

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - January 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.

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.

Roll Call Township Committee

Present: June Witty, Committeewoman
Rich Cook, Committeeman
Richard D. Conklin, Committeeman
Matthew S. Kayne, Chairman

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

Absent: Frank W. Cooney, Deputy Mayor

Prayer and Pledge of Allegiance by Committeeman Cook

APPROVAL OF MEETING MINUTES

January 3, 2023 Sine Die Meeting Minutes
January 3, 2023 Reorganization Meeting Minutes
January 7, 2023 Budget Workshop Meeting Minutes

Motion by Witty second by Cook to adopt above listed minutes

All in favor – Motion carried

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PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

None

REPORTS

Administrator's Report

2023 Capital Budget Requests (not yet discussed in prior budget meetings)

Administration

IT Infrastructure Improvements (hardware/software) - \$25,000

Security Cameras - \$100,000 (\$50,000 Open Space / \$50,000 General Capital)

Audio System Replacement - \$ 45,000

Administration explains that we are not asking for Governing Body approval at this time. Budget planning will continue into 2023. This is the time for the Governing Body to ask questions and express firm disapprovals of proposed projects.

Attorney Report

Anticipated confirmations of land acquisitions at next regular meeting (February 14, 2023)

Anticipated conclusions of old/outstanding tax appeals

Township Committee liaison reports and comments

Witty

Environmental Commission plan to partner with the MTHS Earth Club and plant seedlings with 3rd graders for Arbor Day

Rockaway River Watershed Cabinet potentially partnering with Environmental Commission to work with youth concerning water quality through sampling and researching

Open Space plan to GPS new trails and blaze trails. Request for trail maps to be updated on the Open Space webpage

Montville Twp. Women's Club blood drive to be held January 30, 2023 at the Senior House

Conklin

HPRC reminder of structures that need attention / signage at Camp Dawson for the Young's Family follow-up

9/11 Monument Donation reminder of the funds being raised to purchase a 9/11 Monument / request for TapInto Montville to mention online, if possible to assist

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Cook

Board of Adjustment meeting February 1, 2023

Recreation mention of improvements of fencing at Municipal Fields and Community Center, as well as the installation of a rebound wall at Camp Dawson

Kayne

Planning Board discussion of the Route 46 East Redevelopment Plan

Wishes to all who celebrate, a Happy Lunar New Year

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

Ordinance 2023-01 Ordinance of the Township of Montville, County of Morris, State of New Jersey, adopting the enforcement of Title 39 entitled “Motor Vehicles and Traffic Regulations” on the property designated as block 162, lot 7 and otherwise known as 16 Route 46 West in the Township of Montville

Motion by Conklin second by Cook to introduce Ordinance 2023-01

All in Favor - Motion Carried

Clerk set public hearing date February 14, 2023

Ordinance 2023-02 Ordinance of the Township of Montville, Morris County, New Jersey, authorizing a capital expenditure from the Open Space Dedicated Trust Fund in the amount of \$185,000

Motion by Cook second by Witty to introduce Ordinance 2023-02

All in Favor - Motion Carried

Clerk set public hearing date February 14, 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

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Motion by Cook second by Conklin to open public portion

All in favor – Motion Carried

Public Comments

Pat Gamsby, 102 Hook Mountain Road, Montville – Chairperson of HPRC

Request to the Township to enforce the Demolition by Neglect Ordinance and stabilize certain historic structures within the Township (Van Duyn Cider Mill and 107 Changebridge Road). Advised of training for the HPRC on March 18, 2023, for anyone interested in joining.

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

Expressed the Board’s concerns of anticipation of incoming students from new developments within the Township / advised that the Board has eliminated entrance fees for all High School sports, with the exception of football

Marie Tripaldi, 4 Fox Road, Montville – Member of Moms Demand Action

Expresses concerns over increased gun violence in the United States, and was disturbed to find out about a robbery at the FSS Armory Store in the Township. Inquires who regulates the security at an armory store and questions whether fines will be issued for negligence of securing the building properly. Attorney and Administration advises Marie to follow up with Chief Caggiano with any questions and concerns.

Motion by Cook second by Conklin to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA02

Resolution 2023-22 Resolution authorizing the issuance of a Tourist Accommodation License for the year 2023

WHEREAS, Knights Inn, 55 Route 46 East, Pine Brook, New Jersey, (Block 183, Lot 4), has submitted an application and appropriate fees for a Montville Township Tourist Accommodation License for the year 2023; and

WHEREAS, pursuant to Revised General Ordinance Chapter 353, the Application has been reviewed and the Township Committee finds that the requirements for a Tourist Accommodation License Application for the year 2023 have been met.

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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 a Tourist Accommodation License for the year 2023 shall be issued to Knights Inn, 55 Route 46 East, Pine Brook, New Jersey, (Block 183, Lot 4).

Resolution 2023-46 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, accepting a safety and stabilization bond from Sterling Montville, LLC for work to be completed at Main Road (U.S. 202), block 56, lots 6.02, 12, 12.01 and 13

WHEREAS, Sterling Montville, LLC, the owner and developer of property known as Block 56, Lots 6.02, 12, 12.01 and Main Road (U.S. 202), is required to submit a safety and stabilization bond to the Township of Montville for the project as detailed on the engineer's cost estimate in the amount of \$5,000.00; and

WHEREAS, Sterling Montville, LLC has submitted bond number FP0025869 in the amount of \$5,000.00 representing the safety and stabilization bond for the project; and

WHEREAS, the Township Engineer, Township Land Use Department and Township Attorney have reviewed the bond submitted and have recommended its acceptance.

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 bond stated above submitted by Sterling Montville, LLC is hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to Sterling Montville, LLC.

This Resolution shall take effect immediately.

Resolution 2023-47 Resolution accepting resignation from the DAC/Municipal Alliance

BE IT RESOLVED, By the Township Committee of Montville that DAC/Municipal Alliance member Marcella Gencarelli's resignation is accepted with regret as of January 6, 2023.

Resolution 2023-48 Resolution to rescind liquor license renewal

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WHEREAS, Resolution #2022-193A which was adopted at the June 28, 2022 Regular Meeting of the Township Committee renewed liquor license #1421-44-018-002; and

WHEREAS, the liquor license holder must apply for a new 12.39 Ruling from the State of New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Township was not previously aware the 12.39 Ruling was required for this liquor license renewal until recently being notified by the New Jersey Division of Alcoholic Beverage Control;

NOW THEREFORE BE IT RESOLVED, the Township of Montville hereby rescinds the portion of Resolution #2022-193A which specifically pertains to renewal of liquor license #1421-44-018-002 Wine Outlet North Jersey, LLC.

Resolution 2023-49 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

WHEREAS, the Montville Unico Foundation will hold an event on March 5, 2023 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 March 5, 2023.

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Resolution 2023-50 Resolution approving a block party on Tristam Place – July 8, 2023

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Saturday, July 8, 2023 (rain date on July 9, 2023), on Tristam Place 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 Tristam Place, Montville, to be held on Saturday, July 8, 2023 (rain date on July 9, 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 2023-51 Resolution authorizing appointments to various boards

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

DESIGN REVIEW COMMITTEE:

Cheryl Cavanaugh – reappoint as member, one year term

DAC/MUNICIPAL ALLIANCE

Evan Zuckerman – appoint as member, unexpired term ending 12/31/2025

DOG PARK ADVISORY COMMITTEE

Mary Beth Greene – appoint as member, one year term

HISTORIC PRESERVATION REVIEW COMMISSION

Steven Bennett – appoint as member, 4 year term

RECREATION COMMISSION:

Matthew Koenig – appoint as Alternate #2, unexpired term ending 1/1/2024

Resolution 2023-52 Resolution approving request from Tax Collector for cancellation of tax overpayments or delinquent amounts less than \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or delinquent amounts in the amounts of less than \$10.00; and,

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WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax overpayments or delinquencies of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Montville, County of Morris, State of New Jersey, hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of the Resolution is forwarded to the Tax Collector, the Chief Financial Officer and the Municipal Auditor.

Resolution 2023-53 Resolution approving request from Tax Collector for refund of overpayment

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

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:

PHH MORTGAGE SERVICES

Block 110 Lot 5.1	800 Rt 202	2023, 1 st & 2 nd Qtr	\$1,995.96
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Resolution 2023-54 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

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authorized to draw checks in the amount of overpayment to:

The Freedom Group LP	2019 Tax Appeal	\$ 6,629.64
2 Changebridge Rd	2020 Tax Appeal	\$ 6,564.88
Block 44 Lot 1	2021 Tax Appeal	\$ 7,922.26
	2022 Tax Appeal	<u>\$ 11,058.82</u>
	TOTAL REFUND	\$ 32,175.60

RCS – Montville, LLC	2018 Tax Appeal	\$ 69,822.12
342 Changebridge Rd	2019 Tax Appeal	\$ 70,489.58
Block 159 Lot 5.2	2020 Tax Appeal	\$ 84,097.44
	2021 Tax Appeal	\$ 85,900.50
	2022 Tax Appeal	<u>\$ 99,891.20</u>
	TOTAL REFUND	\$410,200.84

Ikhelson, Aleksey & Irina		
14A Forest Place		
Block 109 Lot 3.2	2019 Tax Appeal	<u>\$ 1,965.86</u>
	TOTAL REFUND	\$ 1,965.86

Resolution 2023-55 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 3 Lot 47.4, 18 Masar Rd	
Lien Redemption Certificate #22-00001	\$ 2,663.69
Premium Money	<u>\$ 3,000.00</u>
Total Payment	\$ 5,663.69

To: WSFS AS CUST LVTLOPS/FIRSTTRUST

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Block 39 Lot 22.2, 16 Waughaw Rd

Lien Redemption Certificate #22-00008	\$ 502.05
Premium Money	<u>\$ 2,300.00</u>
Total Payment	\$ 2,802.05

To: WSFS AS CUST LVTLOPS/FIRSTRUST

Block 39.10 Lot 64, 510 Rt 202

Lien Redemption Certificate #22-00015	\$ 8,178.91
Premium Money	<u>\$27,500.00</u>
Total Payment	\$35,678.91

To: CHRISTIANA T C/F CE1 FIRSTRUST

Block 39.10 Lot 65, 504 Rt 202

Lien Redemption Certificate #22-00016	\$ 344.38
Premium Money	<u>\$ 500.00</u>
Total Payment	\$ 844.38

To: PRO CAP 8 FBO FIRSTRUST BANK

Block 104 Lot 1, 8 Barney Road

Lien Redemption Certificate #22-00033	\$ 48.38
Premium Money	<u>\$ 2,100.00</u>
Total Payment	\$ 2,148.68

To: PRO CAP 8 FBO FIRSTRUST BANK

Block 122 Lot 12, 190 Pine Brook Rd

Lien Redemption Certificate #22-00036	\$17,711.61
Premium Money	<u>\$65,000.00</u>
Total Payment	\$82,711.61

To: CHRISTIANA T C/F CE1/FIRSTRUST

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Block 124.10 Lot 8.07, 136 Changebridge Unit H7

Lien Redemption Certificate #22-00041	\$ 6,025.03
Premium Money	<u>\$ 8,000.00</u>
Total Payment	\$14,025.03

To: Ridgeback Ventures LLC

Block 159 Lot 22, 22 Windsor Dr

Lien Redemption Certificate #22-00047	\$ 285.43
Premium Money	<u>\$ 2,000.00</u>
Total Payment	\$ 2,285.43

To: WSFS AS CUST LVTLOPS/FIRSTTRUST

[Resolution 2023-56](#) Resolution of the Township of Montville, in the County of Morris, State of New Jersey authorizing the Township to go out to bid for the Bloomfield Avenue Sidewalk Project

WHEREAS, the Township of Montville received a 2021 Community Development Block Grant from Morris County and we wish to move forward with the project;

WHEREAS, this project 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 is hereby authorized to move forward with going out to bid for the Bloomfield Avenue Sidewalk Project.

This Resolution shall take effect immediately.

[Resolution 2023-57](#) Resolution approving request from Tax Collector for cancellation of taxes

RESOLUTION APPROVING REQUEST FROM TAX COLLECTOR FOR CANCELLATION OF TAXES.

WHEREAS, property taxes for 2023 are to be cancelled due to a classification of a fully exempt (15F) pilot property,

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NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Montville be authorized to cancel taxes on the following property:

Block 167 Lot 34

85 Bloomfield Ave	1 st Qtr 2023	\$15,967.39
Montville Urban Renewal LLC	2 nd Qtr 2023	\$15,967.36

Resolution 2023-58 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening permit bond received for work performed at 20A Passaic Valley Road, block 82.5, lot 70.01

WHEREAS, the developer, Hoff, Inc., has requested a release of the cash road opening permit bond submitted in connection with work being performed at 20A Passaic Valley Road, Block 82.05, Lot 70.01, 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 January 19, 2023, that the cash bond held in connection with this project, which is in the amount of \$750.00, be released:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash road opening permit bond held in connection with this project, which is in the amount of \$750.00, be released to Hoff, Inc., PO Box 695, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

Resolution 2023-59 Resolution authorizing liquor license renewal – Wine Outlet North Jersey, LLC

WHEREAS, Resolution #2023-48, which was adopted on January 24, 2023, at a Regular Meeting of the Township Committee rescinded the renewal of liquor license #1421-44-018-002, licensee Wine Outlet North Jersey, LLC,. due to the State of New Jersey Division of Alcoholic Beverage Control's ("ABC") requirement that the licensee submit an application for a Special Ruling pursuant to N.J.S.A. 33:1-12.39 due to the license having become inactive; and

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WHEREAS, the liquor license holder submitted the application for a 12.39 Special Ruling approving the from the ABC; and

WHEREAS, the ABC issued a Special Ruling authorizing the renewal of liquor license #1421-44-018-002;

NOW THEREFORE BE IT RESOLVED, the Township Committee of the Township of Montville, County of Morris and State of New Jersey hereby authorizes the renewal of liquor license #1421-44-018-002, licensee Wine Outlet North Jersey, LLC, for the license term 2022-2023.

Resolution 2023-60 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 44 Stiles Lane, block 149.04, lot 4.01

WHEREAS, the contractor, East Coast Electric, Inc., Inc., has requested a release of the cash bond submitted in connection with work being performed at 44 Stiles Lane, Block 149.04, Lot 4.01, 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 January 19, 2023, that the cash bond held in connection with this project, which is in the amount of \$12,094.72, 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 \$12,094.72, be released to Onofrio Dirienzo, East Coast Electric, Inc., PO Box 11195, Fairfield, New Jersey 07004.

This Resolution shall take effect immediately.

Resolution 2023-61 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the publication of bid specifications for water meter installation services

WHEREAS, the Township of Montville has a need for water meter installation services; and

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WHEREAS, it is necessary for the Township to publish bid specifications for these services.

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 water meter installation services.

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt consent agenda resolutions, [Resolution 2023-22](#) and [Resolution 2023-46](#) through [Resolution 2023-61](#)

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

RESOLUTIONS

Motion by Cook second by Witty to adopt [Resolution](#) approving the listing of bills and signing of checks for January 24, 2023

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

[Resolution 2023-62](#) Resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing a Developer’s Agreement between the Township of Montville and PBNJ Capital, LLC

WHEREAS, PBNJ Capital, LLC obtained conditional preliminary and final major site plan approval with attendant variances, waivers, exceptions and soil movement permission, for property known as 16 Route 46 West, Block 162, Lot 7, which approvals were memorialized by Resolution of the Township of Montville Planning Board and incorporated into the Developer’s Agreement by reference; and

WHEREAS, PBNJ Capital, LLC is proceeding with such approvals in accordance with the applicable ordinances, rules and regulations of the Township and its agencies; and

WHEREAS, PBNJ Capital, LLC and the Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the approvals received; and

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WHEREAS, the Township and PBNJ CAPITAL, LLC have negotiated an acceptable Developer's Agreement.

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 Mayor and Township Clerk are hereby authorized and directed to execute the attached Developer's Agreement between the Township of Montville and PBNJ Capital, LLC.

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

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

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-62

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

Resolution 2023-63 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, amending Resolution 2022-396 to correct the summer camp late registration fee

WHEREAS, on December 6, 2022, Resolution 2022-396 was adopted by the Township Committee to amend the Recreation Department fees; and

WHEREAS, Exhibit B to Resolution 2022-396 contained an itemized list of said fees; and

WHEREAS, the Township Recreation Program Director determined that there was an error on Exhibit B with regard to the Summer Camp Late Registration Fee; and

WHEREAS, the Summer Camp late Registration Fee should be \$50.00 as was advertised, charged and collected for the program.

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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 Recreation Program Fee Schedule is hereby amended to correct the Summer Camp Late Registration Fee to \$50.00.

This Resolution shall take effect immediately.

Motion by Conklin second by Cook to adopt Resolution 2023-63

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

Resolution 2023-64 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing an addendum to the June 2022 contract with John Garcia Construction Co., Inc. for construction, maintenance and/or repair services for Township-owned water and sewer facilities

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for construction, maintenance and/or repair services for Township owned water and sewer facilities; and

WHEREAS, two (2) sealed bid was received and opened on May 25, 2022, in accordance with the bid specifications:

Company	Base Rate	Overtime Rate	Sunday/Holiday Rate
Shauger Property Services, Inc.	\$825.00	\$1,150.00	\$1,225.00
John Garcia Construction Co., Inc.	\$870.00	\$1,025.00	\$1,050.00

NOTE: rates are for a crew of four (4) personnel (laborers, truck drivers and/or equipment operators), one (1) dump truck, and one (1) excavator / backhoe.

; and

WHEREAS, the apparent lowest bid received from Shauger Property Services, Inc. was found to be out of compliance with the statutory statement of corporate ownership requirement; therefore, Shauger Property Services, Inc. was not a responsible, qualified bidder; and

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WHEREAS, the Township and John Garcia Construction Co., Inc. entered into an Agreement dated June 2022 to perform such services; and

WHEREAS, the Township wishes to amend the award to include 2023 services through June 30, 2023.

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 John Garcia Construction Co, Inc. for construction, maintenance and/or repair services for Township owned water and sewer facilities for a fee not-to-exceed a total of \$40,000.

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

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

Water Operating, Service Contracts 3-05-55-500-209, not to exceed \$30,000

Sewer Operating, Service Contracts 3-07-55-500-209, not to exceed \$10,000

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-64

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

Resolution 2023-65 Resolution of the Township of Montville, County of Morris, State of New Jersey, accepting public improvements completed as part of the Old Lane Sewer Expansion Project

WHEREAS, pursuant to construction agreement signed by PM Construction through Resolution 2021-88, the Township of Montville authorized the Old Lane Sewer Extension Project which was an expansion of the sewer infrastructure along Old Lane and Abbott Road; and

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WHEREAS, this project constitutes 96 new connections; and

WHEREAS, construction completion and required testing have been certified as complete by the engineer of record for an additional 25 of the 96 connections; and

WHEREAS, the Township's Water and Sewer Director recommends this acceptance of these 25 connections; and

WHEREAS, the Township Committee must accept these improvements as part of the Township's sewer system; and

WHEREAS, there will be future requests for acceptance as the remaining connections are certified by the engineer of record; and

WHEREAS, in accordance with the Township Code, §300-5, the properties which will be connecting to the sanitary sewer system through this extension must connect within 180 days of being notified of completion; and

WHEREAS, the supervising engineer and the Director of the Township Water and Sewer Department have inspected the project, deemed the work to be complete and recommended that the impacted property owners be notified of the connection requirement.

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 accepts the improvements made as part of the Old Lane Sewer Expansion Project.
2. The work performed for these 25 connections has been completed.
3. As listed below, the impacted property owners are required to connect to the Township's sanitary sewer system within 180 days of notification of same.
4. The Township Health Officer is hereby directed to notify the following property owners of the project's completion and connection requirement:

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- a. Old Lane Extension including manholes MH 1 through MH 9, serving house numbers 1, 2, 3, 4, 6, 8, 9, 11, 12, 15 and house number 48 on Abbott Road.
- b. Abbott Road, including MH 7 through MH 32, serving house numbers 34, 35, 36, 37, 38, 39, 40, 42, 44, 45, 46, 47, and house number 19 on Stafford Place.
- c. Phillips Manor, including MH 16 through MH 20, serving house number 12.

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2023-65

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

Resolution 2023-66 Resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the expenditure of funds from the Affordable Housing Trust Fund related to the administration of the Affordable Housing Program

WHEREAS, The Township of Montville prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*), the Fair Housing Act (FHA) (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:91-1 *et seq.* and N.J.A.C. 5:93-1 *et seq.*); and

WHEREAS, the Township of Montville's Affordable Housing Trust Fund was established on September 17, 2008; and

WHEREAS, in accordance with the terms of the Fair Share Housing Center Settlement Agreement and the April 4, 2019 Order of the New Jersey Superior Court, in accordance with N.J.A.C. 5:93-8.16 the Township was required to prepare and adopt an Affordable Housing Trust Fund Spending Plan; and

WHEREAS, the Township Planner prepared an Affordable Housing Trust Fund Spending Plan dated July 22, 2019; and

WHEREAS, the Montville Township Affordable Housing Trust Fund Spending Plan was adopted by resolution of the Township Committee on August 13, 2019; and

WHEREAS, the Planning Board adopted a resolution recommending the expenditure of development fee revenues as set forth in this spending plan; and

WHEREAS, the Township Committee has reviewed the recommendation of the expenditures as follows:

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Projects/Programs	1/1-12/31 2023
Rehabilitation	\$52,500
Signature - Special Needs	\$21,333
Extension of Controls (Subsidies)	\$0
Extension of Controls (Repairs and Upgrades)	\$0
Affordability Assistance	\$12,000
Administration	<u>\$5,000</u>
Total	\$90,833

Township found the above consistent with the plan; and

WHEREAS, the Committee has expenditures to be adopted spending

WHEREAS, the Township Committee approves the release of funds itemized above in accordance with the spending plan; and

WHEREAS, the Chief Financial Officer has certified that the above funds are available in the Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, that it authorizes the distribution of 2023 development fee revenues as set forth in the Affordable Housing Trust Fund Spending Plan, including the carryover of 2022 funds not previously distributed as itemized above. Payments to be distributed from the Trust Fund will consist of but are not limited to Rehabilitation; Signature Care Homes Special Needs Housing; Extension of Controls; Affordability Assistance; and Administrative Expenses in accordance with the spending plan expenditure schedule.

Motion by Cook second by Conklin to adopt Resolution 2023-66

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

Resolution 2023-67 Resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing a Developer’s Agreement between the Township of Montville and Sterling Montville, LLC

WHEREAS, Sterling Montville, LLC obtained conditional preliminary and final major site plan approval with attendant variances, waivers/exceptions and soil movement permission, for property known as 128 Main Road, 142-142A Main Road and 150 Main Road, Block 56, Lots

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6.02, 12, 12.01 and 13, which approvals were memorialized by Resolution of the Township of Montville Planning Board and incorporated into the Developer's Agreement by reference; and

WHEREAS, Sterling Montville, LLC is proceeding with such approvals in accordance with the applicable ordinances, rules and regulations of the Township and its agencies; and

WHEREAS, Sterling Montville, LLC and the Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the approvals received; and

WHEREAS, the Township and Sterling Montville, LLC have negotiated an acceptable Developer's Agreement.

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 Mayor and Township Clerk are hereby authorized and directed to execute the attached Developer's Agreement between the Township of Montville and Sterling Montville, LLC.
2. A copy of this resolution shall be provided to the Township Planning Department and Sterling Montville, LLC, for their information and guidance.
3. A copy of the Developer's Agreement shall remain on file in the Township Clerk's office and available for public inspection.

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2023-67

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

Resolution 2023-68 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 Community Grants, Planning & Housing, LLC to administer the Affordable Housing Rehabilitation Program for Montville Township

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WHEREAS, there exists a need to retain an Administrator for the Affordable Housing Rehabilitation Program for the Township of Montville; and

WHEREAS, the Township wishes to retain Community Grants, Planning & Housing, LLC (“CGP&H”) to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$46,500; 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 Community Grants, Planning & Housing, LLC (“CGP&H”) 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. CGP&H shall administer the Township’s Affordable Housing Rehabilitation Program as set forth in its proposal of January 1, 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 Community Grants, Planning & Housing, LLC, 1249 South River Road, Suite 301, Cranbury, New Jersey 08512, for their information and guidance.

Section 5. Funds for this agreement are available through the following accounts:

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T-16-56-608-800 AH Trust Township Contribution – Budget
\$46,500

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-68

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

Resolution 2023-69 Resolution of the Township of Montville, County of Morris, and State of New Jersey authorizing the purchase of security cameras and related equipment for outdoor Township facilities, under the New Jersey Cooperative Purchasing Alliance, Bergen County bid #22-24

WHEREAS, the Montville Township Administration Department wishes to purchase security cameras and related equipment for installation at outdoor Township facilities; and

WHEREAS, SHI, 290 Davidson Avenue Somerset, NJ 08873, has a valid Contract through the New Jersey Cooperative Purchasing Alliance, Contract #CK04, Bergen County Bid #22-24, for Computer Equipment and Peripherals; and

WHEREAS, the Township’s Assistant Administrator 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 purchase.

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:

- Security cameras and related hardware, software, cabling, installation, and programming for a total cost of \$67,098.15, as per SHI quote #22915225 of 1/3/2023.

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

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

ORD. #2022-13 ADMIN - SECURITY CAMERAS-OPEN SPACE C-04-56-155-001 (\$67,098.15)

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 Witty second by Cook to adopt Resolution 2023-69

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

REVIEW OF MEETING ACTION ITEMS

Administration to follow up on Young's Family signage and to be sure the Chief follows up with Marie Tripaldi (public portion)

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

Contract Negotiations

None

Litigation

12 Route 46 LLC vs. Montville Twp.; Monarch vs. Montville Twp.; JMC Investments vs. Montville Twp.

Personnel

Water/Sewer Department

Attorney-Client Privilege/Potential Litigation

Block 82.5, Lot 86; 31-33 Abbott Road; Telecommunication Facility Request; Township facilities; Firearms Law; Historic Site Repairs

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

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All in favor – Motion carried

Mayor notes no action will be taken after closed session

Motion by Conklin second by Witty to adjourn

All in favor – Motion carried

ADJOURNMENT at 9:14pm

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Matthew S. Kayne, Mayor

Next Regular Meeting: February 14, 2023 at 7pm