

**MONTVILLE TOWNSHIP COMMITTEE  
MEETING MINUTES – April 14, 2020**

**\*\*This meeting was conducted via teleconferencing due to the Coronavirus disease (COVID-19). \*\***

Montville Township Committee Regular Meeting  
Tuesday, April 14, 2020, 2:30 p.m.  
Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

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

None.

**2:30 p.m. – Public Session**

Statement of Open Public Meetings Act Compliance read by Mayor Frank W. Cooney

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-8, which permits public meetings to be held via communications equipment, and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, and a further Order that residents shelter at home, and the Township of Montville's declaration of a Local State of Emergency on March 16, 2020, the Township does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, a telephonic public meeting of the Mayor and Township Committee will be held on Tuesday, April 14, 2020, at 2:30 p.m. Town Hall will not be open to the public to physically attend the meeting. Any members of the public who wish to attend the meeting telephonically may do so by calling into the service number, (978) 990-5000, followed by access code 424062 #.

The location of the meeting remains the same: Montville Township Municipal Building, 195 Changebridge Road, Montville, NJ.

Notice mailed, e-mailed, and/or faxed to the following Newspapers: The Daily Record and The Citizen. Notice/agenda posted on the bulletin boards at the Municipal Building and the Township's website agenda center at [www.montvillenj.org](http://www.montvillenj.org).

Roll Call Township Committee:

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

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

The prayer read by Committeewoman June Witty.

Chairman Cooney requested a moment of silence for all those who perished from COVID-19.

Chairman Cooney mentioned to the public participants that they will be muted until the public portions of the meetings come up.

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**APPROVAL OF MEETING MINUTES**

**September 10, 2019** Township Committee Closed Executive Session Meeting Minutes.  
**September 24, 2019** Township Committee Closed Executive Session Meeting Minutes.  
**October 7, 2019** Township Committee Closed Executive Session Meeting Minutes.  
**October 22, 2019** Township Committee Closed Executive Session Meeting Minutes.  
**November 12, 2019** Township Committee Closed Executive Session Meeting Minutes.  
**January 14, 2020** Township Committee Closed Executive Session Meeting Minutes.  
**February 25, 2020** Township Committee Regular Meeting Minutes.

Motion by Witty Second by Kayne to approve the above meeting minutes. All in favor. Motion adopted.

Committeeman Kayne abstained from approving January 14, 2020, and February 25, 2020 meeting Minutes.

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

**Ordinance #2020-07** an Ordinance of the Township Committee of the Township of Montville, County of Morris, State of New Jersey, authorizing a special assessment for the Lake Valhalla Dam Restoration Project pursuant to the Dam Restoration and Inland Waters Projects Loan Program

Motion by Kayne second by Witty to open public hearing on Ordinance #2020-07. All in favor. Motion approved.

No comments.

Township Attorney Fred Semrau stated this Ordinance is a Special Assessment Ordinance for Lake Valhalla. No cost to the Township.

Motion by Conklin second by Witty to close the public hearing on Ordinance #2020-07. All in favor. Motion approved.

Motion by Cook second by Witty to adopt Ordinance #2020-07.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Ordinance #2020-08** Bond Ordinance providing for various Capital Improvements in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$2,069,000 therefor and authorizing the issuance of \$1,624,500 Bonds or Notes of the Township to finance part of the cost thereof

Motion by Cook second by Witty to open public hearing on Ordinance #2020-08. All in favor. Motion approved.

No comments.

Motion by Conklin second by Witty to close the public hearing on Ordinance #2020-08. All in favor. Motion approved.

Motion by Cook second by Witty to adopt Ordinance #2020-08.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Ordinance #2020-09** Ordinance establishing the rates of compensation for employees covered by Collective Bargaining Agreements with Morris Council No. 6 – White Collar, Township of Montville, County of Morris, State of New Jersey – 2019 to 2020

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Motion by Kayne second by Cook to open public hearing on Ordinance #2020-09. All in favor. Motion approved.

No comments.

Motion by Conklin second by Cook to close the public hearing on Ordinance #2020-09. All in favor. Motion approved.

Motion by Kayne second by Conklin to adopt Ordinance #2020-09.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**INTRODUCTION OF 2020 MUNICIPAL BUDGET:**

1. **Resolution # 2020-126A** introducing the 2020 municipal budget /budget summary. **Budget.**

Motion by Witty second by Conklin to adopt Resolution # 2020-126A introducing the 2020 municipal budget/budget summary and setting the public hearing for May 12, 2020.

**\*\*Resolution # 2020-126A will be spread in full at the end of the meeting minutes. \*\***

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Administrator Victor Canning thanked staff for all their hard work towards getting the 2020 Municipal Budget together. The tax levy is at 1.44% on an average assessed home at \$529,610 it is only a \$30.00 increase in taxes (which amounts to \$2.50 a month).

Chairman Cooney thanked the staff for their efforts in keeping the tax increase at an excellent rate.

Committeeman Kayne asked Administrator Victor Canning when we will hear from the Board of Education on their budget.

Administrator Victor Canning stated he would reach out to the Superintendent of Schools Dr. Rene Rovtar to ask her.

**Reports:**

1. Administrator's report

Administrator Victor Canning reported on the COVID-19. He said on behalf of the Governing Body, Administration, the Police, and Health Departments we would like to thank our first responders- doctors, nurses, EMTs, and all the healthcare industries for being front liners in this pandemic. He also stated that Administration and the Health Department give the necessary updates based on the State Health Department and the Center for Disease Control (CDC). We are restricted from releasing certain information. He thanked the residents to adhere to social distancing by staying home.

Chairman Cooney stated he cannot thank them enough Administration, Police, Health, Fire, EMTs, and all the front liners for all their efforts in fighting this pandemic. Great job.

2. Attorney's report

Township Attorney Fred Semrau reported as directed by the Governing Body, his office put together a memo to Administration regarding the Route 46 West development opportunity. We look forward to having a redeveloper come forward with a redevelopment plan for that site.

3. Township Committee liaison reports and comments

Deputy Mayor Cook reported if anyone is feeling under the weather and needs to get tested for COVID-19, you may go to the County College of Morris or the County Office of Health Management website and follow the instructions. You can text for COVID-19 for free as long as you have the symptoms.

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Committeeman Conklin- we are living in strange times. I would like to reiterate everything Chairman Cooney said when he thanked Administration and our first responders. Everyone is doing a great job in Montville Township.

Committeewoman Witty- I would also like to thank Administration, Police, and the front liners. We were ahead of this ball with this pandemic- in February we started setting the meetings and creating a task force to deal with COVID-19. Thank you again to Administration and the front liners.

Committeeman Kayne- no liaison report. I would like to reiterate everything everyone said. I especially would like to mention the hard work of our Health Officer Aimee Puluso and the Health Department who are overwhelmed with work but doing an amazing job. Thank you to Administration and front liners.

**Old Business:**

1. Project status report

**NEW BUSINESS:**

None.

**Ordinance Introductions:**

None.

**Public Portion**

Motion by Kayne second by Conklin to open public portion. All in favor. Motion approved.

Ellen Conlon, 26 Old Lane- I called into this conference call with Mark Newman and he has a question. I would like to comment on the Project Status Report. It is not always linked to the agenda. It would be helpful if it is, especially for us at Old Lane so we can keep up with the Old Lane Sewer Extension Project (OLSEP).

Administrator Victor Canning confirmed the Project Status Report will be linked to the agenda going forward.

Marc Newman, 11 Stafford Place – at the Township meeting on December 10, 2019, the Township adopted resolution #2019-372 hiring Kleinfelder to process the loan application for the OLSEP project. It has been four months since then, where does that application stand?

Administrator Victor Canning stated we discussed with the engineer and staff regarding the OLSEP loan application. We are still moving forward on the loan application. But as the members of the public know, because this was discussed in public, the OLSEP loan application has an 8-14 month processing period.

Marc Newman, 11 Stafford Place – I appreciate the answer you have given but this is the first time I hear that the loan application will take up to 8-14 months to process. I am just curious is there a reason why it takes so long?

Administrator Victor Canning – there is quite a bit of decision making and work that is involved in processing the OLSEP loan application.

Marc Newman, 11 Stafford Place – would the start time to process this loan application be December 10 when the resolution was adopted or after that? Just trying to see how far along we are.

Administrator Victor Canning stated soon after that meeting we began the loan process. I would say sometime in January.

Marc Newman, 11 Stafford Place – I am correct in saying that the OLSEP might not start until March or April 2021? Is it possible that it would take that long?

Administrator Victor Canning - yes it may take that long. I know you and Ms. Conlon have been attending many meetings because you have an interest in this but as the Administrator, the fourteen-month processing period for the loan has been mentioned before. We are introducing the budget but we do not have to put a down payment for OLSEP and even if the project needed more funding we can go through the process then. But yes, the OLSEP will not begin until 2021.

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Marc Newman, 11 Stafford Place – so just to clarify we gathered quite a bit of information from numerous resources but this is the first time we hear of this fourteen-month loan processing period was not mentioned. This fourteen month time period has to be the world's record especially in this day and age where the money is flying out the door, yet we cannot get a simple answer on this project. I can state unequivocally we were never told that the loan will take fourteen months to process the loan.

Deputy Mayor Cook, I would assume if the State processes the loan application sooner the project will begin sooner.

Administrator Victor Canning- that is a true Deputy Mayor the fourteen-month is the average time to process this type of loan. But if the State gets it back sooner than yes, the OLSEP will start sooner.

Committeeman Conklin my understanding is we are approaching this loan because it is at a very good rate. If we are denied this loan – it does not mean we are not going to do the project?

Administrator Victor Canning stated whether we receive the loan or not we are going ahead with OLSEP.

Marc Newman, 11 Stafford Place – obviously we have not been attending the last four meetings allowing you to do your work. What is so great about getting this loan?

Administrator Victor Canning - there are several items we have AAA Bond rating. This year will be the twelve year that the Township has AAA Bond rating. I am proud to say I have been working for a community for almost a decade with AAA Bond rating. What that means is when the Township borrows money it is at a lower interest rate. The Township loans these past couples of years have been at 2% which is phenomenal. This loan program with the State is cheaper and if we are eligible part of the loan will be forgiven. We see some if not all of this money without making payments.

Marc Newman, 11 Stafford Place – I would be curious to know how much of the loan would be considered forgivable. We were talking at a special session held by Mayor Conklin and Deputy Mayor Cooney which we all attended and I think the interest rate that they were talking about is at 1%. So I can't imagine it is much better. We had very specific spreadsheets with us at the meeting with specific information.

Assistant Administrator June Hercek- I have a few things to add or state for public record. The Township needed to go through a calculation process to apply for the loan or at least see if it is worth the Township to go through the loan process. The amount we are going to borrow is over 1 million. With that being said we plugged in 3 million into this calculator and the savings came out to \$840,000. So we looked at it and it would be irresponsible not to apply for the loan. I know the word grant is being tossed around but this is not a grant and the money will need to be paid back. Kleinfelder is working on their report and it is not easy there are many components to this report. There are environmental reports that the State would want to see to determine if they support the project. Various reports need to be submitted with the application that is required by the State. I just wanted this to be on the public record.

Marc Newman, 11 Stafford Place – thank you for explaining that. If the Township will save \$840,000 we are all for the Township saving that money.

Ellen Conlon, 26 Old Lane- I have a question based on the discussion that just took place, if the loan application comes back early enough will the OLSEP be part of the 2020 Budget?

Assistant Administrator June Hercek- she stated it does not have to be in the 2020 Budget. There are questions regarding finances but it can all be processed once the time comes. The Township has put monies in the budget for the past two years in the budget for OLSEP. We are waiting for the Kleinfelder report which will detail the total cost of the OLSEP. Once we receive the report an Ordinance would have to be adopted. The Ordinance will detail where the funding will come from.

Ellen Conlon, 26 Old Lane- would it be fair if we are asked by our neighbors that the time frame to process the loan in six to eight months?

Assistant Administrator June Hercek stated it would be more accurate to say twelve to fourteen months.

Chairman Cooney asked Administration to send a letter with an update on the OLSEP to the Old Lane residents.

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Ellen Conlon, 26 Old Lane- she thanked Chairman Cooney for suggesting sending out a letter that will provide an update on the OLSEP to the Old Lane residents.

Motion by Kayne second by Witty to close the public portion. All in favor. Motion approved.

**Resolution Authorizing Consent Agenda No. 2020-CA7:**

**Resolution # 2020-126** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of a Discharge of Combination Promissory Note and Mortgage for Property known as Block 164, Lot 7, commonly known as 92 Hook Mountain Road, Montville between the Township of Montville and John and Sandra Pressmone

**Resolution # 2020-127** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of a Discharge of Combination Promissory Note and Mortgage for property known as Block 125.6, Lot 11, commonly known as 193 Pine Brook Road, Montville between the Township of Montville and Anthony and Deborah Sia

**Resolution # 2020-128** resolution of the Township of Montville, County of Morris and State of New Jersey approving the Treatment Works Application by the Township of Montville for the Montville 340 Changebridge Urban Renewal, LLC Project, 340 Changebridge Road, Montville Township for submission to the State of New Jersey Department of Environmental Protection, Division of Water Quality

**Resolution # 2020-129** resolution of the Township of Montville, County of Morris and State of New Jersey approving the Treatment Works Application by the Township of Montville for the Montville Urban Renewal, LLC Project, 85 Bloomfield Avenue, Montville Township for submission to the State of New Jersey Department of Environmental Protection, Division of Water Quality

**Resolution # 2020-130** resolution authorizing the issuance of a Warehouse Sale Permit to Westport Corporation

**Resolution # 2020-131** 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 AKR Development, L.L.C.

**Resolution # 2020-132** resolution authorizing the processing of certain Tax Sale Certificate Redemptions

**Resolution # 2020-133** a resolution of the Township of Montville, in the County of Morris and State of New Jersey to foreclose on in Rem Tax Certificates held by the Township of Montville

Motion by Conklin second by Witty to approved the above consent agenda resolutions.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Resolution # 2020-126** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of a Discharge of Combination Promissory Note and Mortgage for Property known as Block 164, Lot 7, commonly known as 92 Hook Mountain Road, Montville between the Township of Montville and John and Sandra Pressmone

WHEREAS, on November 30, 2009 the Township of Montville entered into a Combination Promissory Note & Mortgage with John and Sandra Pressimone with respect to the property known as Block 164, Lot 7, commonly known as 92 Hook Mountain Road, Montville, New Jersey; and

WHEREAS, said Combination Promissory Note & Mortgage was in the amount of \$2,516.00 and was recorded in the Morris County Clerk's Office in Book 21476 at page 1367 on January 20, 2010; and

WHEREAS, the Township has received payment in full of the Combination Promissory Note & Mortgage.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville in the County of Morris, State of New Jersey, that the Township Administrator is hereby authorized to execute the attached Discharge of Mortgage in connection with this matter as the Combination Promissory Note & Mortgage has been paid in full.

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BE IT FURTHER RESOLVED, that a copy of this resolution shall be provided to the Township Water & Sewer Department and John and Sandra Pressimone.

**Resolution # 2020-127** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the execution of a Discharge of Combination Promissory Note and Mortgage for property known as Block 125.6, Lot 11, commonly known as 193 Pine Brook Road, Montville between the Township of Montville and Anthony and Deborah Sia

WHEREAS, on November 30, 2009 the Township of Montville entered into a Combination Promissory Note & Mortgage with Anthony and Deborah Sia with respect to the property known as Block 125.6, Lot 11, commonly known as 193 Pine Brook Road, Montville, New Jersey; and

WHEREAS, said Combination Promissory Note & Mortgage was in the amount of \$5,516.00 and was recorded in the Morris County Clerk's Office in Book 21476 at page 1308 on January 20, 2010; and

WHEREAS, the Township has received payment in full of the Combination Promissory Note & Mortgage.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montville in the County of Morris, State of New Jersey, that the Township Administrator is hereby authorized to execute the attached Discharge of Mortgage in connection with this matter as the Combination Promissory Note & Mortgage has been paid in full.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be provided to the Township Water & Sewer Department and Anthony and Deborah Sia.

**Resolution # 2020-128** resolution of the Township of Montville, County of Morris and State of New Jersey approving the Treatment Works Application by the Township of Montville for the Montville 340 Changebridge Urban Renewal, LLC Project, 340 Changebridge Road, Montville Township for submission to the State of New Jersey Department of Environmental Protection, Division of Water Quality

WHEREAS, Montville 340 Changebridge Urban Renewal, LLC is the owner of property located at 340 Changebridge Road in the Township of Montville; and

WHEREAS, the Township of Montville consents to the submission of a Treatment Works Application ("TWA") for the Montville 340 Changebridge Urban Renewal, LLC Project at 340 Changebridge Road to be submitted to the State of New Jersey Department of Environmental Protection, Division of Water Quality for the installation and relocation of an existing water main for the construction of a new residential structure with 295 apartments; 100 (1) bedroom apartments, 159 (2) bedroom apartments and 36 (3) bedroom apartments and 1,025 sf office space; the project will require 1,118 lf of 6" DIP, 292 lf of 1" copper pipe with hose bibb, and four (4) new fire hydrants; and

WHEREAS, the Township Health Officer has reviewed and approved of the TWA; and

WHEREAS, the Mayor and Township Committee believe it is in the best interests of the Township to approve submission of the TWA.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Montville, in the County of Morris and State of New Jersey approves of the submission of the TWA for the Montville 340 Changebridge Urban Renewal, LLC Project at 340 Changebridge Road and that that Mayor and Township Administrator are authorized to execute the application documents as required.

This Resolution will take effect immediately.

**Resolution # 2020-129** resolution of the Township of Montville, County of Morris and State of New Jersey approving the Treatment Works Application by the Township of Montville for the Montville Urban Renewal, LLC Project, 85 Bloomfield Avenue, Montville Township for submission to the State of New Jersey Department of Environmental Protection, Division of Water Quality

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WHEREAS, Montville Urban Renewal, LLC is the owner of property along Bloomfield Avenue in the Township of Montville; and

WHEREAS, the Township of Montville Consents to the submission of a Treatment Works Application (“TWA”) for the Montville Urban Renewal, LLC Project at 85 Bloomfield Avenue to be submitted to the State of New Jersey Department of Environmental Protection, Division of Water Quality for the construction of a 349 unit residential development with an inclusionary 52 units of low and moderate income component, including 197 linear feet of 8” PVC gravity sewer, 5 sanitary manholes, a pumping station with generator and 1,140 linear feet of 4” force main; and

WHEREAS, the Township Health Officer has reviewed and approved of the TWA; and

WHEREAS, the Mayor and Township Committee believe it is in the best interest of the Township to approve submission of the TWA.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Montville, in the County of Morris and State of New Jersey approves of the submission of the TWA for the Montville Urban Renewal, LLC Project at 85 Bloomfield Avenue and that that Mayor and Township Administrator are authorized to execute the application documents as required.

This Resolution will take effect immediately.

**Resolution # 2020-130** resolution authorizing the issuance of a Warehouse Sale Permit to Westport Corporation

WHEREAS, Revised General Ordinance Chapter 295 requires the issuance of a permit by the Township of Montville for temporary or seasonal retail sales in warehouses; and

WHEREAS, Westport Corporation has filed an application and all fees for a warehouse sale permit; and

WHEREAS, the application filed by Westport Corporation conforms to the requirements of the Township Ordinance; and

WHEREAS, the signage plan dated March 16, 2020 has been approved as follows: Seven signs and one banner only. Signs may be placed from April 24 to May 9, 2020, and must be removed within 48 hours after last day of warehouse sale.

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 warehouse sale permit be issued to Westport Corporation for the following dates: April 24 to May 9, 2020.

**Resolution # 2020-131** 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 AKR Development, L.L.C.

WHEREAS, AKR Development, L.L.C. obtained conditional preliminary and final major subdivision approval with attendant variances, waivers and soil movement permission, for property known as 134 Abbott Road, Block 39.06, Lot 99.03, which approvals were memorialized by Resolution of the Township of Montville Planning Board and incorporated into the Developer’s Agreement by reference; and

WHEREAS, AKR Development, L.L.C. is proceeding with such approvals in accordance with the applicable ordinances, rules and regulations of the Township and its agencies; and

WHEREAS, AKR Development, L.L.C. 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



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WHEREAS, the Township and AKR Development, L.L.C. 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 AKR Development, L.L.C.
2. A copy of this resolution shall be provided to the Township Planning Department and AKR Development, L.L.C., 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.

**Resolution # 2020-132** 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 52.2 Lot 31	
28 Skyline Dr	
Lien Redemption Certificate #17-00006	\$40,775.62
Premium Money	<u>\$47,100.00</u>
Total Payment	\$87,875.62

To: US Bank Cust BV002 Trst&Crdtrs

Block 76.01 Lot 28.12	
27 Springbrook Rd East	
Lien Redemption Certificate #19-00013	\$ 924.39
Premium Money	<u>\$ 100.00</u>
Total Payment	\$ 1,024.39

To: Palmisano, Robert or Nancy

**Resolution # 2020-133** a resolution of the Township of Montville, in the County of Morris and State of New Jersey to foreclose on in Rem Tax Certificates held by the Township of Montville

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, the following tax sale certificates now held by the Township of Montville be foreclosed upon by the summary proceedings IN REM and as described in New Jersey Statutes N.J.S.A. 54:5-104.29 to 54:5-104.71, as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey:

As outlined on Exhibit A attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized to pursue the foreclosure of the aforesaid properties, striking any properties from the proceedings at the discretion of the Township Administrator or Tax Collector for good cause.

This Resolution shall take effect immediately.

\*\*Exhibit A will be spread in full at the end of the meeting minutes\*\*

**RESOLUTIONS:**

1. **Resolution** approving the listing of bills and signing of checks for April 14, 2020.

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Motion by Cook second by Kayne to approve the listing of bills and signing of checks for April 14, 2020.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 2. Resolution # 2020-134** resolution authorizing the payment of the Fire District Tax Levies two times a year, 50% each

**BE IT RESOLVED**, by the Township Committee of the Township of Montville, County of Morris and State of New Jersey that the Director of Finance is directed to remit to the Fire Districts of Montville Township their Fire Tax Levies as follows:

April 14, 2020

Fire District #1	Montville	\$277,135.00
Fire District #2	Towaco	\$396,075.00
Fire District #3	Pine Brook	\$286,150.00

October 13, 2020

Fire District #1	Montville	\$277,135.00
Fire District #2	Towaco	\$396,075.00
Fire District #3	Pine Brook	\$286,150.00

Motion by Kayne second by Conklin to adopt Resolution #2020-134.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 3. Resolution # 2020- 135** resolution amending the Professional Services Agreement for Medical and/or Clinical Physician Services

WHEREAS, the Township Board of Health awarded a contract to Dr. Patricia Baran, M.D., for medical and/or clinical physician services in accordance with recognized Public Health Practice Standards of Performance for Local Boards of Health in New Jersey (N.J.A.C. 8:52.1 et seq.); and

WHEREAS, the agreement with Dr. Baran was for an hourly rate of one hundred dollars (\$100.00) per hour, not-to-exceed three thousand dollars (\$3,000.00) per annum; and

WHEREAS, the emergency of the novel Coronavirus disease (COVID-19) has put tremendous stress on local health department who are dealing with the virus while also addressing other health needs in their communities; and

WHEREAS, the Township requires the services of a physician during the Coronavirus disease (COVID-19) outbreak; and

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WHEREAS, Dr. Baran's agreement was increased from a not-to-exceed amount of three thousand dollars (\$3,000.00) per annum to a not-to-exceed amount of nine thousand dollars (\$9,000.00) per annum; and

WHEREAS, the Township now wishes to increase Dr. Baran's agreement from a not-to-exceed amount of nine thousand dollars (\$9,000) per annum to a not-to-exceed amount of twelve thousand dollars (\$12,000) per annum.

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 amend the Professional Services Agreement for Medical and/or Clinical Physician Services from a not-to-exceed amount of nine thousand dollars (\$9,000.00) per annum to a not-to-exceed amount of twelve thousand dollars (\$12,000.00) per annum.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the account to be used for these services is the following: Health Fair, T-13-56-950-904.

This Resolution shall take effect immediately.

Motion by Cook second by Kayne to adopt Resolution #2020-135.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 4. Resolution # 2020-136** resolution amending the Professional Services Contract for Professional Engineering Services for Montville Township in connection with the evaluation, analysis, and calculation of water connection fees and sewer fees

WHEREAS, the Township awarded a contract to Kelly Engineering for professional engineering services in connection with the evaluation, analysis, and calculation of water fees and sewer connection fees for the Township; and

WHEREAS, the maximum amount for services under that contract shall not exceed a total of \$15,750; and

WHEREAS, the Township wishes to amend the professional engineering services contract with Kelly Engineering for an additional \$9,200 to cover the costs associated with supplemental services outlined in their proposal dated March 24, 2020; 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, that the appropriate municipal officials are hereby authorized to amend the Professional Engineering Services Agreement with Kelly Engineering to include the supplemental services outlined in their proposal dated March 24, 2020 for an amount not-to-exceed \$9,200.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the accounts to be used for these services are the following:

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Water Operating, Professional Fees, 0-05-55-500-227, \$4,600.00  
Sewer Operating, Professional Fees, 0-07-55-500-227, \$4,600.00

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt Resolution #2020-136.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 5. Resolution # 2020-137** resolution amending the Professional Services Contract for Professional Engineering Services for Montville Township

WHEREAS, the Township awarded a professional engineering services contract to Anderson & Denzler Associates, Inc. to perform the Township's water and sewer licensing requirements; and

WHEREAS, the maximum amount for services under that contract shall not exceed a total of \$12,000 (six (6) months at \$2,000 per month); and

WHEREAS, the Township wishes to amend the professional engineering services contract for an additional \$1,200 to cover the costs associated with the preparation of the Consumer Confidence Report for reporting the year 2019; 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, that the appropriate municipal officials are hereby authorized to amend the Professional Engineering Services Agreement with Anderson & Denzler Associates, Inc. to include preparation of the Consumer Confidence Report for reporting the year 2019 for an amount not-to-exceed \$1,200.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the accounts to be used for these services are the following:

Professional Fees - Water = 0-05-55-500-227; \$600

Professional Fees - Sewer = 0-07-55-500-227; \$600

This Resolution shall take effect immediately.

Motion by Cook second by Witty to adopt Resolution #2020-137.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

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**6. Resolution # 2020-138** resolution authorizing a Tonnage Grant Application

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2019 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Montville, in the County of Morris and the State of New Jersey, that the Township of Montville hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Victor M. Canning to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Motion by Cook second by Conklin to adopt Resolution #2020-138.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**7. Resolution # 2020-139** a resolution of the Township of Montville, in the County of Morris and State of New Jersey, accepting a Cash Bond for Towaco Station, LLC., for landscaping work to be completed at 652 and 662 Main Road, Block 40, Lots 48 and 49

WHEREAS, Towaco Station, LLC, the owner and developer of property known as Block 40, Lots 48 and 49, 652 and 662 Main Road, is required to submit a cash bond to the Township of Montville for the completion of landscaping work as detailed on the engineer's cost estimate; and

WHEREAS, Towaco Station, LLC has submitted check number 169 in the amount of \$9,600 representing the cash bond for the landscaping work on this 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 Towaco

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Station, 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.

Motion by Cook second by Witty to adopt Resolution #2020-139.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 8. Resolution # 2020-140** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing acceptance of the Maintenance Bond, accepting Public Improvements and authorizing Final Payment for the Senior House ADA Improvements Project

WHEREAS pursuant to Resolution 2019-269, Diamond Construction was awarded the contract in the amount of \$111,541 for the Senior House ADA Improvements Project; and

WHEREAS, the Township was awarded a Community Development Block Grant in the amount of \$80,000 toward the improvements; and

WHEREAS, upon review by the Township Engineer, the work item amounts exceed the contract amounts in the amount of \$754.10, as noted below, and the amended contract amount is \$112,295.10; and

WHEREAS, the following differences in work items were noted by the Township Engineer:

Work Item	Contract Quantity	Actual Quantity	Difference
Construct Belgium Block Vertical Curbing	75 LF	125.5 LF	\$1,010.00
Construct Concrete Drop Curbing for ADA Sidewalk Ramps	75 LF	53 LF	(\$550.00)
Construct 5' wide, 4" thick, Concrete Sidewalk, Dyed Grey with ¾" Clean Stone Base	110 SY	127.54 SY	\$789.30
HMA Base Course, 19M64, 5 inch Thick	10 Ton	10 Ton	(\$600.00)
Hot Mix Asphalt 9.5M64, Surface Course, 2 inch Thick	20 Ton	25.08 Ton	\$304.08
Furnish & Install Detectable Warning Surface	8 Units	7 Units	(\$200.00)
Total Net Change Order:			\$754.10

; and

WHEREAS, the Township Engineer has recommended the above changes to the contract price by Memorandum dated March 25, 2020 reflecting a change to the contract total in the amount of \$754.00, a total change of 1.0%, for the above-described work; and

WHEREAS, Diamond Construction has completed the Project; and

WHEREAS, the Township Engineer has inspected the work and deemed the work to be complete; and

WHEREAS, Diamond Construction has provided Maintenance Bond #BX06136MB in the amount of \$16,844.27 for the Project; and

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

WHEREAS, by Memorandum dated March 25, 2020, the Township Engineer has recommended acceptance of the work performed as part of the Senior House ADA Improvement Project, issuance of final payment in the amount of \$2,245.90 to Diamond Construction, acceptance of all public improvements and acceptance of the maintenance bond; and

WHEREAS, the Chief Financial Officer of the Township of Montville has certified that sufficient funds are available.

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

1. The work performed by Diamond Construction for the Senior House ADA Improvement Project is hereby accepted by the Township of Montville.
2. All public improvements completed by Diamond Construction for the Senior House ADA Improvement Project are hereby accepted by the Township of Montville.
3. Final Payment in the amount of \$2,245.90 for the Senior House ADA Improvement Project is hereby authorized to be made to Diamond Construction.
4. Maintenance Bond #BX06136MB in the amount of \$16,844.27 provided by Diamond Construction for the Senior House ADA Improvement Project is hereby accepted.
5. The account to be used for the change order is as follows:

ORD #2019-17 ENG: Senior Hs Pkg Lot (CDBG); C-04-56-142-009; \$754.10

This Resolution will take effect immediately.

Motion by Cook second by Witty to adopt Resolution #2020-140.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 9. Resolution # 2020-141** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing exterior painting and staining for Community Park Youth Center and Field House

WHEREAS, the Township of Montville is required to maintain all of its facilities; and

WHEREAS, the Township wishes to address the exterior of the Youth Center and Field House, including the Silo, as proper maintenance helps preserve the integrity of the structures; and

WHEREAS, the Township solicited proposals, with the lowest responsible proposal from A. Priore & Son, 112 Hillcrest Drive, Denville, NJ, 07834, in the amount of \$16,500; and

WHEREAS, this project is subject to prevailing wage as the total value of the project exceeds the prevailing wage threshold of \$16,263.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, in the County of Morris that the Township Administration is hereby authorized to execute an agreement with A. Priore & Son, 112 Hillcrest Drive, Denville, NJ, 07834, in the amount of \$16,500, for exterior painting and staining for the Community Park Youth Center and Field House.

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

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ORD #2017-20; CP YTH CTR/FIELD HOUSE EXTERIOR; C-04-56-133-003; \$16,500

This Resolution shall take effect immediately

Motion by Cook second by Conklin to adopt Resolution #2020-141.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**10. Resolution # 2020-142** resolution of the Township of Montville, County of Morris and State of New Jersey rescinding Resolution # 2020-124 and Authorizing the award of a contract for Solid Waste and Recyclable Materials Collection to Suburban Disposal, Inc.

WHEREAS, on March 24, 2020, the Township Committee adopted Resolution 2020-124 to extend the existing solid waste, recyclable materials and vegetative waste collection contract with Suburban Disposal for three (3) months due to the State of Emergency and the uncertainties surrounding same; and

WHEREAS, following evaluation of the situation and the impact upon the Township, Administration has determined that the emergency extension is no longer necessary, as the bid process can proceed unimpeded; and

WHEREAS pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for solid waste and recyclable materials collection; and

WHEREAS, one (1) sealed bid was received and opened on March 20, 2010, in accordance with the bid specifications:

6.8.1 Collection Options	1-Year Bid (Diesel)	2-Year Bid (Diesel)	5-Year Bid (Diesel)	1-Year Bid (Natural Gas)	2-Year Bid (Natural Gas)	5-Year Bid (Natural Gas)
1-A(1)	\$936,00	\$1,894,000	\$4,915,000	\$936,000	\$1,894,000	\$4,915,000
1-A(2)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)
1-A(3)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)
1-B(1)	\$10,000	\$20,000	\$50,000	\$10,000	\$20,000	\$50,000
2-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)	Included in 1-A(1)
2-A(2)	Included in 1-A(2) & 1-A(3)	Included in 1-A(2) & 1-A(3)	Included in 1-A(2) & 1-A(3)	Included in 1-A(2) & 1-A(3)	Included in 1-A(2) & 1-A(3)	Included in 1-A(2) & 1-A(3)
2-B(1)	\$4,500	\$9,000	\$22,500	\$4,500	\$9,000	\$22,500
3-A(1)	\$510,000	\$1,049,000	\$2,847,000	\$510,000	\$1,049,000	\$2,847,000
3-A(2)	Included in 3-A(1)	Included in 3-A(1)	Included in 3-A(1)	Included in 3-A(1)	Included in 3-A(1)	Included in 3-A(1)
3-B	\$10,000	\$20,000	\$50,000	\$10,000	\$20,000	\$50,000
4-A(1)	\$290,000	\$614,000	\$1,615,000	\$290,000	\$614,000	\$1,615,000
4-A(2)	Included in 4-A(1)	Included in 4-A(1)	Included in 4-A(1)	Included in 4-A(1)	Included in 4-A(1)	Included in 4-A(1)

; and

WHEREAS, said the bid has been duly reviewed and analyzed by the Montville Township Attorney and Township Administrator; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and



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WHEREAS, the bid received from Suburban Disposal, Inc. at the rates noted above is 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 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 one-year contract under the one-year bid Natural Gas collection option per the bid specifications, to Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey 07004, for solid waste and recyclable materials collection in accordance with the bid specifications at the pricing set forth above at a total price not to exceed \$1,760,500.00, beginning May 1, 2020, through April 30, 2021.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Suburban Disposal, Inc. in accordance with its bid for solid waste and recyclable materials collection.
3. The Township's Chief Financial Officer has certified the availability of funds for this contract.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.
5. The accounts to be used for these services are as follows:

2020

Solid Waste Collection, 0-01-26-305-255, \$1,142,000.72  
Solid Waste Collection BOE, 0-01-42-320-255, \$6,666.00  
Recycling Tonnage Grant, 9-01-41-701-301, \$25,000.00

2021

Solid Waste Collection, 1-01-26-305-255, \$583,499.28  
Solid Waste Collection BOE, 1-01-42-320-255, \$3,334.00

This Resolution will take effect immediately.

Motion by Cook second by Conklin to adopt Resolution #2020-142.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

**Review of Meeting Action Items:**

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1. Administrator
  - Project Status Report will be linked to the next meeting agenda.
  - Administration will work with Engineering and Water Departments to draw up a summary on the progress of the OLSEP to submit to the Old Lane residents.
  
2. Attorney
  - Ordinance # 2020-05 Rachel Gardens Affordable Housing Ordinance will be on the next meeting agenda for April 28, 2020.
  
3. Township Committee

None.

**3:22 p.m. Adjournment**

Motion by Cook second by Witty to adjourn. All in favor. Meeting adjourned at 3:22 p.m.

Respectfully submitted,

Approved: June 9, 2020  
Montville Township Committee

\_\_\_\_\_  
Leena M. Abaza, Township Clerk

\_\_\_\_\_  
Frank W. Cooney, Mayor