

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 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
Fred Semrau, Esq., Township Attorney
Stacy Sullivan-Gruca, Township Clerk
Margaret Shepard, Deputy Clerk

Katie Yanke, CFO
Jonathan Testa, Esq., Dorsey & Semrau

Prayer and Pledge of Allegiance by Committeeman Conklin

2023 MUNICIPAL BUDGET - ADOPTION

[Resolution 2023-175](#) Resolution authorizing waiver of reading in full of the 2023 Municipal Budget

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted, and

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Township of Montville has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the reading in full of the 2023 Budget be dispensed with.

Motion by Witty second by Cook to adopt Resolution 2023-175

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

Resolution 2023-176 Resolution authorizing self-examination of 2023 Municipal Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Montville* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Township of Montville* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget, where required:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

a. All estimates of revenue are reasonable, accurate and correctly stated,

b. Items of appropriation are properly set forth

c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion by Cook second by Conklin to adopt Resolution 2023-176

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

Public Hearing on 2023 Municipal Budget

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 Conklin second by Witty to open public portion on 2023 Municipal Budget

All in favor – Motion Carried

No Public Comments

Motion by Cook second by Witty to close public portion

All in favor – Motion Carried

Resolution 2023-177 amended budget Resolution (*read in full by the Mayor*)

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

TOWNSHIP OF MONTVILLE
MORRIS COUNTY, NEW JERSEY
RESOLUTION NO. 2023 - 177

Resolution Re: Resolution to Amend 2023 Budget

WHEREAS, the local municipal budget for the year 2023 was approved on the 11th day of April, 2023, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Montville, County of Morris, that the following amendments to the approved budget of 2023 be made:

Recorded Vote
 (Insert last names)

(((
((Abstained (
(((
Ayes (Nayes ((
((Absent (
(((
(((

CURRENT FUND

	<u>From</u>	<u>To</u>
General Revenues		
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	20,474,517.00	20,403,642.00
Total Amount to be Raised by Taxes for Support of Municipal Budget	22,261,715.00	22,190,840.00
7. Total General Revenues	<u>34,691,625.31</u>	<u>34,620,750.31</u>
8. General Appropriations		
(A) Operations - Within "CAPS"		
Solid Waste Removal and Disposal		
Other Expenses (Contractual)	3,517,006.00	3,447,796.00
Total Operations (Item 8(A)) within "CAPS"	21,508,993.00	21,439,783.00
Detail:		
Salaries & Wages	11,445,929.00	11,445,929.00
Other Expenses	10,063,064.00	9,993,854.00
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	24,495,246.00	24,426,036.00
(L) Subtotal General Appropriations	31,926,047.31	31,856,837.31
(M) Reserve for Uncollected Taxes	2,765,578.00	2,763,913.00
9. Total General Appropriations	<u>34,691,625.31</u>	<u>34,620,750.31</u>

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2023 local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, approved by the Township Committee on the 9th day of May, 2023.

CERTIFIED BY ME:

_____, 2023

Township Clerk

It is hereby certified that the approved Budget Amendment annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct. All statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.

Certified by me, this 9th day of May, 2023

Registered Municipal Accountant

Motion by Cooney second by Cook to adopt Resolution 2023-177

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE

Meeting Minutes - May 9, 2023

Resolution 2023-178 Adoption of 2023 Municipal Budget

SECTION 2 - UPON ADOPTION FOR YEAR 2023

RESOLUTION 2023-178

Be it Resolved by the COMMITTEEPERSONS of the TOWNSHIP of MONTVILLE, County of MORRIS that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 20,403,642.00 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 1,676,397.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ 1,787,198.00 (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

Ayes	Nays	Abstained	

SUMMARY OF REVENUES			
1. General Revenues			
Surplus Anticipated	08-100	\$	3,700,000.00
Miscellaneous Revenues Anticipated	13-099	\$	7,979,910.31
Receipts from Delinquent Taxes	15-499	\$	750,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	20,403,642.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(d), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	1,787,198.00
Total Revenues	13-299	\$	34,620,750.31

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 21,439,783.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 2,986,253.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 2,692,928.10
(c) Capital Improvements	44-999	\$ 1,227,055.21
(d) Municipal Debt Service	45-999	\$ 3,505,694.00
(e) Deferred Charges - Municipal	46-999	\$ 5,124.00
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 2,763,913.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 34,620,750.31

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 9th day of May, 2023. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2023 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, 2023, _____, Clerk

Sheet 42

Motion by Cook second by Cooney to adopt Resolution 2023-178

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Gratitude expressed to Katie Yanke, CFO and Administrator for an impressive job on the budget, especially under the circumstances of inflation affecting all municipalities across the State

APPROVAL OF MEETING MINUTES

April 25, 2023 Regular Meeting Minutes
April 25, 2023 Closed Session Meeting Minutes

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

All in favor – Motion carried

PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

Ordinance 2023-09 Ordinance of the Township of Montville, in the County of Morris and State of New Jersey, vacating an easement along block 51, lots 19.05 and 19.06

Motion by Cook second by Cooney to table Ordinance 2023-09

All in Favor - Motion Carried

Ordinance 2023-10 Bond Ordinance providing for the acquisition of property for use as Open Space in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$1,850,000 therefor and authorizing the issuance of \$1,319,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Cooney second by Conklin to open public hearing on Ordinance 2023-10

All in Favor - Motion Carried

No Public Comments

Motion by Cooney second by Witty to close public hearing on Ordinance 2023-10

All in Favor - Motion Carried

Motion by Cooney second by Witty to adopt Ordinance 2023-10

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

REPORTS

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Administrator's Report

Public Auction of Township Property commonly known as 70 Changebridge Road held this evening at 6pm in the Council Chambers. No bidders were present.

Noted that unflattering, old pictures of the John Street Park area were posted on social media, misrepresenting the current state of the park.

Attorney Report

Morris County Board of Taxation hearing (Attorney and Tax Assessor) all assessments were upheld as accurate. Expression of gratitude toward Chris Lauver, Tax Assessor.

Introduced Jonathan Testa, from Dorsey & Semrau. Testa held this evening's Public Auction and handles the Township's affordable housing litigation.

Township Committee liaison reports and comments

Cooney

No report

Witty

Housing Committee will hold a special meeting on May 16th

DAC/Municipal Alliance lawn sign fundraiser for graduates at Lazar and MTHS in process

Board of Health meeting cancelled

VFW Memorial Day Event, May 29th at 11am

Conklin

None

Cook

Annual Fishing Derby was held May 6th reported success of attendance, however the fish were illusive and the well-stocked Masar Pond remains well-stocked.

Board of Adjustment meets June 7th about the Fogelson Property

Kayne

Library Board upcoming drainage and parking lot improvements anticipated in 2023

TREP\$ Marketplace (5th grades create and sell products) attended at both Woodmont and Valley View

UNFINISHED BUSINESS

None

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

[Ordinance 2023-11](#) Ordinance establishing the 2023 salaries or wages of officials and employees of the Township of Montville, in the County of Morris and method of payment of such salaries or wages - unrepresented

Motion by Cooney second by Witty to introduce Ordinance 2023-11

All in Favor - Motion Carried

Clerk set public hearing date May 23, 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 Cook second by Conklin to open public portion

All in favor – Motion Carried

No Public Comments

Motion by Cook second by Witty to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA09

[Resolution 2023-179](#) Resolution authorizing appointment to various boards

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

BOARD OF ADJUSTMENT:

Larry Lomrantz – appoint as Alternate #2, unexpired term ending 1/1/2024

DAC/MUNICIPAL ALLIANCE:

Nicolette Salerno – appoint as member, unexpired term ending 12/31/2024

ENVIRONMENTAL COMMISSION:

Debra Stone – appoint as Alternate #2, unexpired term ending 1/1/2024

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

HISTORIC PRESERVATION REVIEW COMMISSION:
Eileen MacMahon-Strasser – appoint as Alternate #1, term ending 1/1/2025

Resolution 2023-180 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 block 40, lots 48 & 49, 652 & 662 Main Road

WHEREAS, the developer, Towaco Station, has requested a release of the cash bond submitted in connection with work being performed at Block 40, Lots 48 & 49, 652 & 662 Main Road, 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 April 28, 2023, that the cash bond held in connection with this project, which is in the amount of \$3,000.00, 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 \$3,000.00, be released to Towaco Station.

This Resolution shall take effect immediately.

Resolution 2023-181 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the waiver of certain fees for the Relay For Life event on June 10, 2023

WHEREAS, Montville Township Code Chapter 169 requires a fee for a mobile retail food establishment zoning permit and associated Board of Health fees; and

WHEREAS, the Relay for Life of Greater Montville Township is a fundraiser to benefit the American Cancer Society; and

WHEREAS, the American Cancer Society is a not-for-profit organization; and

WHEREAS, Applebee's Restaurant is catering the Survivor/Caregiver dinner for the Relay For Life event on June 10, 2023; and

WHEREAS, the Township Administrator recommends waiving the fee for a mobile retail food establishment zoning permit and associated Board of Health fees for Applebee's

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Restaurant as it relates to their participation in the Relay for Life of Greater Montville Township event on June 10, 2023; and

WHEREAS, while Applebee’s Restaurant is not required to pay any fees, they are still required to file for all permits for this event.

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

The mobile retail food establishment zoning permit and associated Board of Health fees are waived for Applebee’s Restaurant as it pertains to their participation in the Relay for Life of Greater Montville Township event on June 10, 2023.

This Resolution shall take effect immediately.

Resolution 2023-182 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 41 Lot 21

10 Benefly Rd

Marks, Timothy

Lien Redemption Certificate #22-00020 \$ 1,212.51

Premium Money \$20,100.00

Total Payment \$21,312.51

To: Pro Cap 8 FBO Firsttrust Bank

Resolution 2023-183 Resolution approving request from Tax Collector for refund of overpayment (tax appeals)

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

WHEREAS, The TAX COURT OF NJ has entered judgment on appeals filed by taxpayers in the Township of Montville;

WHEREAS, The judgment reduced assessments and cancelled tax creating an overpayment of taxes for the various years;

NOW, THEREFORE, BE IT RESOLVED that the treasurer be authorized to draw checks in the amount of overpayment to:

Spiotti & Associates, P.C.

for Thomsen, Austin & Emily

2 Ward Witty Rd	2021 Tax Appeal	\$ 760.64
Block 21.1 Lot 7	2022 Tax Appeal	<u>\$ 771.31</u>
	TOTAL REFUND	\$1,532.05

[Resolution 2023-184](#) Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the execution of a memorandum of understanding between the Township of Montville and Montville Chase Condominium Association relative to certain roadway repaving improvements on Davenport Road

WHEREAS, the Township of Montville ('Township') plans to repave Davenport Road, a public roadway in the Montville Chase Condominium Association ('Association'), as part of its 2023 Road Resurfacing Program; and

WHEREAS, Davenport Road traverses through the parking area of the Association's property; and

WHEREAS, the Township and the Association believe in the course of repaving the roadway that there would be a cost savings to the residents of the Association in lieu of any other roadway transition, paving or repairs to include the parking areas on Davenport Road, which is the responsibility and ownership of the Association, as long as all of the costs for such work is paid for by the Association; and

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

WHEREAS, the Association has agreed to pay the Township its share of the work and to set forth the terms and conditions of a Memorandum of Understanding (MOU); and

WHEREAS, the Township and Association desire to enter into a Memorandum of Understanding which memorializes said agreement (the 'MOU').

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 Committee hereby authorize the Township Administrator to execute a Memorandum of Understanding with the Montville Chase Condominium Association relative to certain roadway repaving improvements on Davenport Road.

This Resolution shall take effect immediately.

Resolution 2023-185 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of a vendor agreement with the New Jersey Department of Community Affairs for participation in the Low Income Household Water Assistance Program ("LIHWAP")

WHEREAS, the Township of Montville (Township) wishes to assist its residents who have had, or are in danger of having, their water and/or sewer services shut off due to an inability to pay for those services; and

WHEREAS, the Township wishes to enter into a Vendor Agreement with the New Jersey Department of Community Affairs for the distribution of federal grant assistance funds under the Low Income Household Water Assistance Program ("LIHWAP"); and

WHEREAS, the Township wishes to authorize the Mayor to execute the Vendor Agreement for participation in LIHWAP in a form substantially similar to the Agreement which is attached to this resolution as Exhibit A.

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 the Mayor and Township Clerk are hereby authorized to execute a Vendor Agreement with the New Jersey Department of Community Affairs.

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Motion by Cook second by Conklin to adopt consent agenda resolutions, Resolution 2023-179 through Resolution 2023-185

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 May 9, 2023

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

Resolution 2023-186 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the Bloomfield Avenue Sidewalk Project to Marini Bros. Construction Co., Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the Bloomfield Avenue Sidewalk project; and

WHEREAS, eleven (11) sealed bids were received and opened on April 19, 2023, in accordance with the bid specifications:

1) DS Meyer Enterprises, LLC	\$112,810.00
2) Marini Bros. Construction Co., Inc.	\$119,210.00
3) D&L Paving Contractors, Inc.	\$119,721.13
4) Vektor Corporation	\$122,070.00
5) DLS Contracting, Inc.	\$122,100.00
6) CMS Construction, Inc.	\$122,350.00
7) American Asphalt & Trucking, LLC	\$126,389.70
8) A Takton Concrete Corp.	\$130,943.00
9) Cifelli & Son General Contractor, Inc.	\$147,455.00
10) AA Berms, LLC	\$151,065.00
11) Diamond Construction	\$173,606.00

; and

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

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 apparent lowest bidder DS Meyer Enterprises, LLC at a bid price of \$112,810 has been found to not be in proper form and not in compliance with the provisions of N.J.S.A. §40A:11-21 and N.J.S.A. §40A:11-22 and the specifications as written; and

WHEREAS, the bid received from Marini Bros. Construction Co., Inc. at a bid price of \$119,210 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 Marini Bros. Construction Co., Inc., 9 Lafayette Street, Hackensack, New Jersey 07601, for the Bloomfield Avenue Sidewalk project in accordance with the bid specifications at the pricing set forth in its bid proposal at a total bid price not to exceed \$119,210.00.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Marini Bros. Construction Co., Inc. in accordance with its bid for the Bloomfield Avenue Sidewalk project.

3. The Township's Chief Financial Officer has certified the availability of funds for this contract from account C-04-56-157-007 in an amount not to exceed \$119,210.

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

This Resolution will take effect immediately.

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Motion by Conklin second by Cooney to adopt Resolution 2023-186

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

Resolution 2023-187 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing a change to the contract amount for PW-1 Well Redevelopment Project between the Township of Morris and A.C. Schultes and accepting the contract as complete

WHEREAS, pursuant to Resolution, A.C. Schultes was awarded the contract in the amount of \$159,940 for the Well Redevelopment of PW-1 Project; and

WHEREAS, A. C. Schultes has completed the project; and

WHEREAS, it has been determined by the Project Hydrogeologist that the cost of the project was under the contracted amount of \$159,940.00 for the following reasons:

CONTRACT TOTAL FOR CHEMICALS AND STANDBY TIME	\$8,400.00
INVOICED AMOUNTS FOR CHEMICALS AND STANDBY TIME:	
5.1 HCl Chemicals Contracted at \$7,200. Final invoiced amount	\$4,180.00
5.2 Chlorine Chemicals Contracted at \$300. Final invoice amount	\$150.00
5.3 AquaClear Chemicals Contracted at \$300. Final invoice amount	\$100.00
5.4 NuWell 410 Chemicals Contracted at \$150.00. Final invoice amount	\$ 0.00
9.0 Standby Time Contracted at \$300.00. Final invoice amount	<u>\$ 0.00</u>
INVOICED TOTAL FOR CHEMICALS AND STANDBY TIME	\$4,430.00

WHEREAS, the Project Hydrogeologist and the Director of Water and Sewer have deemed the work complete under the Redevelopment Contract for PW-1, for the total of \$155,970.00; and

WHEREAS, the original contract amount was \$159,940.00, the final contract amount based on the completed work is \$155,970.00 which is a 2.48% decrease from the original contract amount; and

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

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 Consulting Hydrogeologist has inspected the work and deemed the work to be complete.

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 A.C. Schultes as follows:

Original Contract:	\$159,940.00
Change Order #1	<u>(\$ 3,970.00)</u>
New Contract Total:	\$155,970.00

Decrease of 2.48%

2. The work performed by A.C. Schultes for the PW-1 Well Redevelopment Project is hereby accepted by the Township of Montville.
3. All public improvements completed by A.C. Schultes for the PW-1 Well Redevelopment Project are hereby accepted by the Township of Montville.
4. Final Payment in the amount of \$3,119.40 for the PW-1 Well Redevelopment Project is hereby authorized to be made to A.C. Schultes.

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-187

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Resolution 2023-188 Resolution authorizing the award of a Professional Services Contract without competitive bidding to LaGuardia & Associates, LLC to provide professional sound, light and technical services for Montville Township in connection with the entertainment for Montville Day 2023

WHEREAS, there exists a need for professional sound, light and technical services in connection with entertainment on Montville Day 2023; and

WHEREAS, the Township wishes to retain La Guardia & Associates, LLC to perform such services; and

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$13,200; 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 La Guardia & Associates, 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 that is original and creative in character in a recognized field of artistic endeavor.

Section 2. La Guardia & Associates, LLC shall provide professional sound, light and technical services to the Township as set forth in its proposal of April 5, 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: Celebration of Public Events, 3-01-30-420-221, \$13,200

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Section 5. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to La Guardia & Associates, LLC, 388 Pompton Avenue, Cedar Grove, New Jersey 07009, for their information and guidance.

This Resolution shall take effect immediately.

Motion by Conklin second by Cooney to adopt Resolution 2023-188

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

Resolution 2023-189 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the award of a contract for the 2023 Road Resurfacing Project to American Asphalt & Trucking, LLC

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the 2023 road resurfacing project; and

WHEREAS, sixteen (16) sealed bids were received and opened on May 4, 2023, in accordance with the bid specifications:

	Base Bid Price	Base plus Alternative
12) American Asphalt & Trucking, LLC	\$689,067.37	\$745,425.33
13) J.A. Alexander, Inc.	\$696,121.18	\$755,065.74
14) D.S. Meyer Enterprises, LLC	\$706,294.07	\$769,714.87
15) 4 Clean-up, Inc.	\$721,815.70	\$777,573.05
16) D&L Paving Contractors, Inc.	\$721,824.57	\$789,459.92
17) Capital Paving & Contracting	\$724,512.75	\$804,037.95
18) Crossroads Pavement Maintenance	\$759,827.90	\$826,751.25
19) AJM Contractors, Inc.	\$779,462.25	\$842,652.25
20) Frank Macchione Paving Plus	\$783,159.10	\$850,019.45
21) Carroccia Co. Contractors	\$799,797.10	\$864,527.45
22) Your Way Construction	\$799,823.03	\$881,201.71
23) Riverview Paving	\$818,599.60	\$886,795.15
24) PM Construction	\$811,519.00	\$895,174.00
25) Tilcon	\$851,000.00	\$927,000.00
26) Reivax Contracting Corp.	\$858,441.41	\$930,789.96
27) DLS Contracting, Inc.	\$707,401.51	\$1,472,543.02

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

; and

WHEREAS, said bids have been duly reviewed and analyzed by the Montville Township Attorney and Township Engineer; 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 American Asphalt & Trucking, LLC at a base bid price of \$689,067.37 and a base plus alternative bid price of \$745,425.33 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 from the following accounts:

2-01-41-866-301	\$ 7,228.43
3-01-41-866-301	<u>\$738,196.90</u>
	\$745,425.33

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 American Asphalt & Trucking, LLC, 24 Murray Street, West Orange, New Jersey 07052, for the 2023 road resurfacing project in accordance with the bid specifications at the pricing set forth in its bid proposal at prices not to exceed a base bid price of \$689,067.37 and base plus alternative bid price of \$745,425.33.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with American Asphalt & Trucking, LLC in accordance with its bid for the 2023 road resurfacing project.

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

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

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

This Resolution will take effect immediately.

Motion by Witty second by Cooney to adopt Resolution 2023-189

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

Resolution 2023-190 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, appointing Eric L. Harrison, Esq. as special counsel to investigate employee and citizen complaints

WHEREAS, the Township has received certain allegations against it and its employees by a citizen of the Township; and

WHEREAS, the Township is concerned as to the hostile attitude and accusations that have been expressed towards individuals on staff by the same citizen; and

WHEREAS, the Township wishes to appoint a Special Counsel to investigate all of these matters.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, the following:

1. Eric L. Harrison, Esq. of Methfessel and Werbel, is hereby appointed as Special Counsel to investigate certain allegations against the Township and its employees by a citizen of the Township and to investigate the actions of that citizen toward the employees of the Township;
2. Mr. Harrison shall be paid at the rate of \$160 an hour for an amount not to exceed \$2,500;
3. The Township Chief Financial Officer certifies that funds are available;
4. The account to use for these services is as follows:
3-01-20-155-227 Professional Services, Professional Fees;
not to exceed \$2,500

This Resolution shall take effect immediately.

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Motion by Cook second by Cooney to adopt Resolution 2023-190

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

REVIEW OF MEETING ACTION ITEMS

Per Deputy Mayor Cooney’s suggestion: After Capital Budget Ordinance introduction at 5/23/2023 meeting, Administrator to present a list of anticipated projects to share with the public / confirmation of “No Mow May” not interfering with Township property maintenance code.

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

Contract Negotiations

Litigation

RG Realty vs. Montville Township; Monarch/JMC

Personnel

Attorney-Client Privilege/Potential Litigation

Pedestrian safety; Redevelopment; subcommittee

Motion by Conklin second by Witty 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 Cooney second by Conklin to adjourn

All in favor – Motion carried

ADJOURNMENT at 8:04pm

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - May 9, 2023

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Matthew S. Kayne, Mayor

Next Regular Meeting: May 23, 2023 at 7pm