

**MONTVILLE TOWNSHIP COMMITTEE**  
**Regular Meeting Minutes - March 10, 2020**

Montville Township Committee Regular Meeting  
Tuesday, March 10, 2020 at 7:00 p.m.  
Montville Township Municipal Building, 195 Changebridge Road, Montville, NJ 07045

Statement of Open Public Meetings Act Compliance read by Township Clerk Leena Abaza

Roll Call Township Committee:

Present:                   Committeeman Matthew S. Kayne  
                              Committeewoman June Witty  
                              Deputy Mayor Rich Cook  
                              Committeeman Richard D. Conklin  
                              Chairman Frank W. Cooney

Also present:           Victor M. Canning, Township Administrator  
                              June E. Hercek, Assistant Administrator  
                              Fred Semrau, Township Attorney  
                              Leena Abaza, Township Clerk

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

1. Contract Negotiation: Morris Council No. 6, NJCSA, IFPTE, AFL-CIO (White Collar); Open Space NJ Land Conservancy contract guidelines.
2. Litigation: Affordable Housing in the Matter of Montville Township, Docket No. MRS-L-1633-15; Lieutenant Aquilio Docket No. MRS-L-477-19, and PBNJ et al.
3. Attorney-Client Privilege: Habberstad Court; 45 Mary Drive.
4. Personnel: Administration; Clerk's Department.

Motion by Kayne second by Witty to approve Closed Executive Session Resolution and move into closed session. All in favor. Resolution adopted.

**7:00 p.m. – Closed Session**

**8:00 p.m. – Public Session**

Statement of Open Public Meetings Act Compliance read by Township Clerk Leena Abaza  
Roll Call  
Prayer & Pledge of Allegiance led by Montville Township Girl Scouts

**Girl Scout Silver Award Recipients**

Morris County Freeholders Thomas J. Mastrangelo and Kathryn A. DeFillippo and the Township Committee of Montville presented gifts and certificates of recognition to Montville Girl Scouts Laura Adrignolo, Swara Agarwal, Joleen Amer, Maggie Batta, Sophia Ferrone, Claire Grau, Grace Kowalski, Lucia LoPresti, Sara LoPresti, Rebekah Mathew, Grace Mastrangelo, Harisamanvitha Singampalli, Madeline Tubbs, Sahana Vaidya and Jordan Vielee in recognition of their achievement of the Silver Award.

Debbie Kozell, Service Unit Manager for Montville Girl Scouts, thanked the Township Committee for hosting the Silver Award recipients during Girl Scout Week, which commemorates the founding of the Girl Scouts by Juliette Gordon Low. She reviewed the benefits of Girl Scouting and reported on various activities of the nearly 400 members in 30 Montville Girl Scout troops.

**Approval of Meeting Minutes**

November 9, 2019 Township Committee Special Meeting Minutes.

January 14, 2020 Township Committee Regular Meeting Minutes.

February 11, 2020 Township Committee Regular Meeting Minutes.

June 11, 2019 Closed Executive Session Meeting Minutes.

July 16, 2019 Closed Executive Session Meeting Minutes.

August 13, 2019 Closed Executive Session Meeting Minutes.

December 10, 2019 Closed Executive Session Meeting Minutes.

Motion by Cook second by Witty to approve the above meeting minutes.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Public Hearing on Ordinance for Final Adoption:**

**Ordinance #2020-04** Calendar Year 2020 Ordinance to establish and preserve a Cap Bank

Motion by Cook second by Kayne to open public hearing on Ordinance #2020-04. All in favor. Motion approved.

Public comments – none.

Motion by Cook second by Witty to close the public hearing on Ordinance #2020-04. All in favor. Motion approved.

Motion by Cook second by Witty to adopt Ordinance #2020-04.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**REPORTS:**

**1. Administrator's report**

- 2020 Budget – work continues on the 2020 Municipal/Capital Budgets with some modifications of the Open Space allotments reviewed at the February 8, 2020 work session
- Coronavirus/Office of Emergency Management – the Township's OEM team (Administration, Chief of Police, Fire District Chiefs, First Aid Squad President, Township Health Officer, and Chairman of the Board of Health) met on March 5, 2020, to review the Township's Emergency Management Plan's Protocols of Preparedness in response to the COVID-19 virus threat. The Superintendent of Schools was invited but could not attend. Mr. Canning directed the public to the coronavirus.gov website for the most up to date information.
- Morris County Freeholders have invited the Township Committee to their April 30, 2020 Mayors/Elected Officials meeting where budgets and other topics will be discussed.

Chairman Cooney asked about measures to disinfect surfaces at the Township buildings.

Administrator Victor Canning responded that surfaces such as door handles, counters, water fountains, and bathroom surfaces are being disinfected frequently throughout the day by custodial staff. Township vehicles in use for dial-a-ride and meals-on-wheels are likewise being disinfected.

**2. Attorney's report**

- Township Attorney Fred Semrau deferred his remarks to the Ordinance Introduction portion of the agenda.

**3. Township Committee liaison reports and comments**

Deputy Mayor Cook

- The Board of Adjustment met on March 4. There was no business transacted, no applications, just resolution approvals. The March 16 meeting has been canceled.
- Recreation Department has upcoming events: Annual Egg Hunt on April 5 at 1 p.m. at Community Park, Opening Day Baseball Parade on April 18, and Earth Day Cleanup is April 25 at 8:00 a.m. at Township Hall, Fishing Derby on May 2 at 8 a.m. at Masar Park. Summer Concert Series will start on Tuesdays beginning July 7 at 7:00-9:00 p.m. at the amphitheater. Rain dates are Thursdays.

#### Committeeman Conklin

- He reported that the Constitution Pipeline for New York State was denied a permit. Mr. Conklin believes that this will likely halt the Pilgrim Pipeline proposed for New Jersey.
- Historic Preservation Review Commission (HPRC) met on February 24 and is working on goals and objectives for 2020.
- Design Review Committee met this morning (March 10). They plan to recommend approval of the Mill Creek design to the Planning Board.

#### Committeewoman Witty

- TREX Challenge - Between April 2019 and February 2020, the Township collected 2,177 pounds of plastic bags and film, earning a second bench. Mrs. Witty expressed thanks to Environmental Commission member Pam Misiewicz for helping to transport the collected materials.
- She attended the Pine Brook Fire Department's annual installation dinner and thanked the department for the evening.
- She attended the Board of Health meeting on March 9 and stated that Administrator Canning's report on the OEM preparedness plan is inclusive of the Board of Health's input.
- V.F.W. will meet on March 11. There is still ad space available for the 50<sup>th</sup> Anniversary event planned for April 24.
- Drug Awareness Committee/Municipal Alliance (DAC) will meet on March 11. They are participating in the Community Connection Initiative on April 16 at Morris Knolls High School.
- Housing Committee meets on March 13.
- Open Space Committee meets on March 19.
- Rockaway River Watershed meets on March 18
- Stigma-Free sign designs were available for Township Committee members to view.

#### Committeeman Kayne

- Environmental Commission has filled its membership roll. They plan on attending future Township Committee meetings with recommendations on banning plastic bags and Styrofoam. Arbor Day celebration is planned for April 24. Township Recycling Day is March 28.

#### Chairman Cooney

- Mayor Cooney attended the Township Library's 25<sup>th</sup> Anniversary Open House on March 7.

### **Old Business:**

#### **1. Project status report**

Committeeman Kayne asked when the next aquifer reading would be.

Assistant Administrator June Hercek responded that it would be available for the next report.

#### **2. 2020 Capital Budget and Open Space Budget.**

Following February 8, 2020, special meeting on the 2020 budget, Administrator Victor Canning proposed adjustments to the 2020 Capital/Open Space Budgets to address remarks and concerns of the Township Committee:

- Open Space – sidewalk improvements at Community Park reduced from \$300,000 to \$100,000. The new total amount from Open Space is \$461,000.

Committeewoman Witty asked about interior improvements for the Youth Center.

Assistant Administrator June Hercek responded that quotes are being received for exterior painting under the current capital ordinance. Administration expects to have a resolution drafted awarding a contract for the next Township Committee meeting. It is also expected that there will be money left from that ordinance that can be reappropriated for interior improvements.

Committeewoman Witty asked whether any additional renovations have been projected as a result of programs that are planned for the center.

Assistant Administrator June Hercek stated that any needs would be evaluated as they arise and would be addressed either through appropriations or as part of the 2021 and other future budgets.

- Tree truck - to address tree trimming and dead tree removal. Purchased from the operating budget (not Open Space).

Township Committee members generally consented to revise the 2020 Capital and Open Space budgets to include the proposed adjustments.

Committeeman Kayne asked about the status of the road opening ordinance.

Administrator Victor Canning said Township Engineer Nick Marucci is preparing the draft for presentation to the Township Committee.

**New Business:**

- Morris County's request for specific US Census Designated Places (CDPs).

Administrator Victor Canning stated as an information item that a request came from the Census Bureau via Morris County for permission to categorize two designated areas of Montville as Census Designated Places. Accepting this designation makes Montville eligible to apply for federal grants in the future. Administration is authorized to act on this request.

- Hierwater Property – Administrator Victor Canning reported that the Historical Preservation Review Commission (HPRC) recommends that the house at the Hierwater property be designated as a historical site. Administrator Victor Canning reported his findings that the home was built in 1933 and does not have any major architectural value. The building is used for multiple purposes. Mr. Canning opined that it would not be in the Township's best interest to impose restrictions on use under the historical designation.

Committeeman Conklin asked under what criteria the HPRC made its recommendation.

Deputy Mayor Cook stated he thought the request pertained to the entire property rather than the house.

Administrator Victor Canning affirmed the historical value of the logging equipment at the property. The foundation of the house predates the existing building, having been constructed in 1833.

Deputy Mayor Cook asked whether The Land Conservancy's use of the building would change under the designation.

Administrator Victor Canning responded that it might under Green Acres.

Committeeman Conklin stated that age is not necessarily an indication of historical significance. He wanted the Township Committee to review the rationale of the HPRC for the designation.

Administrator Victor Canning stated that he was not seeking a decision by the Township Committee and intended only to make them aware of HPRC's recommendation.

**Ordinance Introductions:**

**Ordinance #2020-05** an Ordinance of the Township of Montville, County of Morris, and State of New Jersey to promote the adequate supply of Affordable Housing in the Township by extending the minimum Affordability Control periods on all Affordable Rental Units situated in the Rachel Gardens Condominium Development

Motion by Conklin second by Witty to introduce Ordinance #2020-05 and set the public hearing for March 24, 2020.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Township Attorney Fred Semrau explained the ordinance seeks to extend the affordability controls of 168 existing Affordable Housing units at Rachel Gardens for an additional 30 years beyond the current period which expires in December 2021. This is consistent with the Township's affordable housing settlement and is supported by Fair Share Housing. Mr. Semrau added that the public will be able to comment on the March 24, 2020, public hearing.

**Public Portion**

Motion by Cook second by Witty to open meeting for public comments. All in favor. Motion approved.

Kim Armillio, Montville Environmental Commission – she urged the Township Committee to be supportive of upcoming discussions with the Environmental Commission to request banning single-use plastic bags and disposable plastic straws. She presented statistics on the quantity of waste plastic entering local and global ecosystems and the world's oceans.

Committeeman Cook asked whether the recommendation included paper bags as well.

Committeewoman Witty recommended that the Environmental Commission expand its efforts to include other measures to reduce overall waste. She suggested that other Township organizations adopt the TREX challenge as a means of reducing single-use plastic waste.

Chairman Cooney urged residents to continue to recycle single-use plastic bags and film at participating retailers. He asked Administration to follow and report on the State's legislation on this topic.

Motion by Cook second by Kayne to close public comments. All in favor. Motion approved.

**Resolution Authorizing Consent Agenda No. 2020-CA5:**

**Resolution # 2020-95** resolution authorizing the granting of a Special Permit to the Montville Township Republican Club to allow the consumption of alcoholic beverages (beer and wine) at an event being held at the Community Park Pavilion

Motion by Cook second by Witty to adopt the above consent agenda resolution.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

WHEREAS, Montville Township Code Chapter 85-16 permits the issuance of special permits for the consumption of alcohol on public property; and

WHEREAS, the Montville Township Republican Club will hold an event on August 26, 2019, at the Community Park Pavilion and have requested that the Township grant a "special permit" to allow the consumption of alcohol (beer and wine) at this event; and

WHEREAS, the Montville Township Republican Club has submitted their request in accordance with Chapter 85-16 and has agreed to comply with the conditions of said Chapter, which include compliance with all insurance requirements and compliance with all requirements of the Police and Fire Departments; and

WHEREAS, the Township Committee has reviewed the request and has determined to grant a special permit to allow the consumption of alcohol at the event.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris and State of New Jersey, that a "special permit" shall be granted to allow the consumption of alcohol (beer and wine) at the Montville Township Republican Club event to be held at the Community Park Pavilion on August 24, 2020, with a rain date on August 31, 2020.

**Resolutions:**

- 1. Resolution** approving the listing of bills and signing of checks for March 10, 2020.

Motion by Cook second by Conklin to approve the listing of bills and signing of checks for March 10, 2020.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

The Township Committee consented to act on Resolutions #2020-96, 2020-97, #2020-98, #2020-104 and #2020-105 (Agenda items #2,#3, #4, #9 and #10) together.

Township Attorney Fred Semrau explained that these resolutions did not involve Township funds and could be acted upon together.

Motion by Cook second by Witty to adopt Resolutions #2020-96, #2020-97, #2020-98, #2020-104 and #2020-105.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 2. Resolution # 2020-96** resolution approving request from the Tax Collector for cancellation of taxes and refund of overpayment

WHEREAS, property taxes for the year of 2020 are to be canceled due to a 100% disabled veteran exemption,

AND, WHEREAS, a portion of these property taxes have been paid by the property owner, 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:

Ferber, Tony D  
27 Taylortown Road  
Block 34 Lot 10

Cancel	1 <sup>st</sup> Qtr 2020	\$2,309.39
	2 <sup>nd</sup> Qtr 2020	\$2,309.38
Refund	1 <sup>st</sup> Qtr 2020	\$2,309.39
	2 <sup>nd</sup> Qtr 2020	<u>\$ 165.59</u>
Total Refund:		\$2,474.98

- 3. Resolution #2020-97** 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 1 Lot 11.65

1 Patrick Ct

Lien Redemption Certificate #19-00001

\$6,482.12

Premium Money

\$1,900.00

Total Payment

\$8,382.12

To: US Bank Cust Tower DB IX 2019-1

4. **Resolution #2020-98** a resolution of the Township of Montville, in the County of Morris and State of New Jersey, accepting a Safety and Stabilization Bond for Tommaso Brothers Assets, LLC, for work to be completed at 44 Stiles Lane, Block 149.04, Lot 4.01

WHEREAS, Tommaso Brothers Assets, LLC, the owner and developer of property known as Block 149.04, Lot 4.01, 44 Stile Lane, is required to submit a safety and stabilization bond to the Township of Montville for the completion of certain work as detailed on the engineer's cost estimate; and

WHEREAS, Tommaso Brothers Assets, LLC has submitted check number 259751 in the amount of \$12,094.72 representing the 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 Tommaso Brothers Assets, LLC is hereby accepted. The Township Clerk is authorized and directed to forward a copy of this Resolution to the developer.

This Resolution shall take effect immediately.

9. **Resolution #2020-104** resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing a Developer's Agreement between the Township of Montville and Tommaso Brothers Assets, LLC.

WHEREAS, Tommaso Brothers Assets, LLC obtained conditional preliminary and final major site plan approval with attendant variances, exceptions and soil movement permission, for property known as 44 Stiles Lane, Block 149.04, Lot 4.01, which approvals were memorialized by Resolution of the Township of Montville Board of Adjustment and incorporated into the Developer's Agreement by reference; and

WHEREAS, Tommaso Brothers Assets, LLC is proceeding with such approvals in accordance with the applicable ordinances, rules and regulations of the Township and its agencies; and

WHEREAS, Tommaso Brothers Assets, LLC and the Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the approvals received; and

WHEREAS, the Township and Tommaso Brothers Assets, LLC have negotiated an acceptable Developer's Agreement.

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:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Developer's Agreement between the Township of Montville and Tommaso Brothers Assets, LLC.

2. A copy of this resolution shall be provided to the Township Planning Department and Tommaso Brothers Assets, LLC, for their information and guidance.

3. A copy of the Developer's Agreement shall remain on file in the Township Clerk's office and available for public inspection.

This Resolution shall take effect immediately.

**10. Resolution #2020-105** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of a Lease Agreement with Lincoln Park Archers, Inc. for the use of Camp Dawson for Archery Activities

WHEREAS the Township of Montville owns a property known as Camp Dawson located within the Township of Montville; and

WHEREAS, a renovated "barn" exists on the Property and the barn and the contiguous outdoor property is useable by Lincoln Park Archers, Inc. for archery activity; and

WHEREAS, the Township is agreeable to leasing the Property for the Lincoln Park Archers' use; and

WHEREAS, the parties have negotiated and agreed to certain terms as memorialized in a Lease Agreement, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County fo Morris, and the State of New Jersey that the aforementioned Lease Agreement with Lincoln Park Archers is hereby authorized.

BE IT FURTHER RESOLVED that Mayor and Township Clerk are hereby authorized to execute the aforementioned Lease Agreement with Lincoln Park Archers, Inc.

This Resolution shall take effect immediately.

**5. Resolution #2020-99** Transfer of Funds Resolution

WHEREAS, N. J. S. 40A-4-49 provides that all unexpected balances carried forward after 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 which are expected to be insufficient during the first three months of the succeeding year.

WHEREAS, permission has been received from the Director of the Division of Local Government Services for approval as a Dedication of Rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJAC 5:30-15 permits municipalities to receive amounts for costs incurred for accumulated absences; and

WHEREAS, NJSA 40A: 12A-3 et seq. permits municipalities to receive amounts for costs incurred for affordable housing; and

WHEREAS, P. L. 2001 c. 138 permits municipalities to lapse unexpended balances budgeted annually for snow removal and or storm recovery;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville that the transfer in the amount of \$300,055.05 be made between the 2019 Budget Appropriation Reserves as follows:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
Current Fund			
Police S&W	\$ 250,000.00		
Group Health Insurance	\$ 50,000.00		
Planning Board OE	\$ 55.05		
		Affordable Housing OE	\$ 55.05
		Roads - Snow/Ice Removal	\$ 100,000.00
		Provision for Accumulated Sick and Vacation	<u>\$ 200,000.00</u>
	<u>\$ 300,055.05</u>		<u>\$ 300,055.05</u>



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

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to lapse the unexpended balance of the Road OE-Snow and Ice Removal line to the Snow Removal/Storm Recovery Trust Fund for future storms.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to lapse the unexpended balance of the Provision for rs2020-99 Transfer of Funds Resolution Accumulated Sick and Vacation line to the Accumulated Absence Trust Fund for future obligations/payouts.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to lapse the unexpended balance of the Affordable Housing OE – Misc. line to the Affordable Housing Trust Fund for future obligations.

Motion by Cook second by Kayne to adopt Resolution #2020-99.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**6. Resolution #2020-100** 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 2019 Budget Appropriation Reserves as follows:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
<b><u>Current Fund</u></b>			
Group Health Insurance		\$ Unemployment Insurance	\$ 25,000.00
	215,000.00		
Information Technology OE	25,000.00	Public Employees Retirement System	20,000.00
Tax Assessment OE	5,000.00	Police & Fire Retirement System	50,000.00
Legal OE	25,000.00	Reserve for Pending Tax Appeals	25,000.00
Police S&W (OT)	50,000.00	Street Lighting	15,000.00
Roads S&W	25,000.00	Capital Improvement Fund	250,000.00
Solid Waste OE	20,000.00		
Electricity	10,000.00		
Natural Gas	5,000.00		
Gasoline	5,000.00		
	\$		\$

385,000.00

385,000.00

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

Motion by Cook second by Kayne to adopt Resolution #2020-100.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**7. Resolution #2020- 101** resolution establishing reserve for Tax Appeals

WHEREAS, the Township of Montville wishes to fund the Reserve for Pending Tax Appeals; and

WHEREAS, there is a balance of \$25,000 in the Tax Appeal line item in the 2019 Reserve Year budget; and

WHEREAS, the Tax Appeal line item totaling \$25,000 is to be charged off and utilized to fund the Reserve account for pending tax appeals.;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montville, County of Morris and State of New Jersey, hereby authorize the Chief Financial Officer to fund the Reserve for Tax Appeals in the amount of \$25,000.

Motion by Cook second by Kayne to adopt Resolution #2020-101.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**8. Resolution #2020-102** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract for Gas Chlorination System Repair, installation and maintenance services for Township owned water facilities to Thomas English & Associates, Inc.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the gas chlorination system repair, installation and maintenance services for Township owned water facilities; and

WHEREAS, one (1) sealed bid was received and opened on February 19, 2020, in accordance with the bid specifications:

Company	Base Rate	Overtime Rate	Sunday/Holiday Rate	Markup
Thomas English & Associates, Inc.	\$100.00 per hour	\$150.00 per hour	\$200.00 per hour	12%

; and

WHEREAS, said bid has been duly reviewed and analyzed by the Montville Township Attorney and Township Water and Sewer Department; 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 Thomas English & Associates, Inc. for the base bid of \$100.00 per hour, \$150.00 per hour for overtime, \$200.00 per hour for Sunday/holiday time and 12% markup 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 contract award.

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:

1. The Township Committee hereby awards a contract to Thomas English & Associates, Inc., 290 Barrow Street, Jersey City, New Jersey 07302, for the gas chlorination system repair, installation and maintenance services for Township owned water facilities in accordance with the bid specifications at a base rate of \$100.00 per hour, \$150.00 per hour for overtime, \$200.00 per hour for Sunday/holiday time and a 12% markup.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Thomas English & Associates, Inc. in accordance with its bid for the gas chlorination system repair, installation and maintenance services for Township owned water facilities.

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.

This Resolution will take effect immediately.

Motion by Conklin second by Kayne to adopt Resolution #2020-102.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**11. Resolution #2020-106** resolution of the Township of Montville, County of Morris and State of New Jersey amending the Professional Services Agreement for the Municipal Prosecutor

WHEREAS, the Township awarded a contract for Municipal Prosecutor services to Vincent J. Failla, Esq. on January 4, 2020 for a period of one year; and

WHEREAS, the Municipal Prosecutor services were awarded for an amount not to exceed \$24,000; and

WHEREAS, the Request For Proposal for the position of Municipal Prosecutor stated the contract services would also include occasional special session attendance, primarily for motions or trials relating to Drunk Driving Charges, but that these sessions are not separately compensated; and

WHEREAS, Mr. Failla is requesting to be paid separately for attendance at special sessions which is outside of his annual contract; and

WHEREAS, the Township does receive an Alcohol Education and Rehabilitation Grant which can be used for the Municipal Prosecutor's attendance at the special sessions; and

WHEREAS, the Township wishes to pay Mr. Failla outside of his annual contract fee of \$24,000 at a rate of \$170.00 per hour for attendance at special sessions as long as these grant funds are available to the Township and approved for these purposes.

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 Township of Montville hereby awards and authorizes the Township Clerk to execute an Addendum to the agreement with Vincent J. Failla for Municipal Prosecutor Services which will allow Mr. Failla to be paid for attendance at special sessions at a rate of \$170.00 per hour as long as funds from the Alcohol Education and Rehabilitation Grant are available to the Township and approved for these services.

NOW, THEREFORE, BE IT FURTHER RESOLVED that funds for these services should not exceed available grant funds.

This Resolution shall take effect immediately.

Motion by Witty second by Cook to adopt Resolution #2020-106.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 12. Resolution #2020-107** resolution authorizing the award of a Professional Services Contract without competitive bidding to Carlin & Ward to perform Special Legal Counsel Services for Montville Township

WHEREAS, there exists a need for special legal counsel services to be rendered to the Township of Montville in connection with certain pending litigation involving the Township; and

WHEREAS, the Township wishes to retain Carlin & Ward to perform such services; and

WHEREAS, the maximum amount of for services under this contract shall not exceed a total of \$15,000; and

WHEREAS, funds are available for this purpose in account; 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 Carlin & Ward 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. Carlin & Ward shall provide special legal counsel services to the Township as set forth in its proposal of February 25, 2020.

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 Carlin & Ward, 25B Vreeland Road, PO Box 751, Florham Park, New Jersey 07932, for their information and guidance.

Section 5. The account to be used for these services is as follows:  
0-01-20-155-227, Legal OE, Professional Fees, \$15, 000

This Resolution shall take effect immediately.

Motion by Cook second by Kayne to adopt Resolution #2020-107.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Agenda Additions:**

Motion by Cook second by Kayne to add Introduction of Ordinance #2020-06 and Resolution #2020-103 to the agenda. All in favor. Motion approved.

- 13. Resolution #2020-103** Temporary Capital Budget Resolution

\*\*This resolution will be spread in full at the end of the meeting minutes. \*\*

Motion by Cook second by Witty to adopt Resolution #2020-103.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Ordinance Introduction**

**Ordinance #2020-06** ordinance of the Township of Montville, Morris County, New Jersey, authorizing a capital expenditure from the Open Space Dedicated Trust Fund.

Motion by Cook second by Conklin to introduce Ordinance #2020-06 and set the public hearing date for March 24, 2020.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Review of Meeting Action Items:**

1. Administrator
  - Administrator Victor Canning will follow up with Ms. Armillio about her request.
2. Attorney
  - I will follow up on items regarding Open Space from the closed executive session.
3. Township Committee
  - Chairman Cooney asked for Township Committee members to finish sending him their goals and objectives for a follow-up meeting with Administrator and Assistant Administrator.

**Closed Executive Session – 9:00 p.m.**

Motion by Kayne second by Cook to close public portion and move back into closed executive session with no further business transacted except adjournment. All in favor. Motion approved.

**Adjournment**

Motion by Cook second by Conklin to adjourn. All in favor. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Approved: April 28, 2020  
Montville Township Committee

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Leena M. Abaza, Township Clerk

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Frank W. Cooney, Mayor

TOWNSHIP OF MONTVILLE  
TEMPORARY CAPITAL BUDGET

Whereas, the local capital budget for the year 2020 has not been adopted.

Whereas, it is desired to Introduce a Capital Ordinance.

Now, Therefore Be It Resolved, by the Township Committee of the Township of Montville, County of Morris that the following temporary capital budget of 2020 be made:

	(	(	(
	(	(	ABSTAIN (
RECORDED VOTE	AYES (	NAYS (	(
(Insert last names)	(	(	ABSENT (
	(	(	(

CAPITAL BUDGET (Current Year Action)  
2020

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2020					6 TO BE FUNDED IN FUTURE YEARS
				5a 2019 Budget Appropriations	5b Improvement Fund	5c Capital Fund Balance	5d Grants in Aid and Other Funds	5e Debt Authorized	
								\$ -	
Engineering		\$ 400,000					\$ 400,000	\$ -	
Recreation		\$ 61,000					\$ 61,000	\$ -	
								\$ -	
								\$ -	
<b>TOTALS ALL PROJECTS</b>		<b>\$ 461,000</b>			\$ -	\$ -	\$ 461,000	\$ -	

6 YEAR CAPITAL PROGRAM 2020 - 2025  
Anticipated PROJECT Schedule and Funding Requirement

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR					
				Budget Year 2020	2021	2022	2023	2024	2025
Engineering		\$ 400,000		\$ 400,000					
Recreation		\$ 61,000		\$ 61,000					
<b>TOTALS ALL PROJECTS</b>		<b>\$ 461,000</b>		<b>\$ 461,000</b>					