

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 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
Fred Semrau, Esq., Township Attorney
Stacy Sullivan-Gruca, Township Clerk
Margaret Shepard, Deputy Clerk

Prayer and Pledge of Allegiance by Committeewoman Witty

APPROVAL OF MEETING MINUTES

February 14, 2023 Regular Meeting Minutes
February 14, 2023 Closed Session Meeting Minutes

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

All in favor – Motion carried

PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

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 Cooney second by Conklin to open public hearing on Ordinance 2023-03

All in Favor - Motion Carried

No Public Comments

Motion by Witty second by Cooney to close public hearing on Ordinance 2023-03

All in Favor - Motion Carried

Motion by Conklin second by Witty to adopt Ordinance 2023-03

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

REPORTS

Administrator's Report

Mention of the purpose of Resolution 2023-98 and Resolution 2023-99 for Water/Sewer projects, and Resolution 2023-102 for fencing and netting at Municipal Fields 1 & 2

Mention of purchase of 19.62 acres of Open Space property at Block 39.7 Lots 3 & 4.15 (\$465,000 grant money awarded for purchase through Morris County Open Space)

Attorney Report

Mention that the Open Space property is being purchased from a developer that was an intervener in the Affordable Housing litigation

PBNJ Litigation (which challenged the redevelopment designation) has been dismissed by the litigant – with no further action

Township Committee liaison reports and comments

Cooney

No report

Witty

Requests citizens to be recognized for going above and beyond duties

Environmental Water/Sewer Director presentation on water supply under increased demands

Open Space Abbott Road potential trails being reviewed / request to rename trail for Robert "Doc" Purnell

***Administration recommendation to place a plaque in memory of – rather than renaming*

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

Conklin

No report

Cook

No report

Kayne expresses gratitude to the Department of Public Works on the recent snow removal efforts

UNFINISHED BUSINESS

None

NEW BUSINESS

Engineer Nick Marucci presents the expected NJDEP flood hazard regulation changes and the potential impact on Montville Township, which includes – most notably – adding 2 feet to the previously adopted state flood hazard studies and adding 3 feet to a FEMA flood map.

Mayor suggests opening for public comment.

Motion by Cooney second by Witty to open public portion regarding the NJDEP proposed changes. All in favor – Motion carried

Shari Seffer inquires if the changes would affect current structures. *Engineer responds that these regulations would affect future requests, not existing structures.*

Motion by Cook second by Cooney to close public portion. All in favor – Motion carried

Township Committee requests a resolution opposing the proposed changes be drafted for the next meeting and sent to the NJ DEP. Discussion if other surrounding municipalities would adopt something similar to have a greater impact of opposition.

ORDINANCE INTRODUCTIONS

[Ordinance 2023-04](#) Ordinance to establish and preserve a Cap Bank

Motion by Cook second by Conklin to introduce Ordinance 2023-04

All in Favor - Motion Carried

Clerk set public hearing date March 14, 2023

[Ordinance 2023-05](#) Ordinance of the Township of Montville, County of Morris, State of New Jersey to amend Chapter 4 “Administration of Government”, Article XVI “Police Department”,

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

Section 4-57 "Establishment; Personnel" of the revised general ordinances of the Township of Montville

Motion by Cook second by Cooney to introduce Ordinance 2023-05

All in Favor - Motion Carried

Clerk set public hearing date March 14, 2023

Ordinance 2023-06 Ordinance of the Township of Montville, County of Morris, State of New Jersey, authorizing the acquisition of the property designated as block 39.7, lots 3 and 4.15, 57 Old Lane and 21 Jean Drive, in the Township of Montville

Motion by Cooney second by Cook to introduce Ordinance 2023-06

All in Favor - Motion Carried

Clerk set public hearing date March 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

Motion by Cooney second by Witty to open public portion

All in favor – Motion Carried

No Public Comments

Motion by Cook second by Cooney to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA04

Resolution 2023-89 Resolution to cancel grant receivable and/or grant appropriation balances

WHEREAS, there exists grant receivable balances and corresponding unexpended grant appropriations which are no longer valid due to the time period of the grants; and

WHEREAS, it is necessary to formally cancel the receivable balances and the offsetting appropriation balances;

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Montville that the following grant receivable and appropriation balances be cancelled:

<u>Grant Title</u>	<u>Amount Cancelled</u>
NJ Highlands Council-Groundwater(Old 2019 Phases 1-3)	\$ 21,294.99
Bullet Proof Vest (Federal) 2019 Grant	\$ 62.50
Bullet Proof Vest (Federal) 2020 Grant	\$ 2,323.00
COVID-19 Vaccination – Supplemental Funding	\$ 3,525.14

Resolution 2023-90 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the Township to go out to bid for the MacLeay Road Storm Sewer Replacement Project

WHEREAS, the Township of Montville has identified approximately 200 linear feet of deteriorated storm sewer on MacLeay Road within the Township Right-of-Way that requires replacement; and

WHEREAS, the Township received several prices by way of quotation, all of which exceeded the public bid threshold; and

WHEREAS, the project is required to be placed out for public bid.

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

This Resolution shall take effect immediately.

Resolution 2023-91 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 Turkey Hill Road/Habberstadt Court, block 59, lot 3

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

WHEREAS, the developer, Charles Cotterell, has requested a release of the cash bond submitted in connection with work being performed at Turkey Hill Road/Habberstadt Court, Block 59, Lot 3, 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 February 17, 2023, that the cash bond held in connection with this project, which is in the amount of \$40,200.00, 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 bond held in connection with this project, which is in the amount of \$40,200.00, be released to Charles Cotterell.

This Resolution shall take effect immediately.

Resolution 2023-92 Resolution for computation of reserve for uncollected taxes – 2023 budget

WHEREAS, pursuant to N.J.S.A. 40A:4-41, a municipality must include an appropriation for “Reserve for Uncollected Taxes” in its annual budget where less than 100% of current tax collections may be and are anticipated; and

WHEREAS, receipts from the collection of taxes levied or to be levied in the municipality and payable in the fiscal year shall be anticipated in an amount which is not in excess of the percentage of taxes levied and payable during the next preceding fiscal year which was received in cash by the last day of the preceding fiscal year; and

WHEREAS, if tax appeal judgments of the county tax board pursuant to R.S. 54:3-21 et seq. and/or the State tax court pursuant to R.S. 54:48-1 et seq. result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments; and

WHEREAS, Sheet 22 of the Township’s Annual Financial Statement for the year 2022 reflects reductions due to tax appeals of \$59,021 which when reduced from the 2022 tax levy results in the 2022 tax collection rate being 99.23 percent; and

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

WHEREAS, the election of this choice to calculate the “Reserve for Uncollected Taxes” for the 2023 municipal budget shall be made by resolution approved by a majority of the full membership of the governing body prior to the introduction of the 2023 municipal budget pursuant to N.J.S.A. 40A:4-5.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville elects to calculate the “Reserve for Uncollected Taxes” appropriation for the 2023 municipal budget by reducing the certified tax levy of the prior year by the amount of tax levy adjustments of the county tax board pursuant to R.S. 54:3-21 et seq., and State tax court pursuant to R.S. 54:48-1 et seq., in order to calculate the prior year tax collection rate.

Resolution 2023-93 Resolution authorizing cancellation of municipal tax sale certificate

WHEREAS, Certificate of Sale #22-00003 on Block 21.1 Lot 41

(60 Old Ln) was issued to Montville Township for delinquent taxes and/or water/sewer charges, at a tax sale held on December 16, 2022 and,

WHEREAS, the assessed owner, Karin, Arif has redeemed Certificate #22-00003 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of Montville Township are hereby authorized to endorse Certificate of Sale #22-00003 for cancellation.

Resolution 2023-94 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 21.1 Lot 42.2, 1 Bonnieview Ln

Lien Redemption Certificate #22-00004	\$3,372.05
Premium Money	<u>\$6,100.00</u>
Total Payment	\$9,472.05

To: US BANK CUST FOR TOWER

DB XII TRUST 2022-1

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

Block 82.2 Lot 3, 6 Weiss Dr

Lien Redemption Certificate #22-00031	\$ 38.53
Premium Money	<u>\$1,800.00</u>
Total Payment	\$1,835.53

To: WSFS AS CUST LVTLOPS/FIRSTTRUST

Resolution 2023-95 Resolution to authorize amendment of the Shared Services Agreement between the Township of Montville and the Montville Township Board of Education to provide a Class III Special Law Enforcement Officer (SLEO III) position

WHEREAS, the Township of Montville and the Montville Township Board of Education joined together to provide a Class III Special Law Enforcement Officer (SLEO III) Position for the 2021/2022, 2022/2023, and 2023/2024 School Years; and

WHEREAS, the Montville Township Superintendent of Schools wishes to change the maximum amount of hours the SLEO III can work from 8 hours per day to 8 ½ hours per day; and

WHEREAS, the change in hours is effective March 1, 2023.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, that the Township of Montville authorizes an amendment to the shared services agreement with the Montville Township Board of Education to increase the maximum amount of hours the SLEO III can work from 8 hours per day to 8 ½ hours per day, effective March 1, 2023.

Motion by Cook second by Witty to adopt consent agenda resolutions, Resolution 2023-89 through Resolution 2023-95

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

RESOLUTIONS

Motion by Cooney second by Witty to adopt **Resolution** approving the listing of bills and signing of checks for February 28, 2023

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

Resolution 2023-96 Resolution authorizing the award of a Professional Services Contract without competitive bidding to American Monument Co. to provide a granite 9/11 monument as a tribute of remembrance, honoring those who were killed in the attacks of September 11, 2001

WHEREAS, the Montville Township VFW Post 5481 and the Montville Township Committee wish to purchase a 9/11 monument to be installed in Freedom Plaza as a remembrance of the tragic events on September 11, 2001; and

WHEREAS, the Township wishes to purchase a granite monument from American Monument Co.; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$7,500; 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 American Monument Co. 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 that is original and creative in character in a recognized field of artistic endeavor.

Section 2. American Monument Co. shall provide a granite monument to the Township as set forth in its Proposal #02112023-2 dated February 11, 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. The Township’s Chief Financial Officer has certified the availability of funds for this contract as follows: 9/11 Memorial Donations (Freedom Plaza), T-16-56-601-015, \$7,500

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

Section 5. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to American Monument Co., 479 N. Dean Street, Englewood, New Jersey 07631, for their information and guidance.

This Resolution shall take effect immediately.

Motion by Witty second by Cook to adopt Resolution 2023-96

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

Resolution 2023-97 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing a change to the contract amount for the Lake Montowac Dam Rehabilitation Project between the Township of Montville and Concrete Construction Corporation; accepting maintenance bond; accepting public improvements and authorizing final payment

WHEREAS, pursuant to Resolution, Concrete Construction Corporation was awarded a contract in the amount of \$118,290 for the Lake Montowac Dam Rehabilitation Project; and

WHEREAS, Concrete Construction Corporation has completed the Project; and

WHEREAS, certain changes to this contract were deemed necessary and approved by Resolution on November 14, 2022 and increased the contract amount to \$126,438; and

WHEREAS, it has been determined by the Township Engineer that based upon the final as-built quantities, certain changes to this contract were necessary as follows:

Work Item	Contract Quantity	Actual Quantity	Difference
Seepage Repairs	210 LF	198 LF	(\$1,008.00)
	Total Net Change Order:		(\$1,008.00)\$

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

; and

WHEREAS, the Township Engineer has recommended the above change to the contract price by Memorandum dated February 23, 2023 reflecting a change to the contract total in the amount of (\$1,008.00) for the above-described work; and

WHEREAS, the original contract amount was \$118,290.00; the amended contract amount pursuant to Change Order #1 was \$126,438.00; the final contract amount based upon the completed work is \$125,430.00 which is a 0.8% decrease from the amended 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, Concrete Construction Corporation has provided a two-year Maintenance Bond #NNJ1219MB in the amount of \$126,438.00 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 Concrete Construction Corporation 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 February 23, 2023; and

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

WHEREAS, by Memorandum, February 23, 2023, the Township Engineer has recommended acceptance of the work performed as part of the Lake Montowac Dam Rehabilitation Project, issuance of final payment in the amount of \$2,508.60 to Concrete Construction Corporation, acceptance of all public improvements and acceptance of the maintenance bond; and

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

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 Concrete Construction Corporation as follows:

Original Contract:	\$118,290.00
Change Order #1 amended amount	\$126,438.00
Change	(\$ <u>1,008.00</u>)
 New Contract Total:	 \$125,430.00

Decrease from amended of 0.8%

2. The work performed by Concrete Construction Corporation for the Lake Montowac Dam Rehabilitation Project is hereby accepted by the Township of Montville.
3. All public improvements completed by Concrete Construction Corporation for the Lake Montowac Dam Rehabilitation Project are hereby accepted by the Township of Montville.
4. Final Payment in the amount of \$2,508.60 for the Lake Montowac Dam Rehabilitation Project is hereby authorized to be made to Concrete Construction Corporation.
5. Maintenance Bond #NNJ1219MB in the amount of \$126,438.00 provided by Concrete Construction Corporation for the Lake Montowac Dam Rehabilitation Project is hereby accepted.

This Resolution will take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-97

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

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

Resolution 2023-98 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the purchase of water meters/data recorders and radio frequency meter interface units for the Water Department under the Morris County Cooperative Pricing Council contract #47, category B, #1.A., #1.B., and #1.C. and category D, #1.C.

WHEREAS, the Montville Township Water Department wishes to purchase various Neptune Pro-Coder Meters and Neptune R900 Radio Frequency Meter Interface Units to keep on hand as part of its water meter replacement program; and

WHEREAS, Rio Supply, Inc. has a valid Contract through the Morris County Cooperative Pricing Council - Contract #47, Category B, #1.A., #1.B., and #1.C. for Neptune Pro-Coder Meters and Category D, #1.C. Neptune R900 Radio Frequency Meter Interface Units; and

WHEREAS, the Township's Director of Water and Sewer Utility recommend this purchase; and

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

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

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

- Rio Supply, Inc. - \$154,615.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. A., One thousand seventy (1070) Neptune Pro-Coder Meters at \$144.50 per meter)
- Rio Supply, Inc. - \$195,000.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. B., One thousand (1000) Pro-Coder Meters at \$195.00 per unit)

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

- Rio Supply, Inc. - \$261,300.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. C., Nine hundred seventy-five (975) Pro-Coder Meters at \$268.00 per unit)
- Rio Supply, Inc. - \$404,985.00 (Morris County Cooperative Pricing Council Contract #47, Category D, #1.C., Three thousand forty five (3045) Neptune R900 Radio Frequency Meter Interface Units @ \$133.00 per unit)
- TOTAL = \$1,015,900.00

and;

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:

- ORD #2019-18, Fixed Network Meter, Radio, Equip: C-06-55-570-507; \$5,475.30
- ORD #2021-17; Fixed Network Meter, Radio, Equip; C-06-55-572-504; \$307,999.48
- ORD #2022-20; Fixed Network Meter, Radio, Equip; C-06-55-573-504; \$702,425.22
- TOTAL = \$1,015,900.00

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

This Resolution shall take effect immediately.

Motion by Conklin second by Cooney to adopt Resolution 2023-98

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

Resolution 2023-99 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 Suburban Consulting Engineers to perform design, survey, permitting, bid and construction services

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

WHEREAS, The Water Quality Accountability Act (WQAA), P.L. 2017, c. 133 (WQAA), enacted on July 21, 2017, established new requirements for purveyors of public water to improve the safety, reliability, and administrative oversight of water infrastructure. The WQAA became effective on October 19, 2017.

WHEREAS, The WQAA requires water systems to implement an Asset Management Plan (AMP) that achieves, at a minimum, a 150-year life cycle for water mains; and

WHEREAS, Montville Township water system contains approximately 120 miles of water mains, and the required annual replacement equates to an annual average of 4200 feet of water main per year; and

WHEREAS, there have been numerous water main failures on Cheryl Road, and Breton Drive and Rennes Street are of similar vintage; and

WHEREAS, this project coincides with Township Road Resurfacing Program; and

WHEREAS, there exists a need for Engineering design and construction services to be rendered to the Township of Montville for the rehabilitation of these water mains, valves, and water services; and

WHEREAS, The Township wishes to retain Suburban Consulting Engineers to perform such services; and

WHEREAS, the Township's Water and Sewer Director recommends award of these services; 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; and

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

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:

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

Section 1. The contract with Suburban Consulting Engineers 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. Suburban Consulting Engineers shall provide Design, Survey, Permitting, Bid and Construction Services for Water Main Replacement for Cheryl Road, Breton Drive, and Rennes Street as set forth in its proposal of February 22, 2023.

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

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to Suburban Consulting Engineers, 96 U. S. highway 206, Suite 101, Flanders, NJ 07836.

Section 5. The account to be utilized for these services is a follows:

C-06-55-573-510 ORD 2022-20 Water Underground Infrastructure
Improvements, \$183,748.00

This Resolution shall take effect immediately.

Motion by Witty second by Cooney to adopt Resolution 2023-99

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

Resolution 2023-100 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the purchase of a new, unused 2022 or newer F-550 chassis 4x4 SD regular cab 169” WB DRW XL (F5H) with 11’ utility body or equivalent to Ciocca FMFL, 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 a new, unused

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

2022 or newer F-550 chassis 4x4 SD regular cab 169" WB DRW XL (F5H) with 11' utility body or equivalent; and

WHEREAS, two (2) sealed bids were received and opened on February 23, 2023, in accordance with the bid specifications:

- | | |
|-------------------------------------|-------------|
| 1) CIOCCA FMFL, Inc. | \$62,992.00 |
| 2) Nielsen Ford of Morristown, Inc. | \$80,765.00 |

; 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 CIOCCA FMFL, Inc. at a bid price of \$62,992.00 has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written; and

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

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 CIOCCA FMFL, Inc., d/b/a CIOCCA Ford Lincoln of Flemington, 215 Route 202, Flemington, New Jersey 08822, for the purchase of a new, unused 2022 or newer F-550 chassis 4x4 SD regular cab 169" WB DRW XL (F5H) with 11' utility body or equivalent in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$62,992.00.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with CIOCCA FMFL, Inc. d/b/a CIOCCA Ford Lincoln of Flemington in accordance with

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

its bid for the purchase of a new, unused 2022 or newer F-550 chassis 4x4 SD regular cab 169” WB DRW XL (F5H) with 11’ utility body or equivalent.

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:

C-06-55-572-502 (Water Capital), ORD 2021-17 Utility Truck, \$31,496.00

C-08-55-570-502 (Sewer Capital), ORD 2021-18 Utility Truck, \$31,496.00

This Resolution will take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2023-100

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

Resolution 2023-101 Resolution authorizing the execution of an agreement with Cablevision Lightpath, Inc. for additional fiber optic services

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(f), the Township may, by resolution and without advertising for bids, contract for the rendering of any service by a public utility, which is subject to the Board of Public Utilities; and

WHEREAS, the Township of Montville wishes to extend its service agreement with Cablevision Lightpath, LLC and add additional services for fiber optic connectivity for Montville Township Police Department’s radio system; and

WHEREAS, the Chief of Police and our independent radio consultants from V-Comm both recommend this additional service; and

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey authorize the execution of a service agreement for an additional \$2,397.00 per month plus associated fees for sixty (60) months with Cablevision Lightpath, LLC, 40 Potash Road, Oakland, New Jersey, 07436, under N.J.S.A. 40A:11-5(1)(f).

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:30-14.5(c)4, multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent Governing Body.

Agreement Period:	60 months (5 years)
Recurring Monthly Amount:	\$ 2,397.00
Total Amount of Agreement: (fees)	\$ 143,820.00 (price excludes associated fees)

The account to be used for these services is as follows:

- 3-01-31-440-218, Telephones – Bldgs & Grounds

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 Cooney second by Witty to adopt Resolution 2023-101

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

Resolution 2023-102 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the removal of existing fencing and purchase and installation of new fencing for the Recreation Department Municipal Fields 1 & 2 under the Morris County Cooperative Pricing Council contract #53, category A, #3.A, #3.C., #3.E., #3.G, #4.B., #7.A., #7.B. and #19

WHEREAS, the existing fencing at Municipal Fields 1 & 2 is in need of replacement; and

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

WHEREAS, the Montville Township Recreation Department would like to remove the existing fencing and replace it with new; and

WHEREAS, Challenger Fence Inc. has a valid Contract through the Morris County Cooperative Pricing Council – Contract #53, Category A., #3.A., #3.C., #3.E., #3.g., #4.B., #7.A., #7.B., and #19 for fencing materials and installation; and

WHEREAS, the Township’s Recreation Director recommends this purchase; and

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

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

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

- Challenger Fence Inc. Quote #Q23-02122 in the amount of \$100,295.00 & #Q23-02123 in the amount of \$90,105.00
- For a grand total of \$190,400.00

and;

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:

- ORD #2021-10, Recreation: Fields/Fencing/Gates/Netting; C-04-56-149-003; not to exceed \$190,400.00

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

This Resolution shall take effect immediately.

Motion by Conklin second by Cook to adopt Resolution 2023-102

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

Resolution 2023-103 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the execution of a contract for sale of real estate from Gallen Development, LLC to the Township of Montville

WHEREAS, Gallen Development, LLC (“Gallen”) is owner of property located at 57 Old Lane, Block 39.7, Lot 3 and 21 Jean Drive, Block 39.7, Lot 4.15 (collectively “Property”), in the Township of Montville; and

WHEREAS, Gallen has agreed to sell the Property to the Township of Montville to be preserved as open space; and

WHEREAS, Montville has agreed to purchase the Property for a total of \$1,775,000, with said costs to be funded by the Township of Montville; and

WHEREAS, the Township and Gallen have negotiated an acceptable written agreement setting forth the terms of the transaction; and

WHEREAS, the Contract has been presented to, reviewed and approved by the Township of Montville Township Committee; and

WHEREAS, the Township Committee desires to execute the Contract between the Township of Montville and Gallen Development, LLC for the purchase of the property at 57 Old Lane, Block 39.7, Lot 3 and 21 Jean Drive, Block 39.7, Lot 4.15.

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 Mayor and Township Clerk are hereby authorized and directed to execute the Contract between the Township of Montville

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

and Gallen Development, LLC for the purchase of the property at at 57 Old Lane, Block 39.7, Lot 3 and 21 Jean Drive, Block 39.7, Lot 4.15.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be posted at the Township of Montville and a copy thereof delivered to the attorney for Gallen Development, LLC.

This Resolution shall take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-103

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

REVIEW OF MEETING ACTION ITEMS

Administration and Clerk to follow up on citizen appreciation / Administration and Attorney to draft resolution opposing proposed NJ DEP regulation changes

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

Contract Negotiations

Litigation

Monarch/JMC settlement discussion; MRS-L-1986-21, MRS-L-1995-21;

Personnel

Goals and objectives; salary and wage budget; Administration

Attorney-Client Privilege/Potential Litigation

Affordable Housing; Chamber Outreach request; remote meeting protocol review; Township events and facilities; utility rate study; solid waste & recycling bid

Motion by Cook second by Conklin 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 Cook second by Cooney to adjourn

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - February 28, 2023

All in favor – Motion carried

ADJOURNMENT at 9:21pm

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Matthew S. Kayne, Mayor

Next Regular Meeting: March 14, 2023 at 7pm