible to predict the weather, the “not to exceed” amounts are best guesses based on early weather predictions; any excess funds will be canceled and additional funds, if necessary, will be authorized when needed.

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-337

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

**Resolution 2023-338** Resolution authorizing an amendment to the Professional Services Contract with Kleinfelder for the performance of professional engineering services for Montville Township

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township entered into an agreement, authorized by Resolution 2022-356, to perform professional engineering services for construction observation and construction administration services for the ongoing Old Lane Sewer Expansion Project; and

WHEREAS, the Agreement had a not-to-exceed amount of \$45,500 but the Township amended the Professional Services Agreement to increase the not to exceed amount from \$45,500 to \$49,500; and

WHEREAS, the Township and Kleinfelder now wish to amend the agreement for an additional \$4,500 for a total not-to-exceed amount of \$54,000 for additional work required to complete the as-built drawings, prepare the final close out documents for the project, and final payment; and

WHEREAS, funds are available for this purpose; and

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

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the Township of Montville hereby awards and authorizes the Township Clerk to execute an addendum with Kleinfelder for professional engineering services for construction observation and construction administration services for the ongoing Old Lane Sewer Expansion Project for a fee not-to-exceed a total of \$4,500.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the total fee authorized for this contract shall not exceed \$54,000 without the prior written approval of the Township Committee.

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

- ORD 2021-08; SWR Old Lane Sewer Expansion; C-08-55-569-501; not to exceed \$4,500

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2023-338

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

**REVIEW OF MEETING ACTION ITEMS**

Review of the Barney Road/Two Bridges Drainage Project issues and review of the Board/Commissions appointment process for compliance with Open Public Meetings Act

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

**Contract Negotiations**

Gallen property

**Litigation**

Sterling Montville LLC vs. Twp. of Montville, MRS-L-001749-23; Diversified Properties LLC vs. Twp. of Montville, MRS-L-001760-23; PBNJ Capital LLC vs. Twp. of Montville

**Personnel**

**Attorney-Client Privilege/Potential Litigation**

Zoning Board decision on Diversified Properties; Recreation Matter; appointment process

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Motion by Cook second by Cooney 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 Witty second by Cooney to adjourn

All in favor – Motion carried

**ADJOURNMENT** at 9:02pm

Approved:  
Montville Township Committee

\_\_\_\_\_  
Stacy Kostka, Township Clerk

\_\_\_\_\_  
Matthew S. Kayne, Mayor

**ADJOURNMENT**

Next Regular Meeting: (Monday) November 13, 2023 at 7pm