

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - March 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
Dawn Sullivan, Esq., Township Attorney
Stacy Sullivan-Gruca, Township Clerk
Margaret Shepard, Deputy Clerk

Prayer and Pledge of Allegiance by Committeeman Cook

EAGLE SCOUT PRESENTATION

Vietnam Veteran Memorial to be built by Nicholas Ferrone in the same area as the Tank Memorial by VFW Post 5481 (Community Park). VFW Commander Ken Hanzl speaks in favor of the project. Joint fundraising efforts anticipated for cost of the supplies for the project. Anticipated start date in May/June 2023.

Township Committee all in favor of project.

Mayor Kayne mentions March 29th is considered Vietnam Recognition Day

LETTER OF RECOGNITION

Mayor reads and presents a letter of recognition during Ramadan to several members of the Muslim Community in attendance.

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HPRC PRESENTATION

Historic Preservation Review Commission Members, Pat Gamsby (Chair) and Anthony Angiolini present a proposal to the Township Committee for the purchase of 107 Changebridge Road (a.k.a. The Cornelius Doremus House), which is currently in disrepair and deteriorating. Proposed uses of the historic home include a museum, meeting place, small wedding venue and/or a potential site for a historic village to include other small historic structures that could be moved there. HPRC requests Township to purchase the 4-acre property and structure and is hopeful possible grant money could offset the cost.

Administration to follow up.

APPROVAL OF MEETING MINUTES

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

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

All in favor – Motion carried

PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

None

REPORTS

Administrator's Report

Additional 2023 Capital Budget requests:

Construction – Ford F350 pickup \$50,000

Engineering – design & construction of walking/biking trail (Abbott Road) \$107,000

Land Use – file cabinets \$10,100; shredder \$3,200; conference room table \$1,000

Engineering – sidewalk cost share program \$75,000

Board of Ed Subcommittee meeting request for April – Mayor and Deputy Mayor to follow up with available dates

Attorney Report

None

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Township Committee liaison reports and comments

Cook

2023 Summer Concert Series will take place on Wednesdays (rain date Thursdays) starting the first week in July

Municipal Fields 1 & 2 fencing project nearly complete

Lacrosse rebound wall installed

Conklin

No report

Witty

Rabies Clinic April 1st from 9-11am at the Firehouse on the corner of River Road and Church Lane

Open Space HPRC presented the 107 Changbridge Road proposal at their meeting

Women's Club Annual Townwide Garage Sale scheduled for the first weekend in June

Relay for Life scheduled for June 10th

DAC Program on April 16th from 7-9pm at MTHS "360degree Turns" – a life lessons program

Kayne

Compliments Police Department regarding a recent social media threat to the middle school

Grant funds awarded to the Pathways Program, gratitude expressed to Director, Melinda Jennis

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

[Ordinance 2023-07](#) Ordinance of the Township of Montville, County of Morris, State of New Jersey authorizing the vacation of a paper road known as Cedar Point Place by the Township of Montville

Motion by Cooney second by Witty to introduce Ordinance 2023-07

All in Favor - Motion Carried

Clerk set public hearing date April 11, 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 Witty to open public portion

All in favor – Motion Carried

Public Comments

Ruba Mustafa, 7 James Terrace, Towaco; Fouzia Shaws, 25 Walnut Drive, Pine Brook; Ambrin Hussain-Rieu, 5 Daro Court, Montville

Expressed gratitude for the letter of recognition presented by the Mayor. Concerns were raised regarding the school holiday schedule, which currently does not reflect Ramadan and more inclusive efforts desired for the Muslim community within the diverse Township.

Anjana Kapur, 16 Renshaw Drive, Towaco

Discouraged by a lack of response from the Township regarding safety concerns on her property, communicates her anger over the situation

Attorney states that this is mainly a civil matter between Kapur and CatBridge (neighboring property). Confirms that the Township Attorney has been working on this request and is gathering all information to be able to assist Kapur, if able. Attorney and Administration to follow up.

David Modrak, 17 Cambray Road, Pine Brook (Board of Education President)

Mention of dates of upcoming events in the schools:

4/11 Board of Ed meeting to discuss proposed referendum

4/26 Mud Competition (ceramic arts competition)

Spring Concert in May at MTHS

Multiple sporting events, free of charge

Motion by Cooney second by Cook to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA06

Resolution 2023-119 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening bond received for work performed at 102 Jacksonville Road, block 28, lot 5

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WHEREAS, the property owners, Mark and Phyllis Benedetto, have requested a release of the cash road opening bond submitted in connection with work being performed at 102 Jacksonville Road, Block 28, Lot 5, 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 March 15, 2023, that the cash road opening bond in the amount of \$550.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$550.00, be released to Mark and Phyllis Benedetto, 102 Jacksonville Road, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

Resolution 2023-120 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 14 Redding Place, block 107, lot 2

WHEREAS, the property owners, Phillip and Patricia Beskid, have requested a release of the cash bond submitted in connection with work being performed at 1 Jarombek Drive, Block 107, Lot 2, 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 March 15, 2023, that the cash bond in the amount of \$20.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$20.00, be released to Phillip and Patricia Beskid, 14 Redding Place, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

Resolution 2023-121 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 115 Horseneck Road, block 139.03, lot 7.03

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WHEREAS, the property owner, Casha Realty, LLC, has requested a release of the cash bond submitted in connection with work being performed at 115 Horseneck Road, Block 139.03, Lot 7.03, 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 March 15, 2023, that the cash bond in the amount of \$3,600.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$3,600.00, be released to Casha Realty, LLC, Lawrence Casha, 115 Horseneck Road, Suite 2, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

[Resolution 2023-122](#) 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 8 Country Brook Drive, block 82.04, lot 9

WHEREAS, the property owners, Ghansham Daiwani and GOPI Trust, have requested a release of the cash bond submitted in connection with work being performed at 8 Country Brook Drive, Block 82.04, Lot 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 March 15, 2023, that the cash bond in the amount of \$550.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$550.00, be released to Ghansham Daiwani and GOPI Trust, 8 Country Brook Drive, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

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Resolution 2023-123 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening bond received for work performed at 21 Vista Road, block 13, lot 12

WHEREAS, the property owners, Roger and Jeanette Faehner, have requested a release of the cash road opening bond submitted in connection with work being performed at 21 Vista Road, Block 13, Lot 12, 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 March 15, 2023, that the cash road opening bond in the amount of \$634.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$634.00, be released to Roger and Jeanette Faehner, 21 Vista Road, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

Resolution 2023-124 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 28 Changebridge Road, block 82, lot 7

WHEREAS, the property owner, Rosa Fernandes, has requested a release of the cash bond submitted in connection with work being performed at 28 Changebridge Road, Block 82, Lot 7, 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 March 15, 2023, that the cash bond in the amount of \$750.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$750.00, be released to Rosa Fernandes, 28 Changebridge Road, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

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Resolution 2023-125 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 337 Changebridge Road, block 160.02, lot 24

WHEREAS, the developer, Fernot & Fisher, has requested a release of the cash bond submitted in connection with work being performed at 337 Changebridge Road, Block 160.02, Lot 24, 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 March 15, 2023, that the cash bond in the amount of \$500.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$500.00, be released to Fernot & Fisher, PO Box 635, Pine Brook, New Jersey 07058.

This Resolution shall take effect immediately.

Resolution 2023-126 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash driveway bond received for work performed at 30 Hillcrest Road, block 82.16, lot 22

WHEREAS, the property owner, Eugene Fucetola, has requested a release of the cash driveway bond submitted in connection with work being performed at 30 Hillcrest Road, Block 82.16, Lot 22, 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 March 15, 2023, that the cash driveway bond in the amount of \$500.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$500.00, be released to Eugene Fucetola, 30 Hillcrest Road, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

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Resolution 2023-127 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash bonds received for work performed at 9 Cliff Road, block 88, lot 34

WHEREAS, the property owners, William and Sharon Iellimo, have requested a release of the cash bonds submitted in connection with work being performed at 9 Cliff Road, Block 88, Lot 34, 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 March 15, 2023, that the cash bonds in the amount of \$1,864.08 and \$4,519.92, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bonds held in connection with this project, which are in the total amount of \$6,384.00, be released to William and Sharon Iellimo, 9 Cliff Road, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

Resolution 2023-128 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash bonds received for work performed at 1 Jarombek Drive, block 82.12, lot 30

WHEREAS, the property owner, Edward B. Kostovski, has requested a release of the cash bonds submitted in connection with work being performed at 1 Jarombek Drive, Block 82.12, Lot 30, 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 March 15, 2023, that the cash driveway bond in the amount of \$2,937.00, the cash soil and stabilization bond in the amount of \$5,000.00 and cash road opening bond in the amount of \$550.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bonds held in connection with this project, which are in the total amount of \$8,487.00, be released to Edward B. Kostovski, 1 Jarombek Drive, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

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Resolution 2023-129 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 54 Hillcrest Avenue, block 74, lot 4

WHEREAS, the property owners, Paul and Michelle Kurinec, have requested a release of the cash bond submitted in connection with work being performed at 54 Hillcrest Avenue, Block 74, Lot 4, 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 March 15, 2023, that the cash bond in the amount of \$700.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$700.00, be released to Paul and Michelle Kurinec, 54 Hillcrest Avenue, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

Resolution 2023-130 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 36 Bellows Lane, block 42, lot 5

WHEREAS, the property owner, David Marino, has requested a release of the cash bond submitted in connection with work being performed at 36 Bellows Lane, Block 42, Lot 5, 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 March 15, 2023, that the cash bond in the amount of \$800.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$800.00, be released to David Marino, 36 Bellows Lane, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

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Resolution 2023-131 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 19 Jarombek Drive, block 90, lot 19

WHEREAS, the property owner, Joseph Pena, has requested a release of the cash bond submitted in connection with work being performed at 19 Jarombek Drive, Block 90, Lot 19, 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 March 15, 2023, that the cash bond in the amount of \$2,000.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$2,000.00, be released to Joseph Pena, 19 Jarombek Drive, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

Resolution 2023-132 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 21 Crest Terrace, block 125.01, lot 18.01

WHEREAS, the property owner, Rita Radici, has requested a release of the cash bond submitted in connection with work being performed at 21 Crest Terrace, Block 125.01, Lot 18.01, 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 March 15, 2023, that the cash bond in the amount of \$3,000.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$3,000.00, be released to Rita Radici, 21 Crest Terrace, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

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Resolution 2023-133 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening bond received for work performed at 10 Cliff Road, block 88, lot 36

WHEREAS, the property owners, Timothy and Janet Ryan, have requested a release of the cash road opening bond submitted in connection with work being performed at 10 Cliff Road, Block 88, Lot 36, 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 March 15, 2023, that the cash road opening bond in the amount of \$275.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$275.00, be released to Timothy and Janet Ryan, 10 Cliff Road, Towaco, New Jersey 07082.

This Resolution shall take effect immediately.

Resolution 2023-134 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening bond received for work performed at 6 Vista Road, block 20.01, lot 1

WHEREAS, the property owner, Lake Valhalla Club, has requested a release of the cash bond submitted in connection with work being performed at 6 Vista Road, Block 20.01, Lot 1, 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 March 15, 2023, that the cash road opening bond in the amount of \$200.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$200.00, be released to Lake Valhalla Club, 13 Vista Road, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

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Resolution 2023-135 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 28 US Route 46, block 176, lot 4.03

WHEREAS, the property owners, Jeffrey and Elahna Weinflash, have requested a release of the cash bonds submitted in connection with work being performed at 28 US Route 46, Block 176, Lot 4.03, 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 March 15, 2023, that the cash soil and stabilization bond in the amount of \$2,500.00 and the driveway bond in the amount of \$625.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bonds held in connection with this project, which are in the total amount of \$3,125.00, be released to Jeffrey and Elahna Weinflash, 51B Stonybrook Road, Montville, New Jersey 07045.

This Resolution shall take effect immediately.

Resolution 2023-136 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, authorizing the release of the cash road opening bond received for work performed at 4A Berlin Lane, block 100.01, lot 6.01

WHEREAS, the property owners, Mark and Kathryn Werheim, have requested a release of the cash road opening bond submitted in connection with work being performed at 4A Berlin Lane, Block 100.01, Lot 6.01, 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 March 15, 2023, that the cash road opening bond in the amount of \$550.00, held in connection with this project, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the amount of \$550.00, be released to Mark and Kathryn Werheim, 4A Berlin Lane, Towaco, New Jersey 07082.

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This Resolution shall take effect immediately.

Resolution 2023-137 Resolution authorizing appointment to Historic Preservation Review Commission

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

HISTORIC PRESERVATION REVIEW COMMISSION:
Alec Grossman – appoint as member, unexpired term ending 1/1/2024

Resolution 2023-138 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 39.09 Lot 11.19, 64 Heritage Ct

Lien Redemption Certificate #22-00013	\$1,805.77
Premium Money	<u>\$3,100.00</u>
Total Payment	\$4,905.77

To: RIDGEBACK VENTURES LLC

Block 52.02 Lot 102.02, 112 Revere Ct

Lien Redemption Certificate #22-00024	\$1,085.06
Premium Money	<u>\$1,500.00</u>
Total Payment	\$2,585.06

To: PRO CAP 8 FBO FIRSTRUST BANK

Resolution 2023-139 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, accepting a tree removal and safety and stabilization bond from Juve Group, LLC for work to be completed at 465 Main Road, block 81, lot 7

WHEREAS, Juve Group, LLC, the owner and developer of property known as Block 81, Lot 7, is required to submit a tree removal and safety and stabilization bond to the Township of Montville for the project as detailed on the engineer's cost estimate in the amount of \$48,000.00; and

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WHEREAS, Juve Group, LLC has submitted bond number B1278789 in the amount of \$48,000.00 representing the tree removal and 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 Juve Group, LLC is hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to Juve Group, LLC.

This Resolution shall take effect immediately.

Resolution 2023-140 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing a one time only administrative adjustment for water and sewer utilities late fees for the Rachel Gardens Development

WHEREAS, pursuant to the Township Code, the Township of Montville charges utility customers late fees and penalties; and

WHEREAS, occasionally, upon review of the circumstances, and upon the request of the account holder, the Township determines that it is appropriate to administratively adjust the late fees and/or penalties; and

WHEREAS, Township Administrator and Director of the Water and Sewer Department received a request for such a consideration relative to late payments from 779 accounts within the Rachel Gardens Development; and

WHEREAS, the matter was reviewed and a one time only, non-precedent setting, administrative adjustment of 20% (reduction of \$3.00 for each account's \$15.00 late fee) would be administered for each of the accounts; and

WHEREAS, the Township Committee has reviewed and approved such non-precedent setting administrative waiver.

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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, as that the Department of Water and Sewer Utilities is hereby authorized to apply a one-time only, non-precedent setting, administrative adjustment of 20% (reduction of \$3.00 for each account's \$15.00 late fee) to each of the 779 accounts reviewed.

This Resolution shall take effect immediately.

Motion by Cook second by Cooney to adopt consent agenda resolutions, Resolution 2023-119 through Resolution 2023-140

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

RESOLUTIONS

Motion by Cook second by Cooney to adopt [Resolution](#) approving the listing of bills and signing of checks for March 28, 2023

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

[Resolution 2023-141](#) Emergency Resolution to extend the 2023 temporary budget

WHEREAS, The 2023 Budget for the Township of Montville has not been adopted and

WHEREAS, appropriation balances provided for under the 2023 Temporary Budget are not sufficient to meet the needs of the Township of Montville, until the adoption of the 2023 budget, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$7,639,858.23

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville in the County of Morris, State of New Jersey, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

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1) Emergency temporary appropriations be and the same is hereby made for the amount indicated as follows:

Current Fund		\$ 6,531,687.33
Water Utility		\$ 481,993.95
Sewer Utility		\$ 626,176.95

2) That said emergency temporary appropriations will be provided for in the 2023 budget.

3) That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Motion by Conklin second by Witty to adopt Resolution 2023-141

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

Resolution 2023-142 Transfer of funds Resolution

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year; and

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Montville, (not less than two-thirds of all members thereof affirmatively concurring) that the following transfers be made between the 2022 Budget Appropriation Reserves as follows:

From	Amount	To	Amount
<u>Current Fund</u>			
PERS	\$ 2,500.00	DCRP	\$ 2,500.00
	\$ 2,500.00		\$ 2,500.00

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BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to make the transfers.

Motion by Cook second by Cooney to adopt Resolution 2023-142

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

Resolution 2023-143 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract to Aton Computing, Inc. for management information systems support under the Passaic County Cooperative Pricing Council

WHEREAS, a Passaic County Cooperative Pricing Council contract is available for Management Information Systems Support (Contract #RFP-19-016 Management Systems Support); and

WHEREAS, the Township of Montville has a need for the provision of Management Systems Support; and

WHEREAS, the Township of Montville wishes to award the contract for the provision of Management Information Systems Support to ATON Computing, Inc. under the Passaic County Cooperative Pricing Council at the following rate:

Term	Hourly Rate	Not to exceed amount
04/01/2023 through 04/30/2023	\$122.04	\$6,000.00
TOTAL		\$6,000.00

to be charged to: Information Systems and Technology OE, Professional Fees,
3-01-20-140-227, not to exceed \$6,000.00.

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NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that ATON Computing, Inc. is hereby awarded the Contract for the provision of Management Information Systems Support under the Passaic County Cooperative Pricing System, Contract #RFP-19-016 Management Information Systems Support.

This Resolution will take effect immediately upon its passage.

Motion by Cooney second by Cook to adopt Resolution 2023-143

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

Resolution 2023-144 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the MacLeay Road Storm Sewer Replacement Project to Messercola Excavating Co., Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for MacLeay Road Storm Sewer Replacement project; and

WHEREAS, nine (9) sealed bids were received and opened on March 21, 2023, in accordance with the bid specifications:

1) Messercola Excavating Co., Inc.	\$ 66,528.50
2) Salmon Brothers, Inc.	\$ 67,910.00
3) Crossroads Paving Company	\$ 72,350.00
4) ADS Site Contractors	\$ 89,637.05
5) AJM Reivax Construction	\$ 98,751.15
6) John Garcia Construction	\$104,806.80
7) North Creel Construction	\$129,660.00
8) Colonnelli Brothers	\$131,786.00
9) Shauger Group, Inc.	\$156,750.00

; and

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

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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 Messercola Excavating Co., Inc. at a bid price of \$66,528.50 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 Messercola Excavating Co., Inc., 549 East 3rd Street. Plainfield, New Jersey 07060, for the MacLeay Road Storm Sewer Replacement project in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$66,528.50.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Messercola Excavating Co., Inc. in accordance with its bid for the MacLeay Road Storm Sewer Replacement project.

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

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

5. The account to be used for these services shall be:

C-04-56-156-003, 2022-14 Eng:Rdwy Improv-Drainage, Curbs; \$ 66,528.50

This Resolution will take effect immediately.

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Motion by Cook second by Conklin to adopt Resolution 2023-144

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

Resolution 2023-145 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing a change to the contract for the Municipal Fields Fencing Project between the Township of Montville and Challenger Fence

WHEREAS, pursuant to Resolution, Challenger Fence was awarded a contract in the amount of \$190,400 for the Municipal Fields Fencing Project; and

WHEREAS, it was determined that the four dugouts required new gates at an additional cost of \$3,840; and

WHEREAS, the Township Recreation Director has recommended the above change to the contract price by correspondence dated March 23, 2023 reflecting a change to the contract total in the amount of \$3,840 as described above; and

WHEREAS, the original contract amount was \$190,400; the amended contract amount based upon the additional work is \$194,240 which is a 2.02% increase 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 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:

The Contract Amount is hereby approved in the contract between the Township of Montville and Challenger Fence as follows:

Original Contract:	\$190,400
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Change	\$ <u>3,840</u>
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New Contract Total:	\$194,240
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Increase of 2.02%

NOW, THEREFORE, BE IT FURTHER RESOLVED that the account to be used for these services is as follows:

C-04-56-149-003; 2021-10 Rec: Field Fencing/Gates/Nets; not to exceed \$3,840.00

This Resolution will take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2023-145

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

Resolution 2023-146 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the sale of certain land and property no longer needed for public use by the Township of Montville pursuant to N.J.S.A. 40A:12-13 et seq.

Motion by Conklin second by Witty to remove Resolution 2023-146 from the agenda

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

REVIEW OF MEETING ACTION ITEMS

Administration and Attorney to follow up with Kapur (Public Portion)

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

Contract Negotiations

Litigation

Personnel

Attorney-Client Privilege/Potential Litigation

Open Space easement legal issues; Open Space acquisition; block 10, lot 6; 2023 budget; Resolution 2023-146

Motion by Cook second by Conklin

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 Witty second by Conklin to add Resolution 2023-146 to the agenda

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

Resolution 2023-146 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the sale of certain land and property no longer needed for public use by the Township of Montville pursuant to N.J.S.A. 40A:12-13 et seq.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 *et seq.*, authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Township of Montville is the owner of certain real property not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell same.

WHEREAS, the Township desires to make available for sale to the highest bidder the parcels identified as 70 Changebridge Road, Block 82.05, Lot 86, in accordance with N.J.S.A. 40A:12-13(a); and

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WHEREAS, the Township of Montville desires to make this property available for public sale, with the right of first refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2; and

WHEREAS, the suggested minimum bid is \$350,000.00; and

WHEREAS, any sale of the property pursuant to this Resolution shall include any and all right-of-way utility easements.

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 of Montville hereby declares that the lands and premises located at 70 Changebridge Road, Block 82.05, Lot 86, is no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey.
2. The Township Committee of the Township of Montville hereby authorizes the Township Clerk to offer for sale to the highest bidder at public auction property identified as 70 Changebridge Road, Block 82.05, Lot 86.
3. The public sale shall take place at the Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey on May 9, 2023 or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.
4. Any person bidding on behalf of a corporation must either submit a copy of a resolution of the corporation or a letter on corporate stationery, signed by an officer of the corporation, authorizing the bidder to bid on the property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.
5. The successful bidder at the time of sale must present cash, check or money order, payable to the Township of Montville, in an amount that equals ten percent (10%) of the sales price. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township reserves the right to, at its discretion, accept or reject any and all bids at the public sale and to not award to the highest bidder. Such decision will be

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made by the Township Committee at a public meeting within thirty (30) days from the date of such public sale.

7. The Township makes no representations as to the title of the land to be sold. The Township of Montville makes no representations of any kind as to the condition of the property, said premises are being sold in their present condition "as is".
8. The successful purchaser shall establish and record with the Morris County Clerk a Sight Triangle Easement based on Township Code Chapter 230-58(Q). The Sight Triangle Easement must be cleared of obstructions within the rights-of-way of Changebridge Road and Cedar Road, as necessary, to provide adequate sight distance for the Cedar Road/Changebridge Road intersection, as required by the Montville Township Code. Clearing and excavation shall include, but may not be limited to, the removal and disposal of trees, stumps and soil necessary to achieve the required sight distance and shall be at the expense of the purchaser. The removal of soil shall include all earth, boulders, rock, stumps or any other material excavated, hammered, blasted, or removed by any other means necessary from the Sight Triangle Easement or rights-of-way, in conformance with a grading plan to be submitted by the purchaser for approval by the Montville Township Engineer, and in compliance with all applicable permits.
9. The successful purchaser shall maintain the Sight Triangle Easement, in perpetuity, in conformance with the requirements of the Montville Township Code so as to maintain the required sight distance for the Cedar Road/Changebridge Road intersection.
10. The driveway for a dwelling unit to be constructed on the property in questions must only connect to Cedar Road and must be designed in conformance with all requirements of the Montville Township Code.
11. In the event the Township of Montville is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Township will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, the Township shall not be liable to the purchaser for any further costs, expenses, damages or claims, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Township Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Township Committee, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts title in its present condition. The acceptance of a deed by the purchaser from the Township shall extinguish any claims that said purchaser may have against the Township of Montville in connection with the quality of title conveyed.
12. The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of

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improvements benefiting said property. The Township makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is."

13. All conveyances by the Township shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Township prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include with its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
14. The Township Committee reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township. No bid shall be considered finally accepted until passage of a resolution by the Township Committee as set forth in Paragraph 15 hereof.
15. The acceptable bid shall be confirmed by resolution of the Township Committee no later than the second regular meeting of the Township Committee following the date of such sale.
16. The property herein sold may not be further subdivided at any point in the future.
17. If the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided if the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
18. If no adjoining property owners are present to bid on the property, the bidding will be opened to the public. The Township will not represent, warrant or guarantee the right to build on or improve the property listed for sale. The property will be subject to all federal, state and local laws and ordinances.
19. In the event that the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.
20. A public notice of sale shall be published in the Township's official newspaper at least once a week for two (2) consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Resolution shall take effect immediately.

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Motion by Cooney second by Witty to adopt Resolution 2023-146

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

Motion by Conklin second by Witty to adjourn

All in favor – Motion carried

ADJOURNMENT at 9:07pm

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Matthew S. Kayne, Mayor

ADJOURNMENT

Regular Meeting: April 11, 2023 at 7pm