

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 14, 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: 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
Nicholas Breiner, Assistant Administrator
Dawn Sullivan, Esq., Township Attorney
Stacy Sullivan-Gruca, Township Clerk
Margaret Shepard, Deputy Clerk

Prayer and Pledge of Allegiance by Deputy Mayor Cooney

APPROVAL OF MEETING MINUTES

January 24, 2023 Regular Meeting Minutes
January 24, 2023 Closed Session Meeting Minutes

Motion by Witty second by Conklin to approve the above listed minutes

All in favor – Motion carried

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PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

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 Cook second by Witty to open public hearing on Ordinance 2023-01

All in Favor - Motion Carried

No Public Comments

Motion by Conklin second by Cook to close public hearing on Ordinance 2023-01

All in Favor - Motion Carried

Motion by Cook second by Cooney to adopt Ordinance 2023-01

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

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 Cooney second by Cook to open public hearing on Ordinance 2023-02

All in Favor - Motion Carried

No Public Comments

Motion by Conklin second by Cook to close public hearing on Ordinance 2023-02

All in Favor - Motion Carried

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

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

REPORTS

Administrator’s Report

Old Lane Sewer Expansion Project nearly complete. Milling and paving trenches anticipated to start in April 2023. Road restoration scheduled for 2024.

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Attorney Report

None

Township Committee liaison reports and comments

Cook

Board of Adjustment meet 2/16/2023 to discuss Monarch Communities 205/207 Changebridge Road

Conklin

No report

Witty

Housing Committee reviewed Annual Housing report

Congratulations to VFW Post 5481 Commander, Ken Hanzl, on being voted Citizen of the Year
Fire District Elections Saturday, February 18, 2023

Kayne

Reported Mayoral speaking events for various groups

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

Ordinance 2023-03 Ordinance of the Township of Montville, Morris County, New Jersey, authorizing the amount of \$100,000 be appropriated and disbursed from the Open Space Dedicated Trust Fund for appraisals, surveys, titles, preliminary assessment reports, deeds, environmental studies, professional services and other due diligence on Open Space Properties

Motion by Cook second by Conklin to introduce Ordinance 2023-03

All in Favor - Motion Carried

Clerk set public hearing date February 28, 2023

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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 Cook second by Cooney to open public portion

All in favor – Motion Carried

Public Comments

Tom Mazzaccaro, 4 Moore Road, Montville (accompanied by Ken Hanzl, 8 Moore Road, Montville)

9/11 Freedom Plaza Memorial, updated status of donation requests and contributions. Request to order the memorial by March 1, 2023 to allow ample time for receipt and installation before the 2023 event.

Administration to continue to deposit donations and advise at meeting on February 28, 2023 the status of the trust fund balance for the monument. Mazzaccaro offers to donate the balance of the money needed for the purchase to ensure ordering by March 1, 2023.

Request for signage at Open Space properties within the Township to make known that the Open Space properties are preserved and protected by the Township.

Request to revive the Barn Theater ticket lottery that had been held in earlier years to benefit the selected community organization with tickets to a free show at the theater.

Motion by Cooney second by Cook to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA03

Resolution 2023-70 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash safety and stabilization bonds received for work performed at 29 Route 46, block 183, lots 8 and 9

WHEREAS, the developer, 29-46 East, LLC, has requested a release of the cash safety and stabilization bonds submitted in connection with work being performed at 29 Route 46, Block 183, Lots 8 and 9, 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 27, 2023, that the cash bonds held in connection with this project, which are in the amounts of \$21,363.03 for Phase I and \$10,569.85 for Phase II, be released:

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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 safety and stabilization bonds held in connection with this project, which are in the amounts of \$21,363.03 for Phase I and \$10,569.85 for Phase II, be released to 29-46 East, LLC, c/o Artigiano, LLC, 29 US Highway 46, Pine Brook, New Jersey 07058-9607.

This Resolution shall take effect immediately.

Resolution 2023-71 Resolution authorizing the lease of the Senior House to Morris County for use as a Nutrition Project Site for year 2023

WHEREAS, the Local Lands and Building Law N.J.S.A. 40A:12-14(b) et seq., authorizes the lease by municipality of any real property not needed for public use to a public body; and

WHEREAS, the Morris County Board of Chosen Freeholders has requested the use of the Senior House owned by the Township of Montville for the purposes of the Human Services Department Nutrition Project for site operations; and

WHEREAS, the Township Committee has determined that a public purpose will be served by the use of the Senior House by the Nutrition Project site operations; and

WHEREAS, the Township Committee has determined that numerous citizens of the Township of Montville and neighboring municipalities will be benefited by services proposed by the Nutrition Project site operations.

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 Township officials are hereby authorized to execute the lease attached hereto for the Senior House to the Morris County Board of Chosen Freeholders.

This Resolution shall take effect immediately.

Resolution 2023-72 Resolution appointing Vanessa Freire as Deputy Registrar for the Township of Montville

BE IT RESOLVED, that the Governing Body of the Township of Montville, County of Morris, State of New Jersey, does hereby authorize the appointment of:

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Vanessa Freire (Certified Municipal Registrar # 5130) to the position of Deputy Registrar for the Township of Montville effective January 1, 2023.

Susan Lieberman (Certified Municipal Registrar # 5519) to the position of Alternate Deputy Registrar for the Township of Montville effective February 14, 2023.

WHEREAS, there is no additional salary compensation for these positions.

I, Stacy Sullivan-Gruca, Township Clerk of the Township of Montville, in the County of Morris, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Montville on February 14, 2023.

Resolution 2023-73 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing rejection of the one bid received for utility markout services

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, on rebid the Township received sealed competitive bids for the provision of utility markout services; and

WHEREAS, one (1) sealed bid was received and opened on January 26, 2023, in accordance with the bid specifications:

1) USIC Locating Services, LLC	\$63,360.00
With additional fees included	

; and

WHEREAS, said bid has been duly reviewed and analyzed by the Montville Township Attorney and Township Administration; and

WHEREAS, the bid submitted by USIC Locating Services was found to be incomplete and not responsive or in compliance with the bid specifications as written; and

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WHEREAS, the Local Public Contracts Law authorizes a municipality to reject all bids;
and

WHEREAS, Township Administration has recommended rejection of the bid and, pursuant to N.J.S.A. 40A11-5(3)(b), engage in efforts to negotiate a satisfactory contract to perform the requested 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 as follows:

1. The Township Committee hereby rejects the bid received from USIC Locating Services, LLC for the provision of utility markout services as not being in compliance with the bid specifications.

2. The Township Administrator is hereby authorized and directed, pursuant to N.J.S.A. 40A11-5(3)(b), to engage in efforts to negotiate a satisfactory contract to perform the requested services.

This Resolution will take effect immediately.

[Resolution 2023-74](#) Resolution of the Township of Montville, County of Morris and State of New Jersey to re-bid or procure through other means acceptable under the Local Public Contracts Law, the purchase of a new, unused 2022 or newer full-size pick-up truck with extended cab, one (1) ton V-8, automatic transmission, 4-wheel drive gasoline engine, single rear wheel or equivalent

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township duly advertised and received no competitive bids on January 26, 2023 for the purchase of a new and unused, 2022 or newer full-size pick-up truck with extended cab, one (1) ton V-8, automatic transmission, 4-wheel drive gasoline engine, single rear wheel or equivalent; and

WHEREAS, the Mayor and Township Committee find and declare that there is a need for this procurement; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to re-bid a project or procurement if no competitive bids are received; and

WHEREAS, the Mayor and Township Committee have determined that the project should be re-bid or procured through other means acceptable under the Local Public Contracts Law.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, in the County of Morris that no competitive bids were received for this procurement and that the project should be re-bid or procured through other means acceptable under the Local Public Contracts Law.

This Resolution shall take effect immediately.

Resolution 2023-75 Resolution approving request from the Tax Collector for cancellation of taxes and refund of overpayment

WHEREAS, property taxes for the year of 2023 are to be cancelled due to a 100% disabled veteran exemption effective January 17, 2023 (Filing Date);

AND, WHEREAS, a portion of these property taxes have been paid creating an overpayment of tax;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Montville be authorized to cancel taxes for the following and that the Treasurer of the Township of Montville be authorized to draw a check in the amount of overpayment to:

Wilson, Kristian R

22 Diann Dr

Block 20.1 Lot 17

Cancel	74 days of 1 st Qtr 2023	\$2,810.79
	2 nd Qtr 2023	\$3,418.53
Refund Only:	74 days of 1 st Qtr 2023	\$2,810.79
	TOTAL REFUND	\$2,810.79

Resolution 2023-76 Resolution authorizing the processing of certain tax sale certificate redemptions

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

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Block 76.01 Lot 26.04, 52 Genoble Rd

Lien Redemption Certificate #22-00028	\$ 1,542.91
Premium Money	<u>\$ 1,700.00</u>
Total Payment	\$ 3,242.91

To: PRO CAP 8 FBO FIRSTRUST BANK

Block 76.01 Lot 28.03, 18 Springbrook Rd East

Lien Redemption Certificate #22-00029	\$ 1,308.49
Premium Money	<u>\$ 3,500.00</u>
Total Payment	\$ 4,808.49

To: RIDGEBACK VENTURES LLC

Block 82.1 Lot 1, 47 Mary Dr

Lien Redemption Certificate #22-00030	\$ 2,461.96
Premium Money	<u>\$ 2,900.00</u>
Total Payment	\$ 5,361.96

To: PRO CAP 8 FBO FIRSTRUST BANK

Block 149 Lot 9, 25 Walnut Dr

Lien Redemption Certificate #22-00044	\$ 4,316.24
Premium Money	<u>\$ 3,100.00</u>
Total Payment	\$ 7,416.24

To: RIDGEBACK VENTURES LLC

[Resolution 2023-77](#) Resolution approving request from Tax Collector for refund of overpayment

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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:

CORELOGIC

Block 82.7 Lot 63 Qualifier C0228	18 Hixson Ct	2023, 1 st Qtr.	\$3,155.38
Block 149 Lot 9	25 Walnut Dr	2023, 1 st Qtr.	<u>\$2,504.33</u>
TOTAL REFUND			\$5,659.71

[Resolution 2023-78](#) Resolution approving Fourth of July events June 28, 2023 through June 30, 2023 – and fireworks on June 30, 2023 (with a rain date of July 1, 2023)

WHEREAS, the Township Committee has been requested to approve Fourth of July events to be held in the Township on June 28, 2023 through June 30, 2023 and fireworks on June 30, 2023 with a rain date of July 1, 2023; 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 Township Committee hereby authorizes and approves Fourth of July events to be held in the Township on June 28, 2023 through June 30, 2023 and fireworks to be held on June 30, 2023 with a rain date of July 1, 2023, provided Montville Township Board of Education authorizes and approves same.

[Resolution 2023-79](#) Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the person-to-person transfer of Liquor License #1421-32-003-006 from OKCF, Inc. to Jay Khodiyar MAA, LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License with Broad C Number 1421-32-003-006, heretofore issued to OKCF, Inc. - pocket license;

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, does hereby approve the transfer of the aforesaid Plenary Retail Consumption License with Broad C to Jay Khodiyar MAA, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Jay Khodiyar MAA, LLC, effective February 17, 2023."

This Resolution shall take effect immediately upon adoption.

Resolution 2023-80 Resolution of the Township of Montville, County of Morris and State of New Jersey approving the Treatment Works Application by the Township of Montville for the River Road Sanitary Sewer Extension for submission to the State of New Jersey Department of Environmental Protection, Division of Water Quality

WHEREAS, the Township of Montville is undertaking a sanitary sewer extension project on River Road, specifically at Block 131, Lot 16 and

WHEREAS, in connection with the River Road Sanitary Sewer Extension, the Township of Montville seeks approval of a Treatment Works Application ("TWA") to be submitted to the State of New Jersey Department of Environmental Protection, Division of Water Quality for the extension of the existing sanitary sewer line on River Road in order to serve one (1) additional residential property; and

WHEREAS, the Township Health Officer has reviewed and approved of the TWA; and

WHEREAS, the Mayor and Township Committee believe it is in the best interests of the Township to approve submission of the TWA.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Montville, in the County of Morris and State of New Jersey approves of the submission of the TWA for the River Road Sanitary Sewer Extension project at Block 131, Lot 16.

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This Resolution will take effect immediately.

Resolution 2023-81 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for licensed electrical services for outdoor recreation fields, facilities and equipment

WHEREAS, the Township of Montville has a need for a licensed and qualified electrical services contractor to assist in the maintenance and/or repair services of outdoor recreation fields, facilities and equipment; and

WHEREAS, these services may exceed the bid threshold.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the Township is hereby authorized to move forward with procuring a qualified contractor to provide licensed electrical services for outdoor recreation fields, facilities and equipment.

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt consent agenda resolutions, Resolution 2023-70 through Resolution 2023-81

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

RESOLUTIONS

Motion by Cook second by Witty to adopt **Resolution** approving the listing of bills and signing of checks for February 14, 2023

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

Resolution 2023-82 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing a change to the contract for the 2022 Road Resurfacing Project between the Township of Montville and American Asphalt & Trucking, LLC; accepting maintenance bond; accepting public improvements and authorizing final payment

WHEREAS, pursuant to Resolution, American Asphalt & Trucking, LLC was awarded a contract in the amount of \$657,821.90 for the 2022 Road Resurfacing Project; and

WHEREAS, American Asphalt & Trucking, LLC has completed the Project; and

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WHEREAS, it has been determined by the Township Engineer that certain changes to this contract were necessary to perform the work items as follows:

Work Item	Contract Quantity	Actual Quantity	Difference
Fuel Price Adjustment	\$4,100.00	\$0	(\$24,751.52)
Asphalt Price Adjustment	\$7,900.00	\$0	(\$27,527.63)
Police Traffic Directors	\$20,000.00	\$27,595.08	\$7,595.08
Reset Manhole, Using Existing Casting	29 Units	12 Units	(\$0.17)
Reconstruct Inlet, Type 'B', Using Existing Casting	14 Units	16 Units	\$0.02
Curb Piece, Type N-Eco (Typ.), Furnish & Install	58 Units	60 Units	\$700.00
Bicycle Safe Grate, Furnish & Install	34 Units	43 Units	\$3,150.00
Tack Coat	3,600 Gallons	3,500 Gallons	(\$1.00)
HMA Milling, 0-2" Depth	29,780 SY	31,049.33 SY	\$5,128.09
HMA Gutter Milling, 3" Depth	3,500 SY	3,486.60 SY	(\$54.14)
HMA 9.5M64 Surface Course, 2" Thick	4,038 Tons	4,296.36 Tons	\$24,102.40
HMA 19M64 Base Course, If and Where Directed	80 Tons	0 Tons	(\$0.80)
Construct Concrete Sidewalk, 4" Thick	65 SY	55.28 SY	(\$797.82)

Work Item	Contract Quantity	Actual Quantity	Difference
Construct Belgium Block Vertical Curbing	70 LF	44 LF	(\$1,040.00)
Construct Concrete Vertical Curbing	415 LF	602 LF	\$7,068.60
Concrete Driveway Apron Repair, 6" Thick w/Wire Mesh	235 SY	172.11 SY	(\$5,637.46)
Asphalt Driveway Repair	85 SY	75.97 SY	(\$0.09)
Traffic Stripes, Long Life, Thermoplastic, 4" Width Yellow	260 LF	906 LF	\$1,938.00
Traffic Stripes, Long Life, Thermoplastic, 12" Width White	142 LF	92 LF	(\$400.00)
Supplemental Construction	\$10,000.00	\$0	(\$10,000.00)
Supply/Install Manhole Risers (Duryea Place)	\$0	\$600.00	\$600.00
Supply/Install Manhole Frame Lid	\$0	\$400.00	\$400.00
Repair Concrete Pipe/Install 24" Steel Plate	\$0	\$800.00	\$800.00
Supply/Install Manhole Frames	\$0	\$3,500.00	\$3,500.00
Remove/Replace Type 'B' Casting	\$0	\$6,000.00	\$6,000.00
Connect Sump Pump to Storm Drain (Charlemagne Place)	\$0	\$2,000.00	\$2,000.00

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Total Net Change Order: (7,228.43)\$

; and

WHEREAS, the Township Engineer has recommended the above changes to the contract price by Memorandum dated January 30, 2023 reflecting a change to the contract total in the amount of (\$7,228.43) for the above-described work; and

WHEREAS, the original contract amount was \$657,821.90; the amended contract amount based upon the completed work is \$650,593.47 which is a 1.1% decrease from the original contract amount; and

WHEREAS, in accordance with N.J.A.C. §5:30-11.3, the change has not caused the originally awarded contract price to be exceeded by more than 20 percent; and

WHEREAS, the Township Engineer has inspected the work and deemed the work to be complete; and

WHEREAS, American Asphalt & Trucking, LLC has provided a two-year Performance and Maintenance Bond #CSC-229028M in the amount of \$65,059.35 for the Project; and

WHEREAS, the Township Engineer has reviewed the completed work and recommended to the Township Committee that it modify its agreement with American Asphalt & Trucking, LLC as a result of the above-referenced change of conditions which have occurred on the project and as detailed in the Township Engineer's Memorandum, dated January 30, 2023; and

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

WHEREAS, by Memorandum, January 30, 2023, the Township Engineer has recommended acceptance of the work performed as part of the 2022 Road Resurfacing Project, issuance of final payment in the amount of \$16,396.79 to American Asphalt & Trucking, LLC, acceptance of all public improvements and acceptance of the performance and maintenance bond; and

WHEREAS, the Chief Financial Officer of the Township of Montville has certified that sufficient funds are available.

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

1. The Contract Amount is hereby approved in the contract between the Township of Montville and American Asphalt & Trucking, LLC as follows:

Original Contract:	\$657,821.90
Change	<u>(\$ 7,228.43)</u>

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New Contract Total: \$650,593.47
Decrease of 1.1%

2. The work performed by American Asphalt & Trucking, LLC for the 2022 Road Resurfacing Project is hereby accepted by the Township of Montville.
3. All public improvements completed by American Asphalt & Trucking, LLC for the 2022 Road Resurfacing Project are hereby accepted by the Township of Montville.
4. Final Payment in the amount of \$16,396.79 for the 2022 Road Resurfacing Project is hereby authorized to be made to American Asphalt & Trucking, LLC.
5. Performance and Maintenance Bond # CSC-229028M in the amount of \$65,059.35 provided by American Asphalt & Trucking, LLC for the 2022 Road Resurfacing Project is hereby accepted.

This Resolution will take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-82

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

Resolution 2023-83 Resolution ratifying the payment of unused accumulated absence pay to retiree

WHEREAS, the following employee of the Township of Montville retired as listed, and

WHEREAS, this employee has accumulated sufficient unused absences to entitle him to accrued pay in accordance with the corresponding bargaining unit contracts and Township policy, and

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

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

<u>Date of Retirement</u>	<u>Name</u>	<u>Amount</u>
12/31/2022	Eugene M. Byrnes	\$ 42,742.75

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

Katie Yanke – Chief Financial Officer

Motion by Cooney second by Cook to adopt Resolution 2023-83

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

Resolution 2023-84 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 NW Financial Group, LLC to perform professional financial advisor services for Montville Township

WHEREAS, there exists a need for the professional services of a financial advisor to be rendered to the Township of Montville in connection with the American Rescue Plan Act; and

WHEREAS, the Township wishes to retain NW Financial Group, LLC to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$5,000; and

WHEREAS, funds are available for this purpose; and

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

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

Section 1. The contract with NW Financial Group, LLC 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. NW Financial Group, LLC shall provide professional financial advisor services to the Township as set forth in its proposal of January 23, 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 NW Financial Group, LLC, 2 Hudson Place, Third Floor, Hoboken, New Jersey 07030, for their information and guidance.

Section 5. The account to be used for these services is as follows:
3-01-20-155-227 Professional Services, Professional Fees;
not to exceed \$5,000

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2023-84

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

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Resolution 2023-85 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing a change to the contract for the Old Lane Sewer Extension Project between the Township of Montville and PM Construction

WHEREAS, pursuant to Resolution, PM Construction was awarded the contract in the amount of \$2,472,800.00 for the Old Lane Sewer Extension Project; and

WHEREAS, the Committee adopted Resolution 2022-266 which approved Change Order No. 1 for S-1, fuel price adjustment and S-2, asphalt price adjustment, and amended the original contract with PM Construction to \$2,479,446.10, a total amount of \$6,646.10; and

WHEREAS, the Committee adopted Resolution 2022-292 which approved Change Order No. 2 for PCO-1 and PCO-2, for extra work due to water main conflicts and rerouting, and UTC-1 and UTC-2, for uniformed traffic control officers, and amended the revised contract with PM Construction to \$2,504,907.48, a total amount of \$25,461.38; and

WHEREAS, the Committee adopted Resolution 2022-333 which approved Change Order No. 3 for ADJ-1A, asphalt price adjustment and ADJ-2A, fuel adjustment, and UTC-3, for uniformed traffic control officers, and amended the revised contract with PM Construction to \$2,511,142.52, a total amount of \$6,235.04; and

WHEREAS, PM Construction has submitted potential change orders for unforeseen additional work, asphalt and fuel price adjustments, and uniform traffic control; and

WHEREAS, the total amount for ADJ-1B is \$2,181.09, for asphalt price adjustments for September, October, November, and December; and

WHEREAS, the total amount for ADJ-2B is \$1,888.65, for fuel price adjustments for September, October, November, and December; and

WHEREAS, the total amount for PCO-3R is \$5,094.01, for the additional laterals and MH#23 core drill; and

WHEREAS, the total amount for PCO-4R is \$12,108.68, for additional manhole and repaired damaged water services; and

WHEREAS, the total amount for UTC-4 is \$6,000.48, for the November 21, 2022, Invoice #74000412 for uniformed traffic control; and

WHEREAS, the total amount for UTC-5 is \$4,307.04, for the November 23, 2022, Invoice #74000414 for uniformed traffic control; and

WHEREAS, the total amount for UTC-6 is \$2,000.16, for the November 23, 2022, Invoice #74000416 for uniformed traffic control; and

WHEREAS, the total amount for UTC-7 is \$10,920.96, for the October 27, 2022, Invoice #74000386 for uniformed traffic control; and

WHEREAS, the total amount for UTC-8 is \$8,077.32, for the December 12, 2022, Invoice #74000423 for uniformed traffic control; and

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WHEREAS, the total amount for UTC-9 is \$2,306.88, for the November 3, 2022, Invoice #74000394 for uniformed traffic control; and

WHEREAS, the total amount for UTC-10 is \$7,540.56, for the December 1, 2022, Invoice #74000421 for uniformed traffic control; and

WHEREAS, ADJ-1B, ADJ-2B, PCO-3R, PCO-4R, UTC-4, UTC-5, UTC-6, UTC-7, UTC-8, UTC-9, and UTC-10 are to be part of NJDEP/NJIB Change Order No. 4; and

WHEREAS, it has been determined by the Project Engineer and the Director of Water and Sewer that the additional costs are necessary in order for the project to proceed; and

WHEREAS, the Township Director of Water and Sewer has recommended the above changes to the contract price by Memorandum dated February 3, 2023, reflecting a change to the contract total in the total amount of \$62,425.83 for the above-described additional required work; and

WHEREAS, the original contract amount was \$2,472,800.00; the amended contract amount based upon the additional required work approved in Resolution 2022-266 is \$2,479,446.10; and

WHEREAS, the amended contract amount approved in Resolution 2022-266 was \$2,479,446.10; the re-amended contract amount based upon the additional required work approved in Resolution 2022-292 was \$2,504,907.48; and

WHEREAS, the amended contract amount approved in Resolution 2022-292 was \$2,504,907.48; the re-amended contract amount based upon the additional required work approved in Resolution 2022-333 was \$2,511,142.52; and

WHEREAS, the re-amended contract amount approved in Resolution 2022-233 was \$2,511,142.52; the new contract amount based upon the additional required work as noted above is \$2,573,568.35, which is a 4.08% increase from the original contract amount; and

WHEREAS, in accordance with N.J.A.C. §5:30-11.3, the changes have not caused the originally awarded contract price to be exceeded by more than 20 percent; and

WHEREAS, the Chief Financial Officer of the Township of Montville has certified that sufficient funds are available from Account C-08-55-569-501.

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 contract amount is hereby approved in the contract between the Township of Montville and PM Construction as follows:

Original Contract:	\$2,472,800.00
Resolution 2022-266 Changes	\$ 6,646.10
Resolution 2022-292 Changes	\$ 25,461.38
Resolution 2022-233 Changes	\$ 6,235.04
ADJ-1B	\$ 2,181.09
ADJ-2B	\$ 1,888.65
PCO-3R	\$ 5,094.01
PCO-4R	\$ 12,108.68
UTC-4	\$ 6,000.48

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UTC-5	\$ 4,307.04
UTC-6	\$ 2,000.16
UTC-7	\$ 10,920.96
UTC-8	\$ 8,077.32
UTC-9	\$ 2,306.88
UTC-10	<u>\$ 7,540.56</u>

New Contract Total: \$2,573,568.35

Increase of 4.08%

NOW, THEREFORE, BE IT RESOLVED that the account to be used for this work is as follows:

Change Order No. 4:

C-08-55-569-501, Ord 2021-08 Old Lane Sewer Expansion, \$62,425.83

This Resolution will take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-85

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

Resolution 2023-86 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 contract agreement signed by PM Construction through Resolution, 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

WHEREAS, on or about February 1, 2023 the Township's Water and Sewer Department tested and accepted the testing for the sewer main connected on this date allowing certain residents to connect to the system; 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:

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6. The Township Committee hereby accepts the improvements made as part of the Old Lane Sewer Expansion Project.
7. The work performed as part of the Old Lane Sewer Expansion Project has been completed.
8. 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.
9. The Township Health Officer is hereby directed to notify the following property owners of the project's completion and connection requirement:
 - a. Old Lane Extension including manholes MH 1 through MH 9, serving house number 35.
 - b. Abbott Road manholes MH 7 through MH 32, serving house numbers 34 and 35.
 - c. Phillips Manor manholes MH 16 through MH 20, serving house number 12.
 - d. Old Lane including manholes MH 33 through MH 42, serving house numbers 36, 37, 38, 39, 40, 41, 42 and 43, and houses 1 and 2 on Stafford Place.
 - e. Oakwood Court including manholes MH 43 through MH 48, serving house numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.
 - f. Stafford Place including manholes MH 49 through MH 57, serving house numbers 3, 5, 6, 7, 9, 10, 12, 14, 15, 16, 17, 18, 20 and 43 Abbott Road.
 - g. Neil Court, including MH 58, serving house numbers 3, 4, 5 and 11 Stafford Place.

This Resolution shall take effect immediately.

Motion by Cooney second by Conklin to adopt Resolution 2023-86

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

Resolution 2023-87 Resolution of the Township of Montville, County of Morris, and State of New Jersey authorizing the purchase of Sophos Central Intercept Licenses under the New Jersey Cooperative Purchasing Alliance, Bergen County bid #22-24

WHEREAS, the Montville Township Administration Department wishes to purchase 135 Sophos Central Intercept X Advanced software licenses for use on Township devices; 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

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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 per SHI Quote# 23003871 of 1/24/2023:

- Sophos Central Intercept X Advanced - Subscription license renewal (3 years) - Part#: CIXH3GTAA; 115 licenses at \$62.62 each for a total of \$7,201.30 and;
- Sophos Central Intercept X Advanced for Server - Subscription license renewal (3 years) - Part#: CSAE3GTAA; 20 licenses at \$164.29 each for a total of \$3,285.80
- At a grand total of \$10,487.10

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 account to be used for this purchase is the following:

INFORMATION SYSTEMS & TECH O/E EDP 3-01-20-140-211 (\$10,487.10)

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

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-87

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

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REVIEW OF MEETING ACTION ITEMS

Administration to follow up on Freedom Plaza monument, Open Space signage request and reach out to Barn Theater about the ticket lottery.

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

Contract Negotiations

None

Litigation

None

Personnel

Police Department;

Attorney-Client Privilege/Potential Litigation

Block 95, Lot 14; Block 39.7, Lots 3 & 4.15; Block 139.3, Lot 10; Route 46 West
Redevelopment

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

All in favor – Motion carried

Mayor notes action may be taken after closed session

CLOSED SESSION

Motion by Cooney second by Cook to add Resolution 2023-88 to the agenda

All in favor – Motion carried

Resolution 2023-88 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the execution of a consent judgement dismissal to resolve litigation involving the Township of Montville

WHEREAS, PBNJ Capital, LLC had instituted litigation against the Township of Montville on or about July 18, 2022 bearing the caption PBNJ Capital, LLC v. The Planning Board of the Township of Montville and the Township of Montville, Docket No. MRS-L-1247-22; and

WHEREAS, the parties have negotiated an acceptable resolution of the matter.

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:

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Section 1. The Township Attorney is hereby authorized to execute the Consent Judgment Dismissal with Prejudice and Without Costs.

Section 2. The Township Administrator is hereby authorized to take whatever actions are necessary to effectuate the purpose of this Resolution.

Section 3. A copy of this Resolution shall be provided to Plaintiff's counsel for their information and guidance.

This Resolution shall take effect immediately.

Motion by Cook second by Cooney to adopt Resolution 2023-88

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

Motion by Cooney second by Conklin to adjourn

All in favor – Motion carried

ADJOURNMENT at 8:24pm

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Matthew S. Kayne, Mayor

Next Regular Meeting: February 28, 2023 at 7pm