

REGULAR MEETING OF MONTVILLE TOWNSHIP COMMITTEE
Meeting Minutes - June 13, 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.

The State Low Income Household Water Assistance Program (LIHWAP) can help you pay arrears for your water and sewer bills. The program may also be able to help address tax liens due to water and sewer arrears. To get more information and apply, go to waterassistance.nj.gov, or call NJ211, or visit the Township website at www.montvillenj.org.

The Winter Termination Program helps to prevent service discontinuation for eligible residential customers receiving residential electric, sewer and water service from a local government from November 15th through March 15th. Service cannot be disconnected during this period to those residential customers who meet certain criteria. For more information on this program, please refer to the notice on the Township website at www.montvillenj.org.

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

Prayer and Pledge of Allegiance by Committeewoman Witty

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APPROVAL OF MEETING MINUTES

May 23, 2023 Regular Meeting Minutes
May 23, 2023 Closed Session Meeting Minutes

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

All in favor – Motion carried

PUBLIC HEARING ON ORDINANCE FOR FINAL ADOPTION

Ordinance 2023-12 Ordinance of the Township Committee of the Township of Montville, County of Morris, State of New Jersey, authorizing acceptance of dedication of Eckhardt Circle and South Franklin Court within the Meadows at Montville

Motion by Cook second by Witty to open public hearing on Ordinance 2023-12

All in Favor - Motion Carried

No Public Comments

Motion by Witty second by Cook to close public hearing on Ordinance 2023-12

All in Favor - Motion Carried

Motion by Cooney second by Conklin to adopt Ordinance 2023-12

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

Ordinance 2023-13 Ordinance of the Township of Montville, Morris County, New Jersey, authorizing a capital expenditure from the Open Space Dedicated Trust Fund in the amount of \$265,000

Motion by Conklin second by Cooney to open public hearing on Ordinance 2023-13

All in Favor - Motion Carried

Public Comments

Shari Seffer, 53 Davenport Road, Montville

Objects to the adoption of Ordinance 2023-13. Strongly believes that open space funds should be used for the purchase of open space, and disagrees with the consistent use of these funds for beautification and upgrading of recreational facilities.

Cook reminds of the referendum which allows open space funds to be utilized for these purposes.

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Motion by Cook second by Witty to close public hearing on Ordinance 2023-13

All in Favor - Motion Carried

Motion by Witty second by Conklin to adopt Ordinance 2023-13

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

Ordinance 2023-14 Bond Ordinance providing for various capital improvements in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$3,390,700 therefor and authorizing the issuance of \$2,616,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Witty second by Cooney to open public hearing on Ordinance 2023-14

All in Favor - Motion Carried

No Public Comments

Motion by Conklin second by Cook to close public hearing on Ordinance 2023-14

All in Favor - Motion Carried

Motion by Cooney second by Witty to adopt Ordinance 2023-14

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

Ordinance 2023-15 Bond Ordinance providing for various improvements to the water utility in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$3,813,000 therefor and authorizing the issuance of \$3,612,500 bonds or notes of the Township to finance part of the cost thereof

Motion by Witty second by Cooney to open public hearing on Ordinance 2023-15

All in Favor - Motion Carried

No Public Comments

Motion by Conklin second by Cook to close public hearing on Ordinance 2023-15

All in Favor - Motion Carried

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Motion by Witty second by Cook to adopt Ordinance 2023-15

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

Ordinance 2023-16 Bond Ordinance providing for various improvements to the sewer utility in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$720,000 therefor and authorizing the issuance of \$640,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Cooney second by Witty to open public hearing on Ordinance 2023-16

All in Favor - Motion Carried

No Public Comments

Motion by Cook second by Conklin to close public hearing on Ordinance 2023-16

All in Favor - Motion Carried

Motion by Cook second by Witty to adopt Ordinance 2023-16

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

REPORTS

Administrator's Report

Township applied for a cybersecurity grant to assist in purchase of computer hardware and software

Sidewalk Cost Share Program due to begin with Cambray Road. New program to replace existing sidewalks with new sidewalks through cost sharing with homeowners who are responsible for sidewalks on property as outlined in Township ordinance. Capital funds dedicated to the program (2022: \$75,000 and 2023: \$75,000).

Attorney Report

Quick review of the litigation with RG Realty (Rachel Gardens) over the extension of affordable controls by the Township. Matter is on course to go to trial.

Township Committee liaison reports and comments

Cooney

No report

Witty

VFW Flag Retirement Ceremony held on June 3rd

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DAC/Municipal Alliance graduation lawn sign fundraiser for Project Promotions

Relay for Life raised over \$60,000 for the American Cancer Society

Conklin

No report

Cook

No report

Kayne

Attended presentation at MTHS about the prevention of burglary.

Altice matter ongoing and updates will be given as they are available.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ORDINANCE INTRODUCTIONS

Ordinance 2023-17 Ordinance of the Township of Montville, County of Morris, State of New Jersey, authorizing the acquisition of the property designated as block 139.3, lot 10, 103 Horseneck Road, in the Township of Montville

Administrator reports: 5 acres of land – recreation area use

Motion by Cooney second by Cook to introduce Ordinance 2023-17

All in Favor - Motion Carried

Clerk set public hearing date on June 27, 2023

Ordinance 2023-18 Ordinance of the Township of Montville, Morris County, New Jersey, authorizing a capital expenditure from the Open Space Dedicated Trust Fund in the amount of \$100,000

Motion by Cook second by Conklin to introduce Ordinance 2023-18

All in Favor - Motion Carried

Clerk set public hearing date on June 27, 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

Andy Schuckers, 82 Two Bridges Road, Towaco

Expresses concerns over speeding and careless driving on Two Bridges Road that often results in accidents. Most recently a tow truck crashed into his retaining wall, totaled his car (among other damages). Mention of only one speed limit sign remaining on the road alerting drivers of speed limit and request for more attention to be given to the safety of those living and traveling on that roadway. Gratitude expressed for Officers Blustein, Colella and De Magistris during the aftermath of the accident.

Shari Seffer, 53 Davenport Road, Montville

Expresses disappointment in the lack of presence of the Township Committee members at the OneMontville Pride Event. Concerns shared over the posting of the agenda less than 48 hours before the meetings, which may violate the Open Public Meetings Act. Troubled by the lack of information released to the Township citizens about the burglary of multiple firearms at the FSS Armory in Pine Brook in January 2023.

Motion by Cook second by Conklin to close public portion

All in favor – Motion Carried

RESOLUTION AUTHORIZING CONSENT AGENDA NO. 2023-CA11

Resolution 2023-205 Resolution of the Township of Montville, in the County of Morris, State of New Jersey, accepting a performance bond from Suburban Disposal, Inc. for solid waste and recyclable materials collection service

WHEREAS, in accordance with the contract awarded to Suburban Disposal, Inc. for solid waste and recyclable materials collection, a performance bond is required; and

WHEREAS, Suburban Disposal, Inc. has submitted bond number 7901120557 in the amount of \$2,509,000.00 representing the performance bond for the service; and

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WHEREAS, the Township Administrator and Township Attorney have reviewed the bond submitted and have recommended acceptance of same.

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 Suburban Disposal, Inc. is hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to Suburban Disposal, Inc.

This Resolution shall take effect immediately.

Resolution 2023-206 Resolution authorizing a permit for a Seasonal Farm Sale

WHEREAS, Conklin Farm, 65 River Road, Montville, New Jersey, has applied for a special permit to have their annual Fall pumpkin picking event to be held from Saturday, September 16, 2023, through Tuesday, October 31, 2023; and

WHEREAS, the Township Committee finds that the farm sale would be unobjectionable provided that the following stipulations be adhered to:

1. Six signs only as per locations indicated on plan dated 5/31/2023. There must be no more than six signs and they cannot block visibility at corners. Signs must be removed by November 1, 2023.
2. Compliance with the Montville Township Health Department's food licensing regulations.
3. Compliance with the Montville Fire Prevention Bureau's Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that a permit to Conklin Farm for a Fall pumpkin picking event to be held from Saturday, September 16, 2023, through Tuesday, October 31, 2023, shall be issued.

Resolution 2023-207 Resolution authorizing the processing of certain tax sale certificate redemptions

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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 52.2 Lot 30, 30 Skyline Dr

Lien Redemption Certificate #22-00023 \$ 8,747.33

Premium Money \$ 3,300.00

Total Payment \$12,047.33

To: PRO CAP 8 FBO FIRSTRUST BANK

[Resolution 2023-208](#) Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (2023 Clean Communities)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$58,025.82, which is now available from the State of New Jersey 2023 Clean Communities Grant in the amount of \$58,025.82.

BE IT FURTHER RESOLVED, that the like sum of \$58,025.82 is hereby appropriated under the caption 2023 Clean Communities Grant; and

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BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Department of Environmental Protection Clean Communities Grant in the amount of \$58,025.82.

Resolution 2023-209 Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (Municipal Stormwater Assistance Grant)

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$25,000.00, which is now available from the State of New Jersey Water Resources Planning Management Stormwater Assistance Grant in the amount of \$25,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$25,000.00 is hereby appropriated under the caption Municipal Stormwater Assistance Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Department of Environmental Protection in the amount of \$25,000.

Resolution 2023-210 Resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the submittal of the 2024 NJDOT Municipal Aid application for the Konner Avenue Improvement Project

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WHEREAS, 2024 Municipal Aid Funds are available through the New Jersey Department of Transportation; and

WHEREAS, the Township Committee of the Township of Montville has identified the Konner Avenue Improvement Project as the Township's priority project for 2024.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Township Administrator, Township Clerk, and Township Engineer are hereby authorized to submit an electronic grant application identified as MA-2024-Konner Avenue Improvement Project-00213 to the New Jersey Department of Transportation on behalf of the Township of Montville for the Konner Avenue Improvement Project.

BE IT FURTHER RESOLVED that the Township Administrator, Township Clerk, and Township Engineer are hereby authorized to sign the grant agreement on behalf of the Township of Montville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

This Resolution shall take effect immediately.

[Resolution 2023-211](#) Resolution approving request from the Tax Collector for cancellation of taxes and refund of overpayment

WHEREAS, property taxes for the year of 2023 are to be cancelled due to a 100% disabled veteran exemption effective as of the filing date of May 30, 2023;

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

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

Hanzl, Kenneth
8 Moore Rd
Block 51 Lot 66

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Cancel & Refund 30 days of 2 nd Qtr 2023	\$776.87
TOTAL REFUND	\$776.87

Motion by Cook second by Witty to adopt consent agenda resolutions, Resolution 2023-205 through Resolution 2023-211

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

RESOLUTIONS

Motion by Conklin second by Cook to adopt Resolution approving the listing of bills and signing of checks for June 13, 2023

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

Resolution 2023-212 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 Christopher P. Statile, P.A. to perform professional engineering services for Montville Township

WHEREAS, there exists a need for professional engineering services to be rendered to the Township of Montville in connection with design services for the Township Walking/Biking Trail - Phases II & III; and

WHEREAS, the Township wishes to retain Christopher P. Statile, P.A. to perform such services; and

WHEREAS, the maximum amount of for services under this contract shall not exceed a total of \$55,500; 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:

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Section 1. The contract with Christopher P. Statile, P.A. 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. Christopher P. Statile, P.A. shall provide professional engineering services to the Township as set forth in its proposal of February 23, 2023.

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

Section 4. A copy of this Resolution shall be provided to Katie Yanke, Chief Financial Officer, and to Christopher P. Statile, P.A., 3 Fir Court, Oakland, New Jersey 07430, for their information and guidance.

Section 5. The account to be used for these services is as follows:

3-01-42-340-297; Highlands-Plan Conformance-Trails Plan; not to exceed \$55,500

This Resolution shall take effect immediately.

Motion by Cooney second by Witty to adopt Resolution 2023-212

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

Resolution 2023-213 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 full-size pick-up truck with extended cab, one (1) ton V-8, automatic transmission, 4-wheel drive gasoline engine, single rear wheel or equivalent 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 2022 or newer full-size pick-up truck with extended cab, one (1) ton V-8, automatic transmission, 4-wheel drive gasoline engine, single rear wheel or equivalent; and

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

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1) CIOCCA FMFL, Inc. \$52,390.00

; and

WHEREAS, said bid has 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 \$52,390.00 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 full-size pick-up truck with extended cab, one (1) ton V-8, automatic transmission, 4-wheel drive gasoline engine, single rear wheel or equivalent in accordance with the bid specifications at the pricing set forth in its bid proposal at a bid price not to exceed \$52,390.00.

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 its bid for the purchase of a new, unused 2022 or newer full-size pick-up truck with extended cab, one (1) ton V-8, automatic transmission, 4-wheel drive gasoline engine, single rear wheel or equivalent.

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

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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-06-55-573-501; ORD #2022-20 (Water Capital) Replace Supervisor's Truck 9208; not to exceed \$30,000
- C-08-55-571-501; ORD #2022-19 (Sewer Capital) Replace Supervisor's Truck #9208; not to exceed \$22,390

This Resolution will take effect immediately.

Motion by Cook second by Cooney to adopt Resolution 2023-213

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

Resolution 2023-214 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:

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Term	Hourly Rate	Not to exceed amount
06/01/2023 through 08/31/2023	\$122.04	\$18,000.00
09/01/2023 through 12/31/2023	\$124.48	\$24,000.00
TOTAL		\$42,000.00

to be charged to: Information Systems and Technology OE, Professional Fees,
3-01-20-140-227, not to exceed \$42,000.00.

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 Cook second by Conklin to adopt Resolution 2023-214

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

Resolution 2023-215 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.C., #1.C. PIT, category C, #1.D., #1.E., and category D, #1.A.

WHEREAS, the Montville Township Water Department wishes to purchase various Neptune Pro-Coder Meters, Mach 10 Ultrasonic Meters and Neptune R900 Radio Frequency Meter Interface Units as part of its water meter replacement program; and

WHEREAS, Rio Supply, Inc. has a Contract through the Morris County Cooperative Pricing Council - Contract #47, Category B, #1. C. & #1. C. Pit, Category C, #1. D. & #1. E. for Neptune Mach 10 Ultrasonic Meters and Category D #1. A. Neptune R900 Radio Frequency Meter Interface Units; and

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WHEREAS, the Township's Director of Water and Sewer Utility 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:

- Rio Supply, Inc. - \$6,432.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. C., twenty four (24) Neptune Pro-Coder Meters at \$268.00 per meter)
- Rio Supply, Inc. - \$1,152.00 (Morris County Cooperative Pricing Council Contract #47, Category B, #1. C, four (4) Pro-Coder Pit Meters at \$268.00 per unit) + four (4) pit applications at \$20.00 per meter (Pricing for pit applications NOT under the Morris County Cooperative Pricing Council Contract)
- Rio Supply, Inc. - \$4,380.00 (Morris County Cooperative Pricing Council Contract #47, Category C, #1. D., six (6) Mach 10 Ultrasonic Meters at \$730.00 per unit)
- Rio Supply, Inc. - \$5,100.00 (Morris County Cooperative Pricing Council Contract #47, Category C, #1. E., six (6) Mach 10 Ultrasonic Meters at \$850.00 per unit)
- Rio Supply, Inc. - \$6,750.00 (Morris County Cooperative Pricing Council Contract #47, Category D, #1.A., fifty (50) Neptune R900 Radio Frequency Meter Interface Units @ \$135.00 per unit)
- Total = \$23,814.00

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

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

- 3-05-55-500-245 – Water Utility: Meters; \$23,814.00

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 Witty to adopt Resolution 2023-215

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

Resolution 2023-216 Resolution of the Township of Montville, County of Morris and State of New Jersey authorizing an amendment to the contract with Horn Electrical Contracting, Inc. for the performance of electrical services for Township-owned facilities

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for electrical services for Township owned facilities; and

WHEREAS, the Township and Horn Electrical Contracting, Inc. entered into an Agreement authorized by Resolution 2023-43 to perform such services; and

WHEREAS, the Agreement had a not-to-exceed amount of \$20,000; and

WHEREAS, the Township and Horn Electrical Contracting, Inc. wish to amend the agreement for an additional \$20,000 for a total not-to-exceed amount of \$40,000 due to additional electrical work needed for various Township projects.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, that the Township of Montville hereby awards and authorizes the Township Clerk to execute an Addendum with Horn Electrical

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Contracting, Inc. for electrical services for Township owned facilities for a fee not-to-exceed a total of \$20,000.

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

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

Facilities Management: Repairs/Replacements, 3-01-26-311-213; \$20,000

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution 2023-216

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

Resolution 2023-217 Resolution authorizing and amendment to the Professional Services Contract with Kleinfelder for the performance of professional engineering services for Montville Township

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township entered into an agreement, authorized by Resolution 2022-356, to perform professional engineering services for construction observation and construction administration services for the ongoing Old Lane Sewer Expansion Project; and

WHEREAS, the Agreement had a not-to-exceed amount of \$45,500; and

WHEREAS, the Township and Kleinfelder wish to amend the agreement for an additional \$4,000 for a total not-to-exceed amount of \$49,500 for work required to complete the as-built drawings, prepare the final close out documents for the project, and final payment; and

WHEREAS, funds are available for this purpose; and

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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, that the Township of Montville hereby awards and authorizes the Township Clerk to execute an addendum with Kleinfelder for professional engineering services for construction observation and construction administration services for the ongoing Old Lane Sewer Expansion Project for a fee not-to-exceed a total of \$4,000.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the total fee authorized for this contract shall not exceed \$49,500 without the prior written approval of the Township Committee.

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

- ORD 2021-08; SWR Old Lane Sewer Expansion; C-08-55-569-501; not to exceed \$4,000

This Resolution shall take effect immediately.

Motion by Witty second by Conklin to adopt Resolution 2023-217

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

Resolution 2023-218 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 St. John the Baptist Russian Orthodox Greek Catholic Church of Singac, New Jersey to the Township of Montville

WHEREAS, St. John the Baptist Russian Orthodox Greek Catholic Church of Singac, New Jersey (“St. John”) is owner of property located at 103 Horseneck Road, Block 139.3, Lot 10 (“Property”), in the Township of Montville; and

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WHEREAS, pursuant to the Deed vesting ownership in the Property to St. John, in the event the Church ceases the use of the property for church purposes for ten (10) consecutive years, the Township will have the right to vest title in the property; and

WHEREAS, St. John has ceased utilizing the property for church purposes and has agreed to sell the Property to the Township of Montville to be utilized for park purposes as defined in the contract for sale; and

WHEREAS, Montville has agreed to purchase the Property for a total of \$75,979.28, with said costs to be funded by the Township of Montville; and

WHEREAS, the Township and St. John 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 St. John the Baptist Russian Orthodox Greek Catholic Church of Singac, New Jersey for the purchase of the property at 103 Horseneck Road, Block 139.3, Lot 10.

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 and St. John the Baptist Russian Orthodox Greek Catholic Church of Singac, New Jersey for the purchase of the property at 103 Horseneck Road, Block 139.3, Lot 10.

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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 St. John the Baptist Russian Orthodox Greek Catholic Church of Singac, New Jersey.

This Resolution shall take effect immediately.

Motion by Cook second by Cooney to adopt Resolution 2023-218

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

Resolution 2023-219 Resolution authorizing the execution of an agreement for 2023 Municipal Services between the Township of Montville and RG Realty Investors, LLC, a Management Company representing Rachel Gardens Apartment Complex

WHEREAS, N.J.S.A. 40:66-1.3, et seq., provides in pertinent part that qualified multi-family dwellings are entitled to receive certain municipal services during local budget year 2002 and thereafter; and

WHEREAS, RG Realty Investors, LLC, a Management Company representing Rachel Gardens Apartment Complex is a qualified multi-family dwelling complex, as defined under the Act and the Township is a municipality governed by the Act; and

WHEREAS, the Act further provides that in lieu of providing certain municipal services to the Apartment Complex, the Township may opt to financially reimburse the Private Community; and

WHEREAS, the Township and the Private Community have mutually and freely agreed to the providing and receiving of certain services as more fully described in an Agreement for Municipal Services between the Township of Montville and RG Realty Investors, LLC, a Management Company representing Rachel Gardens Apartment Complex.

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NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that the appropriate municipal officials are hereby authorized to execute an Agreement for Municipal Services between the Township of Montville and RG Realty Investors, LLC, a Management Company representing Rachel Gardens Apartment Complex, in the form attached hereto.

BE IT FURTHER RESOLVED that the Township will reimburse Rachel Gardens Apartment Complex an amount not to exceed \$11,500 per month for a total not to exceed \$138,000 for 2023.

Motion by Conklin second by Witty to adopt Resolution 2023-219 subject to final legal and administrative review

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

REVIEW OF MEETING ACTION ITEMS

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

Personnel

Police Department

Attorney-Client Privilege/Potential Litigation

Block 1, lot 16.61; zoning; 337 & 339 Route 202; historic structures; Peter Nagle Builders, LLC

Motion by Witty 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

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Attorney notes that there is no specific requirement that an agenda be posted online before a meeting, and he believes the Township Clerk is compliant with the law.

CLOSED SESSION

Motion by Witty second by Cooney to adjourn

All in favor – Motion carried

ADJOURNMENT at 8:55pm

Approved:
Montville Township Committee

Stacy Sullivan-Gruca, Township Clerk

Matthew S. Kayne, Mayor

ADJOURNMENT

Next Regular Meeting: June 27, 2023 at 7pm