

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES – June 9, 2020**

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

Montville Township Committee Regular Meeting

Tuesday, June 9, 2020, 7:00 p.m.

Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

7:00 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, June 9, 2020, at 7:00 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.

Roll Call Township Committee

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

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

Chairman Cooney called for a moment of silence to honor those lost to the COVID19 virus.

Township Committee members eulogized the following individuals:

Committeewoman Witty spoke in honor of Herb Turner, 99, who passed away on May 28. Mr. Turner was a member of V.F.W. Post 5481 and served as Army Airborne Paratrooper Pathfinder radio expert in the 101st Company Screaming Eagles. He was part of Operation Overload on D-Day on Utah Beach and was involved in the liberation of Paris and Belgium. He saw action in the Battle of the Bulge and Operation Market Garden. He fought in the Netherlands and operated covertly in the Rhineland. He took part in evacuation of Nazi extermination camps. He earned 6 Battle Stars, the Good Conduct Medal, and the Distinguished Unit Badge. His unit was featured in HBO's *Band of Brothers* and the movie *Saving Private Ryan*.

Deputy Mayor Cook spoke in honor of Richard Tomkins who passed away on May 25 at the age of 90. Mr. Tomkins was a long time Pine Brook resident. A Korean War veteran, he was a charter member of V.F.W. Post 5481 and served as first post commander. He was Montville's third police chief for the years 1968-1977.

Chairman Cooney spoke in honor of Ida Biase, a former employee of Montville Township in the Finance Department, who passed away on June 3 at the age of 80. Ms. Biase was well known for her long public service on the Drug Awareness Council and other volunteer activities in the Montville Community such as serving as Parade Chairperson for the 4th of July Committee. People like Ida make Montville Township the special place to live and work.

Prayer read by Committeewoman Witty.

Proclamation

The Township Committee issued a proclamation for Ms. Lovery Heminuk (nee Hunyak) in honor of her 100th Birthday. The proclamation will be mailed to Ms. Heminuk.

Approval of Meeting Minutes

April 14, 2020 Township Committee Regular Meeting Minutes.

April 28, 2020 Township Committee Closed Executive Session Meeting Minutes

Motion by Witty second by Conklin to approve the above meeting minutes. All in favor. Motion approved.

Public Hearing on Ordinance for Final Adoption:

None.

Reports:

1. Administrator's report

- COVID19 Update: Currently 7 cases in Montville. Mr. Canning urged the public to continue to practice preventative measures to contain spread of the disease as restrictions are lifted.
- 2020 Road Improvements Update: 11 more roads have been completed since the last update

Chairman Cooney asked for an update on the committee formed to orchestrate a controlled reopening of restaurants as COVID19 restrictions are lifted.

Administrator Victor Canning responded that a resolution is prepared for the June 13, 2020 special meeting. Mr. Canning, Assistant Administrator June Hercek and Land Use Department Head Jane Mowles visited several local businesses to work on safety protocols for outdoor dining. He reported that the owners appreciated the in-person visit and many are submitting the required drawings and documentation to allow opening for outside dining.

2. Attorney's report

- JCP&L Litigation Update – the Superior Court has dismissed the case. The settlement terms with the Township will stand. Project is anticipated to begin in the fall.
- Tax Appeals – Mr. Semrau reported that there were no recommendations on his prior request for an expert appraiser because one case had taken a turn for the better and the proposal for the other case needed to be reworked from a cost perspective.
- Mr. Semrau stated for the record that the Township Committee will hold special meeting with closed executive session on June 13 at 2:00 p.m. at the municipal building. The topics for the meeting will be the resolution expediting the controlled reopening of retail businesses including restaurants and for executive session, conducting interviews. He asked for a motion for same.

Motion by Cook second by Kayne to advertise the special meeting of the Township Committee with closed executive session on June 13, 2020 at 2:00 p.m. at the municipal building. All in favor, Motion approved.

Township Attorney Fred Semrau clarified that the Township Committee members will attend in-person, adhering to social distancing, and the public may attend the public session by telephone conferencing.

Administrator Victor Canning thanked Township Attorney Fred Semrau for expediting the resolution to move on the reopening.

3. Township Committee liaison reports and comments

Chairman Cooney

- June 13 Special Township Committee Meeting – he thanked the Township Committee members for making themselves available for the special meeting given the importance of reopening for Township businesses.
- Summer Township Committee meeting schedule – Mr. Cooney stated that the summer Township Committee meetings are scheduled for June 30 (a correction of the June 23 date he first stated), July 21 and August 18, times to be determined. He anticipates that the June meeting will still be via teleconference. The manner of the July and August meetings will be determined as further guidelines on sheltered meetings are received from the Governor's office.
- Corrected that the June Township Committee meeting would be June 30, not June 23 as had been previously stated.

Committeewoman Witty

- Flag Day – June 14. The V.F.W. urges residents to "Fly Your Flag" on June 14. A banner designed by a V.F.W. member has been hung on Changebridge Road. The V.F.W. has flags for sale.
- Flag Retirement – the V.F.W. will retire damaged flags. There is a receptacle for drop off at the V.F.W. Post building.
- Raffle Tickets – 50/50 tickets supporting the V.F.W.'s 50th Anniversary are for sale for \$5.00 each.
- Relay for Life – will be run virtually on June 23-25. Information can be found at www.relayforlife.org/greatermontvilleNJ

Committeeman Kayne

- Board of Health meeting was cancelled.
- Environmental Commission meets on June 17.

Deputy Mayor Cook

- The Morris County COVID19 test center is now open to all by appointment. A doctor's recommendation is no longer needed. Appointments can be made online.
- Recreation – Evaluating whether or not summer camps can be opened according to the new, strict guidelines.

Old Business:

1. Project status report

Committeeman Kayne asked whether the June 11 meeting about the sewerage treatment agreement with Parsippany Troy Hills Township is still taking place.

Assistant Administrator June Hercek confirmed the meeting was still on.

Mr. Kayne asked whether the County could be contacted to expedite the pedestrian crosswalk at the Towaco Center.

Assistant Administrator June Hercek responded that Administration could contact the County.

Committeeman Conklin asked whether a scope-of-work meeting can be set between the Canal Society and Engineering.

Administrator Victor Canning asked Mr. Conklin to secure a date and time from the Canal Society.

Committeeman Kayne also asked that the Township set a future goal of having more online services, especially bill paying, available to residents.

New Business:

None.

Ordinance Introductions:

Ordinance #2020-10 ordinance of the Township of Montville, Morris County, New Jersey, authorizing a Capital Expenditure from the Open Space Dedicated Trust Fund in the amount not to exceed \$1,000

Motion by Conklin second by Cook to introduce Ordinance #2020-10 and set the public hearing for June 30, 2020.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Public Portion

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

The following residents urged the Township Committee to "have an intimate conversation" with the Board of Education communicating community sentiment and supporting an outdoor, in-person graduation in light of the reduced restrictions that will be in effect after July 3, permitting outside, socially-distanced gatherings of 500. Some stated that the Board of Education seems hesitant to commit to an expansion of its plans without some assurance from Governor Murphy about shifting on an outdoor graduation.

- Teresa Gilmore, 15 Rand Road
- Kathleen Colatrella, 6 Grimes Terrace
- Robin Kahwaty, 102 Konner Avenue
- Mindy Teresa, 3 Keller Court

Chairman Cooney thanked the residents for addressing the Township Committee and stated that he has received many emails on this subject. He expressed the Township Committee's full support of the Board of Education and Montville's graduating class. He stated that while the Township Committee and Board of Education work cooperatively, they are separate legal entities. The Township Committee can only do what it is legally allowed to do but is committed to doing what it is allowed to do.

Administrator Victor Canning stated that the Governor's office is rapidly issuing changes in guidelines, with the latest as of 7/3 allowing outdoor, socially-distanced gatherings of 500. No directive includes the authority of a municipality to override a decision of their board of education. He said the Township is standing by to support the Board of Education when it knows what it needs from the Township.

Township Attorney Fred Semrau stated that legally, the Board of Education and Township work together but they operate as separate autonomous entities that operate within their own set of rules. The Township Committee can endorse and support Board of Education decisions but does not have jurisdiction to force an action on it (and vice versa). What will be done about graduation rests with the Board of Education.

Committeeman Conklin asked whether separating groups into different locations, as long as no one location exceeded 500, would be in violation of the raised limit on outdoor gatherings.

Township Attorney Fred Semrau opined it could be possible to do and still be in compliance with the Executive Order.

Chairman Cooney reiterated that this is a Board of Education decision which the Township Committee will support.

Committeeman Kayne thanked the parents for voicing their thoughts. He also stated that it takes time to accommodate to the new guidelines, so it is possible that there might be an expansion of the Board of Education plan. He said the Township Committee will be as helpful as it can be when the Board of Education finalizes its decision.

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

Resolution Authorizing Consent Agenda No. 2020-CA11:

Resolution # 2020-175 resolution authorizing the processing of certain Tax Sale Certificate Redemptions

Resolution # 2020-176 resolution approving request from the Tax Collector for cancellation of taxes and refund of overpayment

Resolution # 2020-177 resolution of the Township of Montville, County of Morris and State of New Jersey, accepting an Irrevocable Letter of Credit as a Maintenance Bond from Palmar Assoc., LLC for Skyview at Montville

Resolution # 2020-178 resolution adjusting the Public Bidding Threshold effective July 1, 2020

Resolution # 2020-178A resolution of the Township of Montville, County of Morris, State of New Jersey Authorizing the submittal of the 2021 NJDOT Municipal Aid Application for the New Maple Avenue Road Resurfacing Project

Resolution # 2020-184 resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing property maintenance work to be completed by the Township of Montville Department of Public Works to place the premises at 19 Montgomery Avenue in conformance with the Property Maintenance Ordinance

Resolution # 2020-185 resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing temporary modifications to Utility Billing Procedures

Resolution # 2020-186 resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing temporary modifications to Cat Licensing Procedures

Resolution # 2020-187 resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing temporary modifications to Retail Food Establishment Licensing Procedures

Chairman Cooney asked to have Resolutions #2020-184, #2020-185, #2020-186 and #2020-187 moved to the Consent Agenda.

Motion by Witty second by Conklin to move Resolutions #2020-184, #2020-185, #2020-186 and #2020-187 to Consent Agenda No. 2020-CA11 and to approve the consent agenda resolutions.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Resolution # 2020-175 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 76.01 Lot 26.03

51 Genoble Rd

Lien Redemption Certificate #19-00012 \$1,694.59

To: US Bank Cust/Pro Cap 8/Pro Capital Mgt II

Block 110 Lot 7

808 Rt 202

Lien Redemption Certificate #19-00018 \$1,471.18

To: US Bank Cust/Pro Cap 8/Pro Capital Mgt II

Resolution # 2020-176 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 cancelled 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:

Duarte, Goncalo & Michelle
8 Merlin Place
Block 141.2 Lot 35

Cancel & Refund as of 02-03-2020 -	1 st Qtr 2020	\$ 959.52
	2 nd Qtr 2020	\$3,198.39
Total Refund:		<u>\$4,157.91</u>

Resolution # 2020-177 resolution of the Township of Montville, County of Morris and State of New Jersey, accepting an Irrevocable Letter of Credit as a Maintenance Bond from Palmar Assoc., LLC for Skyview at Montville

WHEREAS, Palmar Assoc., LLC, the developer of property known as Blocks 113 & 115, Lots 43, 44 & 3, Skyview at Montville, 66 Pine Brook Road, is required to submit a Maintenance Bond to the Township of Montville; and

WHEREAS, Palmar Assoc., LLC has submitted a Maintenance Bond in the form of an Irrevocable Letter of Credit from Valley National Bank in the amount of \$109,021.00 for the work performed; and

WHEREAS, the Township Engineer and Township Attorney have reviewed the Maintenance Bond - Irrevocable Letter of Credit 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 Maintenance Bond - Irrevocable Letter of Credit # OD20002711 stated above submitted by Palmar Assoc., 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.

Resolution # 2020-178 resolution adjusting the Public Bidding Threshold effective July 1, 2020

WHEREAS, pursuant to N.J.S.A. 40A:11-3(c), Governor Phil Murphy has exercised his authority to adjust bid thresholds for contracting units subject to the Local Public Contracts Law; and

WHEREAS, these adjustments become effective July 1, 2020; and

WHEREAS, for contracting units that have appointed a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9(b), and take advantage of a higher bid threshold pursuant to N.J.S.A. 40A:11-3, the maximum bid threshold has been increased from \$40,000 to \$44,000; and

WHEREAS, the Township of Montville appoints a Qualified Purchasing Agent and wishes to increase the public bid threshold to \$44,000 effective July 1, 2020.

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's public bid threshold is increased to \$44,000 effective July 1, 2020.

This Resolution shall take effect immediately.

Resolution # 2020-178A resolution of the Township of Montville, County of Morris, State of New Jersey Authorizing the submittal of the 2021 NJDOT Municipal Aid Application for the New Maple Avenue Road Resurfacing Project

WHEREAS, 2021 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 New Maple Avenue Road Resurfacing Project as the Township's priority project for 2021.

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-2021-New Maple Avenue Resurfacing Project-00332 to the New Jersey Department of Transportation on behalf of the Township of Montville for the New Maple Avenue Road Resurfacing 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 # 2020-184 resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing property maintenance work to be completed by the Township of Montville Department of Public Works to place the premises at 19 Montgomery Avenue in conformance with the Property Maintenance Ordinance

WHEREAS, there is in existence within the Township of Montville a property located at 19 Montgomery Avenue, designed on the Montville Township Tax Map as Block 125.13, Lot 5 (the "Property"); and

WHEREAS, the Property has not been maintained in compliance with the Township's Property Maintenance Ordinance; and

WHEREAS, a Notice of Violation was served on April 30, 2019 requiring compliance; and

WHEREAS, a Notice of Lien was posted upon the front door of the Property on May 18, 2020 requiring compliance by May 28, 2020; and

WHEREAS, to date, the property maintenance violations have not been abated; and

WHEREAS, the Township Property Maintenance Ordinance, §287-33, permits the Township to abate property maintenance violations, the costs of which are to be a lien against the Property; and

WHEREAS, the Township's General Supervisor of the Department of Public Works has performed an inspection of the Property and provided a cost estimate of the work necessary to bring the Property up to Code; and

WHEREAS, the cost estimate for the work on the Property totals \$381.24 as follows:

Lawn Mower Operator x 3 hours	\$32.11/hour	\$ 96.33
2 Weed Wacker/Blower x 3 hours each:	\$24.45/hour	\$ 73.35
2 Weed Wacker/Blower X 3 hours each:	\$20.52/hour	\$ 61.56
Equipment X 3 hours:	\$50.00/hour	\$150.00
Total:		\$381.24

; and

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 if the Property is not timely remediated by the property owner, the Township Administration and Department of Public Works is hereby authorized to perform work on the property located at 19 Montgomery Avenue pursuant to the report of the Director of Public Works, attached hereto, in the amount not to exceed \$381.24, said amount to become a lien against the property, in order to remediate the property maintenance violations.

This Resolution shall take effect immediately.

Resolution # 2020-185 resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing temporary modifications to Utility Billing Procedures

WHEREAS, pursuant to the Township Code, the Township of Montville has established various requirements related to water and sewer utility billing procedures; and

WHEREAS, these requirements include:

1. If bills are not paid within 30 days from the bill date, a \$15 late fee will be assessed.
2. If bills are not paid within 60 days from the bill date, interest at a rate set by the Township Committee for delinquent property taxes shall be added to the amount of the bill.

and;

WHEREAS, in consideration of the severe economic hardships on residents and businesses as a result of the COVID-19 virus situation, the Township wishes to relax some of its billing policies for past due accounts; and

WHEREAS, as a way to provide a small measure of relief for Montville Township water and sewer customers, the Township is waiving the \$15 late fee and interest for the months of March, April, May and June 2020.

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 Mayor and Township Committee hereby approve waiving the \$15 late fee and interest for its water and sewer customers for the months of March, April, May and June 2020.
2. A copy of this Resolution shall be provided to the Water & Sewer Department.

This Resolution shall take effect immediately.

Resolution # 2020-186 resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing temporary modifications to Cat Licensing Procedures

WHEREAS, pursuant to the Township Code, the Township of Montville has established various requirements related to cat licensing; and

WHEREAS, these requirements include:

1. An annual license fee shall be paid to the Township of Montville for each cat license in accordance with the fees set forth in Chapter 169.
2. The license and tag for each year shall expire on June 30 of that licensing year.

3. A late fee of five dollars (\$5.00) in the month of July and one dollar (\$1.00) in every month thereafter shall be issued to anyone that fails to renew cat license prior to June 30 of that licensing year. and;

WHEREAS, in consideration of the severe economic hardships on residents and businesses as a result of the COVID-19 virus situation, the Township wishes to relax some of its billing policies for past due accounts; and

WHEREAS, as a way to provide a small measure of relief for Montville Township residents, the Township is waiving the late renewal fees for cat licenses through August 31, 2020.

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 Mayor and Township Committee hereby approve waiving the late renewal fees in July for \$5 and every month thereafter for \$1 for cat licenses through August 31, 2020.

2. A copy of this Resolution shall be provided to the Health Department.

This Resolution shall take effect immediately.

Resolution # 2020-187 resolution of the Township of Montville, County of Morris and State of New Jersey, approving and authorizing temporary modifications to Retail Food Establishment Licensing Procedures

WHEREAS, pursuant to the Township Code, the Township of Montville has established various requirements related to retail food establishment licensing; and

WHEREAS, these requirements include:

1. An annual license fee shall be paid to the Township of Montville for each retail food establishment in accordance with the fees set forth in Chapter 169.

2. The license for each year shall expire on June 30 of that licensing year.

3. A late fee of fifty dollars (\$50.00) shall be issued to anyone that fails to renew their retail food establishment license prior to June 30 of that licensing year. and;

WHEREAS, in consideration of the severe economic hardships on residents and businesses as a result of the COVID-19 virus situation, the Township wishes to relax some of its billing policies for past due accounts; and

WHEREAS, as a way to provide a small measure of relief for Montville Township residents, the Township is waiving the late renewal fees for retail food establishment licenses through August 31, 2020.

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 Mayor and Township Committee hereby approve waiving the \$50 late renewal fees for retail food establishments through August 31, 2020.

2. A copy of this Resolution shall be provided to the Health Department.

This Resolution shall take effect immediately.

Resolutions:

1. **Resolution** approving the listing of bills and signing of checks for June 9, 2020.

Motion by Cook second by Witty to approve the listing of bills and signing of checks for June 9, 2020.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

2. **Resolution # 2020-179** resolution of the Township of Montville, County of Morris and State of New Jersey, authorizing the expenditure of funds from the Affordable Housing Trust Fund related to the Administration of the Affordable Housing Program

WHEREAS, The Township of Montville prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*), the Fair Housing Act (FHA) (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:91-1 *et seq.* and N.J.A.C. 5:93-1 *et seq.*); and

WHEREAS, the Township of Montville's Affordable Housing Trust Fund was established on September 17, 2008; and

WHEREAS, in accordance with the terms of the Fair Share Housing Center Settlement Agreement and the April 4, 2019 Order of the New Jersey Superior Court, in accordance with N.J.A.C. 5:93-8.16 the Township was required to prepare and adopt an Affordable Housing Trust Fund Spending Plan; and

WHEREAS, the Township Planner prepared an Affordable Housing Trust Fund Spending Plan dated July 22, 2019; and

WHEREAS, the Montville Township Affordable Housing Trust Fund Spending Plan was adopted by resolution of the Township Committee on August 13, 2019; and

WHEREAS, the Planning Board adopted a resolution recommending the expenditure of development fee revenues as set forth in this spending plan; and

WHEREAS, the Township Committee has reviewed the recommendation of the expenditures as follows:

Projects/Programs	4/1-12/31 2019	1/1-12/31 2020
Rehabilitation	\$0	\$105,000
Signature - Special Needs	\$0	\$21,333
Extension of Controls (Subsidies)	\$48,500	\$0
Extension of Controls (Repairs and Upgrades)	\$25,000	\$0
Affordability Assistance	\$3,165	\$12,000
Administration	\$30,000	\$8,887
Total	\$106,665	\$147,220

WHEREAS, the Township Committee has found the above expenditures to be consistent with the adopted spending plan; and

WHEREAS, the Township Committee approves the release of funds itemized above in accordance with the spending plan; and

WHEREAS, the Chief Financial Officer has certified that the above funds are available in the

Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, that it authorizes the distribution of 2020 development fee revenues as set forth in the Affordable Housing Trust Fund Spending Plan, including the carryover of 2019 funds not previously distributed as itemized above.

Committeeman Kayne asked Administrator Victor Canning to explain what Resolution #2020-179 meant.

Administrator Victor Canning stated this would have to do with rehabilitation from the Affordable Housing Trust Fund in compliance with the Affordable Housing settlement.

Assistant Administrator June Hercek further commented that the settlement includes an Affordable Housing Spending Plan that is funded by the Affordable Housing Trust Fund. Resolution #2020-179 is an articulation of where expenditures can be charged for years 2019 and 2020 by declaring what expenditures can be made and what the expense categories are.

Township Attorney Fred Semrau stated for the public that expenditures from the Affordable Housing Trust Fund are not taxpayer money. It is funded by the developers.

Motion by Witty second by Kayne to adopt Resolution #2020-179.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 3. Resolution # 2020-180** resolution of the Township of Montville, County of Morris, State of New Jersey authorizing the execution of an addendum to the January 1, 2020 Agreement between the Township of Montville and Cleary Giacobbe Alfieri Jacobs LLC – Matthew J. Giacobbe, Esq. – for Labor Counsel

WHEREAS, there exists a need for Labor Counsel for the Township of Montville and it has been determined to award this contract as a professional service without obtaining competitive bids or quotations pursuant to the provisions of NJSA 19:44A-205; and

WHEREAS, the Township and Cleary Giacobbe Alfieri Jacobs LLC previously entered into an Agreement, dated January 1, 2020, for Matthew J. Giacobbe, Esq. to perform such services; and

WHEREAS, the Agreement had a not to exceed amount of \$20,000 but the Township wishes to amend the Professional Services Agreement to increase the not to exceed amount from \$20,000 to \$35,000; 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 a contract for professional service without competitive bidding, and the contract itself, be available for public inspection.

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 with Cleary Giacobbe Alfieri Jacobs LLC – Matthew J. Giacobbe, Esq. for Labor Counsel for a fee not to exceed \$35,000; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the total fee authorized for this contract shall not exceed \$35,000 without the prior written approval of the Township Committee; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that funds for these services are available through the following account: Miscellaneous Litigation, 0-01-20-155-277.

This Resolution shall take effect immediately.

Motion by Kayne second by Conklin to adopt Resolution #2020-180.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

4. **Resolution # 2020-181** resolution authorizing the entry into an Interlocal Services Agreement between the Township of Montville and the Montville Township Board of Education

WHEREAS, pursuant to N.J.S.A. 40:8A-1, the Township of Montville may, by Resolution, enter into an Interlocal Services Agreement with another local government entity; and

WHEREAS, the Township of Montville and the Montville Township Board of Education have agreed to enter into an Interlocal Services Agreement for provide for solid waste and recycling collection and disposal from Board of Education owned facilities.

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 enter into an Agreement between the Township of Montville and the Montville Township Board of Education for the provision of solid waste and recycling collection and disposal from Board of Education owned facilities for a period of one year at a rate of \$60,000 for the year as set forth in the Agreement attached hereto.

This Resolution shall take effect immediately.

Motion by Kayne second by Conklin to adopt Resolution #2020-181.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

5. **Resolution # 2020-182** resolution 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 for retaining wall design for the Montville Township Community Park Amphitheater; and

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

WHEREAS, the maximum amount for services under this contract shall not exceed a total of \$3,700; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

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

Section 1. The contract with 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 June 1, 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 Christopher P. Statile, P.A., 3 Fir Court, Oakland, New Jersey 07436, for their information and guidance.

Section 5. The account to be used for these services is as follows: 0-01-20-165-227, Engineering Professional Fees, \$3,700.00

This Resolution shall take effect immediately.

Motion by Conklin second by Cook to adopt Resolution #2020-182.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

6. **Resolution # 2020-183** resolution of the Township of Montville, County of Morris and State of New Jersey authorizing the award of a contract for the Taylortown Road Resurfacing Project – Phases I & II to American Asphalt & Milling Services, LLC.

WHEREAS, pursuant to authorization by the Mayor and Township Committee of the Township of Montville, the Township received sealed competitive bids for the Taylortown Road Resurfacing Project – Phases I & II; and

WHEREAS, nine (9) sealed bids were received and opened on June 3, 2020, in accordance with the bid specifications:

1) American Asphalt & Milling, LLC	\$395,132.52
2) D&L Paving Contractors, Inc.	\$398,389.00
3) Paving Materials & Contracting	\$414,413.00
4) Mike Fitzpatrick Contractors	\$418,140.00
5) 4 Cleanup, Inc.	\$422,516.00
6) Top Line Construction	\$431,009.27
7) DLS Contracting	\$434,810.00
8) Your Way Construction, Inc.	\$443,010.00
9) Rockborn Trucking & Excavation	\$445,636.50

; and

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

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

WHEREAS, the bid received from American Asphalt & Milling Services, LLC at a total cost of \$395,132.52 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 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 American Asphalt & Milling Services, LLC, 96 Midland Avenue, Kearny, New Jersey 07032, for the Taylortown Road Resurfacing Project – Phases I & II in accordance with the bid specifications at the pricing set forth in its bid proposal at a total price not to exceed \$395,132.52.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with American Asphalt & Milling Services, LLC in accordance with its bid for the Taylortown Road Resurfacing Project – Phases I & II.

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

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

5. The account to be used for this project is as follows:

C-04-56-145-004 – Taylortown Road Resurfacing (NJDOT Grants) \$395,132.52.00

This Resolution will take effect immediately.

Deputy Mayor Cook asked how much was appropriated in the budget for the project and what the bid was. Administrator Victor Canning responded budget was approximately \$600,000. The range from the Lowest Responsible Bidder to Highest Responsible Bidder was well under this amount ranging from approximately \$395,000 to \$450,000.

Assistant Administrator June Hercek advised that the majority of the expense will be offset by the NJ Department of Transportation (NJDOT) grant of about \$365,000.

Committeeman Kayne thanked the Township employees for securing the grants.

Motion by Witty second by Cook to adopt Resolution #2020-183.

Roll Call

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

(Resolutions #2020-184, #2020-185, #2020-186 and #2020-187 were moved to the Consent Agenda)

7. **Resolution # 2020-188** resolution authorizing the award of a Professional Services Contract without competitive bidding to Kleinfelder 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 for engineering construction management of the Old Lane Sewer Expansion Project which includes the bid phase, construction administration, and inspection/observation services as described in Task 2 through Task 10 of the Kleinfelder proposal dated November 5, 2019; and

WHEREAS, the maximum amount of for services under this contract shall not exceed a total of \$201,280; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself be available for public inspection.

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

Section 1. The contract with Kleinfelder 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. Kleinfelder shall provide professional engineering services to the Township as set forth in items 2 through 10 of its proposal of November 5, 2019.

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 Kleinfelder, 150 College Road West, Suite 100, Princeton, New Jersey 08540, for their information and guidance.

Section 5. The accounts to be used for these services are as follows:

ORD 2017-08	SWR Infrastructure Design/Const	C-08-55-562-502	\$ 46.00
ORD 2018-31	SWR Infrastructure Design/Plan	C-08-55-565-501	\$150,000.00
ORD 2019-39	SWR Infrastructure Design/Planning	C-08-55-567-501	<u>\$ 51,234.00</u>
			<u>\$201,280.00</u>

This Resolution shall take effect immediately.

Motion by Conklin second by Cook to adopt Resolution #2020-188

Roll Call

Yes: Witty, Cook, Conklin, Cooney

No: -0-

Committeeman Kayne recused himself from the vote.

Review Of Meeting Action Items:

1. Administrator
 - Administration will have Engineering contact the County regarding the Towaco Center pedestrian crosswalk.
 - He will follow up on the meeting with the Canal Society on Dorsey Pond.
 - He will discuss with Department Heads about making government processes easier for residents.
2. Attorney – no further action items.
3. Township Committee – no further action items.

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

1. Contract Negotiations: Purchase of Open Space Property; Water and Sewer Contracts.

2. Attorney-Client Privilege: Redevelopment Zone & Lake Surprise.
3. Litigation: Affordable Housing.

Motion by Kayne second by Witty to adopt the resolution authorizing closed executive session and move into closed session. All in favor. Motion approved.

Chairman Cooney stated for the public that following closed session, the public meeting would reconvene with no further action items except to adjourn the meeting.

Chairman Cooney reminded Township Committee members to terminate their calls and dial in to the conference number for closed session.

Motion by Witty second by Cook to reopen public session. All in favor. Motion approved.

Adjournment

Motion by Cook second by Kayne to adjourn. All in favor. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Leena M Abaza

Leena M. Abaza, Township Clerk

Approved: 08/18/2020
Montville Township Committee

Frank W Cooney
Frank W. Cooney, Mayor