

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES – August 18, 2020**

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

Montville Township Committee Regular Meeting
Tuesday, August 18, 2020, 7:00 p.m.
Montville Township Municipal Building, 195 Changebridge Road, Montville, New Jersey

Public Session – 7:00 p.m.

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, August 18, 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, 1-978-990-5000, 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
Stacy Sullivan-Gruca, Township Clerk
Margaret Shepard, Deputy Clerk

Prayer read by Committeeman Kayne.

Chairman Cooney called for a moment of silence in honor of those lost to COVID-19. He reported that Montville Township currently has zero (0) active cases.

Chairman Cooney introduced Stacy Sullivan-Gruca as Township Clerk. Mr. Cooney recapped her employment history with Montville Township, stated that she holds the Registered Municipal Clerk (RMC) certification, and is a lifelong resident of Montville. Chairman Cooney

extended his and the Township Committee's well wishes to Ms. Sullivan-Gruca in her new position.

Approval of Meeting Minutes

Township Committee Regular Meeting Minutes: **May 26, 2020; June 9, 2020; June 13, 2020; June 30, 2020; July 21, 2020**

Motion by Cook second by Kayne to approve the above regular Township Committee meeting minutes.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Township Committee Closed Executive Session Meeting Minutes: **May 12, 2020; May 26, 2020; June 9, 2020; June 30, 2020; July 21, 2020**

Upon advice of counsel, the Township Administrator asked to table approval of the Closed Executive Session minutes until the next Township Committee meeting for necessary revisions.

Motion by Witty second by Kayne to table approval of the above Closed Executive Session meeting minutes until the next Township Committee meeting.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Public Hearings on Ordinances for Final Adoption:

Ordinance 2020-13 an Ordinance establishing the 2020 Salaries or Wages of Officials and Employees of the Township of Montville in the County of Morris and method of payment of such salaries or wages – Unrepresented

Motion by Conklin second by Witty to open Public Hearing on Ordinance 2020-13. All in favor. Motion carried.

No public comments.

Motion by Witty second by Kayne to close Public Hearing on Ordinance 2020-13. All in favor. Motion carried.

Motion by Witty second by Conklin to adopt Ordinance 2020-13.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance 2020-14 an Ordinance amending Ordinance #2018-06 establishing Salaries or Wages of Officials and Employees of the Township of Montville, in the County of Morris for the years 2017-2020 Blue Collar, Salaries of Employees of the Public Works, Water and Sewer Departments are amended to read as follows to include the addition of title Maintenance Worker 3 in Year 2020, to correct titles Equipment Operator II to Equipment Operator, Water &

Sewer Repairer I to Sewer Repairer/Water Repairer 1, Water & Sewer Repairer II to Sewer Repairer/Water Repairer II, Water Meter Reader & Repairer to Water Meter Inspector/Water Meter Repairer to be in compliance with NJ Civil Service Local Government Titles

Motion by Witty second by Cook to open Public Hearing on Ordinance 2020-14. All in favor.
Motion carried.

No public comments.

Motion by Witty second by Kayne to close Public Hearing on Ordinance 2020-14. All in favor.
Motion carried.

Motion by Conklin second by Witty to adopt Ordinance 2020-14.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance 2020-15 an Ordinance establishing the 2020 Salaries or Wages of Officials and Employees of the Township of Montville in the County of Morris and method of payment of such salaries or wages – Unrepresented Recreation Services

Motion by Witty second by Kayne to open Public Hearing on Ordinance 2020-15. All in favor.
Motion carried.

No public comments.

Motion by Witty second by Cook to close Public Hearing on Ordinance 2020-15.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Motion by Cook second by Witty to adopt Ordinance 2020-15.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance 2020-16 an Ordinance of the Township of Montville, County of Morris, and State of New Jersey amending Chapter 330 "Streets and Sidewalks", Article II "Road Openings", Section 330-21 "Simple and Multiple Road Openings; Permit Fee; Bond; Other Requirements" of the code of the Township of Montville, New Jersey

Motion by Kayne second by Witty to open Public Hearing on Ordinance 2020-16. All in favor.
Motion carried.

Chairman Cooney asked the Administrator to give a brief description of the ordinance.

Mr. Canning summarized that the change occurs in Section E by adding a moratorium to road openings for a 3-year period after paving unless special permission is granted from the Township.

No public comments.

Motion by Conklin second by Cook to close Public Hearing on Ordinance 2020-16. All in favor.
Motion carried.

Motion by Kayne second by Cook to adopt Ordinance 2020-16.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Committeeman Kayne expressed his satisfaction that this ordinance has been enacted. He commended the cooperation between the Township Committee members in coming together to protect the roads.

Reports:

Administrator's Report

- COVID19 Update: There are presently no active cases of COVID-19 in the Township.
- Shredding Event: A second recycling event is planned for September 12, 2020 at 9 a.m.– 12 p.m.
- Health Officer Aimee Puluso will highlight plans for the upcoming flu season under New Business.

Attorney's report – no items

Township Committee liaison reports and comments

Committeeman Kayne

- Board of Health no quorum for the August 10, 2020 meeting
- Environmental Commission meets August 19, 2020
- One Montville has formed a subcommittee, the Racial Equality Commission, that is tasked with educating the public on these issues. Dr. Kayne is pleased to serve as the Township Committee liaison to this group.
- JCP&L's underperformance will be discussed in detail in closed session. Dr. Kayne reported that Passaic County had far fewer outages than Montville in this latest storm. PSE&G reported only 25% customer outages compared to JCP&L 's 60%. He listed issues encountered in town as well as a list Board of Public Utilities (BPU) mandated to JCP&L after Hurricanes Irene and Sandy, which have not been attended to.
- Dr. Kayne read a statement regarding issues with Altice, the internet and cable television provider:

I have been working closely with the Administration with respect to the concerns our residents have voiced regarding the poor cable/internet service being provided by Altice, USA. My communications with Altice on behalf of residents has resulted in certain inroads. Now, a representative of Altice has been identified with whom which we can communicate our concerns. That, in itself, is surprising because that position and representative should have already been identified by Altice.

I have been trying to facilitate and direct residents and their concerns to the Altice representative, and at the same time, ask for commitments as to service, customer support and system upgrades to assure the residents of Montville that their cable/internet services are provided at a level of satisfaction that we deserve.

The concerns of residents have intensified and for each success story where a resident's concern has been addressed, there are multiple instances where the dissatisfaction with service continues to resonate. This is unacceptable. Three weeks ago we took this matter to a different level. We requested information in writing and for Altice to memorialize for our residents the system and service upgrades that we are being promised to address. Three weeks later, despite promises from Altice, we still do not have a plan for our residents. Notwithstanding our repeated attempts to work with Altice, we clearly have not reached that level of satisfaction we are seeking.

Later this evening in Executive Session, the Township Committee will discuss with our municipal attorney our next course of action. We will provide Altice with one final opportunity, whereby we wish to meet with decision makers at Altice so that they can address the concerns of the Township residents. If they fail to adhere to our requests, and provide an adequate plan of response, we will have no alternative but to immediately proceed with a formal complaint to be filed with the Board of Public Utilities. We will ask the Board to review and address the dissatisfaction that has been caused by Altice. It is my understanding, upon further investigation, that Altice has had matters before the Board of Public Utilities as recently as 2019. Such matters relate to concerns raised as to billing practices, wherein the State of New Jersey's Division of Rate Council challenged Altice's billing practices. In addition, as recently as May of this year, Altice confirmed that the company had laid-off a "small percentage of employees in recent weeks" and was seeking voluntary layoffs for additional employees at the Altice Technical Services Unit. This unit includes service areas in NJ and these actions seem consistent with the frustration that our residents are having with respect to the services provided by Altice.

We will continue to vigorously address the concerns of our residents and the dissatisfaction with Altice and their lack of responsiveness to the needs of our community. So long as Seniors are not receiving cable TV services, residents cannot work from home, students in the upcoming school year could have issues with school work, and families cannot access these services. We will not rest.

I would like to thank the residents who have come forward and voiced their concerns and participated in this process. I encourage everyone to continue to do so. Your voices will be heard. I would also like to thank New Jersey State Senator Pennacchio who has been an advocate for the residents of Montville with respect to Altice and the concerns that have been raised.

We shouldn't have to fight a for-profit corporation who has the privilege of providing internet and cable services to the residents of Montville, but we will.

Deputy Mayor Cook

- Board of Adjustment had to cancel due to the widespread power outages, despite their full schedule. The Board of Adjustment has an opening and Mr. Cook invited interested persons to file an application with Township Clerk.
- Mr. Cook mirrored Committeeman Kayne's dissatisfaction regarding JCP&L and Altice.

Committeewoman Witty

- Inquired about utility company providing hotspots throughout town for residents in need of WiFi during power outages. She also hopes that JCP&L would reimburse residents who lost perishable medications and food during the power outage, as she heard PSE&G is doing so.
- Open Space Committee meeting was canceled. The Eagle Scout project constructing a bridge at Reilly Field has been completed and other projects are pending. Reported a tree across the gravel road leading to the Passaic River, making it difficult for people using the trail.
- V.F.W. has planned an outdoor meeting for September 9. They have asked whether the Township has plans for a 9-11 ceremony and offered to host a virtual observance like the one held for Memorial Day.
- Drug Awareness Council/Municipal Alliance (DAC) The Rotary Club would like to pay for Project Promotion, for students exiting 8th grade in 2021 (breakfast and motivational speaker). There will be a virtual seminar "Knock Out Opiate Use" on August 20.
- The Women's Club is holding the Town-wide Garage Sale on September 26 and 27. Applications are on the website and are due by September 5. The fee is \$20.
- Stigma Free town sign orders are on hold as well as the Art Show (due to cancelation of Montville Day).
- Relay for Life raised more than \$20,000 in its virtual event in June.

Committeeman Conklin

- Planning Board meets August 27.
- Resident Robert Grey hand-delivered a letter requesting speed bumps on Bellows Lane, reporting an accident and that often trucks who miss the turn onto Jacksonville Road have no place to turn around on Bellows. Mr. Conklin suggests Engineering to possibly get involved.
- Emphatically supports the Township filing a complaint with BPU about JCP&L. This is a long-standing problem, as the Township suffered a similar situation during Hurricane Sandy.

Chairman Cooney

- Praised Administration, Police Department, DPW and Township Committee for their efforts during the power outages from Tropical Storm Isaias. He cited the good team work among everyone in helping to get power restored. Commends the Township Committee on standing together fighting for the residents.
- Expressed concern that there are still many dead trees around town that pose potential problems in future storms and he asked for money to be allocated in the new budget. Removal of dead trees not in the Township right-of-way but still posing a hazard to power lines must be approached proactively and enforced according to ordinance.

Mr. Canning confirmed looking at funding issues in upcoming 2021 budget planning. Thanked everyone for their efforts, especially those who went above and beyond.

Chairman Cooney added that there were also problems with cleanup and removal of garbage and vegetative waste after the storm. Mentions that Assistant Administrator was in constant contact with the garbage company regarding the complaints to assist in the clean-up effort for the residents.

Old Business:

Project Status Report

Committeewoman Witty questioned the following items on the Project Status Report:

1) has an engineer been hired regarding the sewer allocation increase with Parsippany-Troy Hills Township; 2) improvements for Recreation; and 3) what additional projects are included in the Old Lane Sewer Expansion Project.

Assistant Administrator responded that a Request for Proposals (RFP) was drafted for an engineer to assess channel modifications which is required before Parsippany would grant the additional allocation, with the help of the Township Attorney and Water & Sewer Utilities Engineer. She anticipates having a Professional Services Agreement (PSA) for the September 8 meeting to put together the information Parsippany is seeking.

Mrs. Hercek said the basketball court resurfacing should take place at the end of August/beginning of September and be completed mid-September.

Township Administrator Victor Canning responded that repaving of the roads disturbed by the Old Lane Sewer Expansion project would be included. Otherwise, the project is limited to installation of the infrastructure and resurfacing of the roads unless something unforeseen turns up.

New Business:

Montville Day 2020 – Due to COVID-19 and the difficulty of enforcing limits on outdoor social gatherings, the Township Committee consented to canceling Montville Day for 2020 and trying to make 2021 a memorable event.

2019 Auditor's Report – Mr. Canning was happy to report that for the 3rd consecutive year, the Auditor Report included no findings and recommendations. He anticipates the Township receiving the AAA bond rating for the 13th year. He praised the staff and CFO Katie Yanke for their outstanding efforts in adhering to recommended financial practices and thanked the Township Committee for their support.

Committee members congratulated the Administrator and staff on this exceptional achievement.

Flu Season Planning – Health Officer Aimee Puluso reported on the Health Department's goals during the upcoming flu season in light of the overlapping COVID-19 pandemic. The Health Department ordered 50 doses of flu vaccines for seniors and 50 doses for Township Employees. She is considering offering a drive-through clinic in the fall coordinated with the assistance of the Police Department and Department of Public Works.

Committeewoman Witty, who served previously as a school nurse and has successfully assisted in a similar event, was supportive of a drive-through clinic and offered her help.

Ordinance Introductions:

Ordinance 2020-11 Bond Ordinance providing for various improvements to the Water Utility in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$2,055,000 therefor and authorizing the issuance of \$1,900,000 Bonds or Notes of the Township to finance part of the cost thereof

Ordinance 2020-12 Bond Ordinance providing for various improvements to the Sewer Utility in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$1,560,000 therefor and authorizing the issuance of \$1,350,000 Bonds or Notes of the Township to finance part of the cost thereof

Deputy Mayor Cook requested that introduction of Ordinances 2020-11 and 2020-12 be tabled pending review of additional information to be provided by the Township Administrator.

Motion by Cook second by Kayne to table introducing Ordinances 2020-11 and 2020-12.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance 2020-17 An Ordinance of the Township of Montville, County of Morris, and State of New Jersey amending Ordinance 2020-09 which established 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

Motion by Cook second by Witty to introduce Ordinance 2020-17 and set the Public Hearing for September 8, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Ordinance 2020-18 Bond Ordinance providing for various capital improvements in and by the Township of Montville, in the County of Morris, New Jersey, appropriating \$1,181,000 therefor and authorizing the issuance of \$1,000,000 bonds or notes of the Township to finance part of the cost thereof

Motion by Cook second by Witty to introduce Ordinance 2020-18 and set the Public Hearing for September 8, 2020. All in favor. Motion carried.

Public Portion

Motion by Cook second by Conklin to open the public portion. All in favor. Motion carried.

Marc Lucey, 5 Brook Valley Road. He asked about whether a speed bump was going to be installed on Brook Valley Road and reported speeding traffic.

Committeeman Conklin clarified that the item on speed bumps related to Bellows Lane request not Brook Valley Road.

Marc Newman, 11 Stafford Place. He commented on his displeasure with the power outage and stated that there is a bi-partisan effort entitled 'The Power Group' and urged the Township to

join. He expressed appreciation for Water & Sewer Utilities Engineer Sophia Heng's communications about the Old Lane Sewer Extension (OLSE) project. He asked whether the Township's contractor, Kleinfelder, could specify when an answer would be given on the New Jersey Environmental Infrastructure Trust Fund (NJEIT) loan application. He asked whether New Jersey's budget crisis would be detrimental to the loan application. He also opined that the telephonic meetings were not the best platform for hosting the Township Committee meeting in comparison with Zoom or Webex.

Deputy Mayor Cook responded that he called the state about the loan application and confirmed that the bond rating of the state does not effect where the loan money would come from because they operate as separate entities. State employees have been furloughed and this contributes to the delay in processing the application. He also stated his own experiences with online video meetings as having their own issues. He added that the current Township Committee is responsible for moving the OLSE forward.

Committeeman Conklin stated that a project of this magnitude is shared among the taxpayers of entire Township and the Township is obligated to find the least expensive way to move forward.

Frances Work, 4 Brook Valley Road. She addressed the Committee about the traffic hazards on Brook Valley Road due to speeding and reported instances of near accidents she witnessed. She relayed her interactions with the Police Department and Township Engineer and asked what could be done to lower the speed limit to 25 mph, stating that the same road runs through Kinnelon and has a 25 mph limit. She also suggested that meeting participants identify themselves when speaking in the meeting by phone.

Mr. Canning responded that the Police Department and Township Engineer were looking into the issue.

Chairman Cooney asked Mrs. Work to be patient with the process as the Township Committee needed the report of Township experts before commenting. He promised to respond to her request once all of the information was reviewed.

Marc Lucey, 5 Brook Valley Road. He asked when the report on Brook Valley Road traffic would be forthcoming and how residents on Brook Valley Road would be notified. He asked that speed bumps be considered for Brook Valley Road.

Township Administrator Victor Canning advised that he could not specify a date for the report but residents would be notified of the report findings and action of the Township.

Motion by Witty second by Cook to close the public portion. All in favor. Motion carried.

Resolution Authorizing Consent Agenda No. 2020-CA15:

Resolution 2020-229 Resolution to amend authorized signers

Resolution 2020-230 Resolution to adopt the amended Cash Management Plan – 2020

Resolution 2020-231 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the Township to go out to bid for the Lake Montowac Dam repair project

Resolution 2020-232 Resolution authorizing the cancelation of accounts payable

Resolution 2020-233 Resolution of the Township of Montville, County of Morris, 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 2020-234 Resolution of the Township of Montville, County of Morris, 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 11 Meadow Court in conformance with the Property Maintenance Ordinance

Resolution 2020-235 Resolution authorizing the processing of certain tax sale certificate redemptions

Resolution 2020-236 Resolution 2020- Resolution approving the request from Tax Collector for refund of overpayment

Resolution 2020-237 Resolution approving a block party on Diann Drive in Montville, on September 6, 2020

Resolution 2020-238 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the reduction of bond for the work performed at Block 106, Lot 23.20 and Block 109, Lot 41, 21 Route 46

Resolution 2020-239 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the release of the cash bond received for performance guarantee at 21 Rockledge Road, Block 13, Lot 22

Resolution 2020-240 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the release of the cash restoration bond received for work performed at 21 Route 46, Block 182, Lot 4

Resolution 2020-241 Resolution ratifying the payment of unused accumulated absence pay to retiree

Resolution 2020-242 Resolution determining the form and other details of \$5,990,000 general obligation bonds, series 2020, consisting of \$5,111,000 general improvement bonds and \$879,000 water utility bonds of the Township of Montville, in the County of Morris, New Jersey, and providing for their sale

Resolution 2020-243 Resolution providing for the combination of certain issues of general improvement bonds of the Township of Montville, in the County of Morris, New Jersey into a single issue of bonds aggregating \$5,111,000 in principal amount

Resolution 2020-244 Resolution providing for the combination of certain issues of water utility bonds of the Township of Montville, in the County of Morris, New Jersey into a single issue of bonds aggregating \$879,000 in principal amount

Resolution 2020-245 Resolution of the Township of Montville, County of Morris, State of New Jersey, approving and authorizing a developer's agreement between the Township of Montville and 29 46 East Limited Liability Company

Resolution 2020-246 authorizing 2020 capital budget amendment

Motion by Kayne second by Witty to adopt the above consent agenda resolutions.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Resolution 2020-229 Resolution to amend authorized signers

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof,

designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, Resolution 2020-08 was adopted on January 4, 2020 designating both the authorized depositories as well as the authorized signers; and

WHEREAS, there is no change to the authorized depositories, it is necessary to amend the authorized signers;

NOW, THEREFORE BE IT RESOLVED, that the following persons shall be authorized to sign the checks: Frank W. Cooney, 2020 Mayor, Katie Yanke, Chief Financial Officer, and Stacy Sullivan-Gruca, Township Clerk or during the absence of the Mayor, Richard Cook, the Vice-Chairperson is hereby authorized to sign the checks

Resolution 2020-230 Resolution to adopt the amended Cash Management Plan – 2020

WHEREAS, N.J.S.A. 40A: 5-14 requires that every local unit adopt a Cash Management Plan, and

WHEREAS, the primary objectives of the plan are to preserve the safety of Public funds, seek investment instruments that offer liquidity and maximize interest revenue through use of authorized legal depositories and approved investment instruments, and

WHEREAS, it is necessary to re-adopt the Cash Management Plan annually; and

WHEREAS, the 2020 Cash Management Plan was adopted via Resolution 2020-10 on January 4, 2020; and

WHEREAS, it is now necessary to amend the authorized signatures in the 2020 Cash Management Plan;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that that the following Amended Cash Management Plan for the Township of Montville be adopted.

Resolution 2020-231 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the Township to go out to bid for the Lake Montowac Dam repair project

WHEREAS, the Township Engineering Department has determined that repairs are needed to the Lake Montowac Dam and low level valve; and

WHEREAS, the Township Engineering Department, in conjunction with a structural engineering firm has prepared construction drawings for the proposed repairs; and

WHEREAS, the Township Engineering Department, in conjunction with a structural engineering firm has received a permit from the New Jersey Department of Environmental Protection Division of Dam Safety and Flood Engineering to make repairs to Lake Montowac Dam ; and

WHEREAS, the repair work must be placed out for public bid;

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 Administration and Engineering Department are hereby authorized to move forward with soliciting bids for the Lake Montowac Dam Repair Project

Resolution 2020-232 Resolution authorizing the cancelation of accounts payable

WHEREAS, there exists certain accounts payable on the books of the Township; and

WHEREAS, the purchase orders creating these accounts payable have been investigated and it has been determined that these purchase orders should be canceled;

<u>FUND</u>	<u>VENDOR</u>	<u>PO #</u>	<u>DATE</u>	<u>AMOUNT</u>
CURRENT FUND	Treasurer, State of NJ	17-02981	12/29/2017	\$ 10,000.00
CURRENT FUND	Michael Patrick Carroll, Esq	18-00224	1/23/2018	\$ 6,530.00
CURRENT FUND	Pashman Stein, PC	18-00226	1/23/2018	\$ 4,834.59
CURRENT FUND	Burgis Associates, Inc.	18-00725	3/28/2018	\$ 642.50
CURRENT FUND	Batteries Plus	18-01651	7/23/2018	\$ 279.00
CURRENT FUND	Turn Out Uniforms	18-01839	8/8/2018	\$ 962.03
CURRENT FUND	Turn Out Uniforms	18-02121	9/18/2020	\$ 452.20
CURRENT FUND	Turn Out Uniforms	18-02287	10/15/2018	\$ 1,500.00
				\$ 25,200.32
CAPITAL	The Land Conservancy of NJ	18-01490	7/2/2018	\$ 335.00
SEWER CAPITAL	Anderson & Denzler Associates	18-02076	9/13/2018	\$ 2,092.07
SEWER OPERATING	Accurate Waste Systems, Inc.	18-02546	11/13/2018	14,535.00
			Total	<u>\$ 42,162.39</u>

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Montville, that the above listed accounts payable be and are hereby canceled.

Resolution 2020-233 Resolution of the Township of Montville, County of Morris, 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, designated 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 June 23, 2020 requiring compliance; and

WHEREAS, a Notice of Lien was posted upon the front door of the Property on July 21, 2020 requiring compliance by July 31, 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 \$390.18 as follows:

Lawn Mower Operator x 3 hours	\$32.11/hour	\$ 96.33
Weed Wacker/Blower x 3 hours	\$24.45/hour	\$ 73.35
Weed Wacker/Blower x 3 hours	\$23.50/hour	\$ 70.50
<u>Equipment x 3 hours</u>	<u>\$50.00/hour</u>	<u>\$150.00</u>
Total:		\$390.18

; 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 General Supervisor of the Department of Public Works, attached hereto, in the amount not to exceed \$390.18, said amount to become a lien against the property, in order to remediate the property maintenance violations.

This Resolution shall take effect immediately.

Resolution 2020-234 Resolution of the Township of Montville, County of Morris, 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 11 Meadow Court in conformance with the Property Maintenance Ordinance

WHEREAS, there is in existence within the Township of Montville a property located at 11 Meadow Court, designated on the Montville Township Tax Map as Block 76, Lot 12.4 (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 June 30, 2020 requiring compliance; and

WHEREAS, a Notice of Lien was posted upon the front door of the Property on July 21, 2020 requiring compliance by July 31, 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 \$390.18 as follows:

Lawn Mower Operator x 3 hours	\$32.11/hour	\$ 96.33
Weed Wacker/Blower x 3 hours	\$24.45/hour	\$ 73.35
Weed Wacker/Blower x 3 hours	\$23.50/hour	\$ 70.50
<u>Equipment x 3 hours</u>	<u>\$50.00/hour</u>	<u>\$150.00</u>

Total: \$390.18

; 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 11 Meadow Court pursuant to the report of the General Supervisor of the Department of Public Works, attached hereto, in the amount not to exceed \$390.18, said amount to become a lien against the property, in order to remediate the property maintenance violations.

This Resolution shall take effect immediately

Resolution 2020-235 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 123 Lot 17.1
131 Old Changebridge Rd
Lien Redemption Certificate #19-00021 \$918.04

To: Ridgeback Ventures LLC

Resolution 2020-236 Resolution 2020- Resolution approving the request from Tax Collector for refund of overpayment

WHEREAS, due to duplicate payments received creating an overpayment of tax for the year 2020

AND, WHEREAS, it is the recommendation of the Tax Collector that these monies are refunded;

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

CAM Property Management I LLC
Block: 160.1 Lot: 10
10 Bloomfield A & B Pine Brook NJ \$101,389.62
Total Refund \$101,389.62

Lemonbrew Abstract
Block: 139.11 Lot: 5.02
43 Gabriel Dr \$ 2,266.97
Total Refund \$ 2,266.97

Lereta
Block: 82.7 Lot: 18 Qualifier: C0076
32 Bark Mill Ter \$ 2,932.31
Total Refund \$ 2,932.31

CORELOGIC

Block: 21.1 Lot: 13 51A Stony Brook Rd	\$ 5,749.81
Block: 52.04 Lot: 25 4 Linda Ct	\$ 455.94
Block: 142 Lot: 28 17 Lorraine Dr	\$ 3,909.45
Block: 149 Lot: 27 40 Manchester Way	<u>\$ 3,323.31</u>
Total Refund	\$ 13,438.51

Yun, Michael & Jennifer

Block: 90 Lot: 36 8 Van Duyne Ct	<u>\$ 5,409.03</u>
Total Refund	\$ 5,409.03

Resolution 2020-237 Resolution approving a block party on Diann Drive in Montville, on September 6, 2020

WHEREAS, the Township of Montville has received a request for approval of a neighborhood block party to be held on Sunday, September 6, 2020, on Diann Drive in Montville; and

WHEREAS, the Township Committee has reviewed the request and approved of the request; and

WHEREAS, the applicant has been instructed to be in contact with the Police Department regarding any road closures; and

WHEREAS, the applicant has been instructed to comply with all Executive Orders that are in place at the time of the event; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, that the request for a block party on Diann Drive, Montville, to be held on Sunday, September 6, 2020 is hereby approved. Access must be allowed for emergency vehicles should the need arise and any barricades or cones which are placed on the roadway must be removed if required.

Resolution 2020-238 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the reduction of bond for the work performed at Block 106, Lot 23.20 and Block 109, Lot 41, 21 Route 46

WHEREAS, the developer, Roome Road LLC, has requested a reduction of the performance bond in the form of Letter of Credit 10144 held by the Township of Montville for the work completed in connection with on-site and off-site improvements at Block 106, Lot 23.20 and Block 109, Lot 41, PMSP/F/PSOIL18-18, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work previously completed, and recommends by correspondence, dated August 13, 2020, that Letter of Credit 10144 representing the performance bond posted in connection with this project in the amount of \$169,893.72 be reduced to \$52,435.00 which is an amount sufficient to cover the remaining on-site improvements to be completed as detailed in the township Engineer's memo of August 13, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the performance bond, in the form of Letter of Credit 10144, held in connection with this project be reduced from \$169,893.72 to \$52,435.00 subject to the following conditions:

- 1) The cash bond posted, in the amount of \$18,877.08, shall be held by the Township until all remaining improvements have been completed and a two (2) year Maintenance Bond has been submitted, in accordance with the requirements of the Municipal Land Use Law; and
- 2) 2) The Township will continue to hold the Safety & Stabilization bond submitted by Room Road LLC in the amount of \$21,700.98;
- 3) 3) The outstanding items detailed in the August 13, 2020 memo by the Township Engineer, and attached hereto, must be satisfactorily completed;
- 4) 4) Upon satisfactory completion of the remaining public improvements, a two (2) year Maintenance Bond will be put in place by Roome Road LLC.

This Resolution shall take effect immediately.

Resolution 2020-239 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the release of the cash bond received for performance guarantee at 21 Rockledge Road, Block 13, Lot 22

WHEREAS, the property owner, Alison Ayers-Ptaszek, has requested a release of the cash bond submitted for the performance guarantee in connection with work being performed at 21 Rockledge Road, Block 13, Lot 22, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated July 31, 2020, that the cash bond held in connection with this project, which is in the total amount of \$5,600.00, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash bond held in connection with this project, which is in the total amount of \$5,600.00, be released to the property owner.

This Resolution shall take effect immediately.

Resolution 2020-240 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the release of the cash restoration bond received for work performed at 21 Route 46, Block 182, Lot 4

WHEREAS, the property owner, RD America (Restaurant Depot), has requested a release of the cash restoration bond in connection with work being performed at 21 Route 46, Block 182, Lot 4, in the Township of Montville; and

WHEREAS, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommended by correspondence, dated August 6, 2020, that the cash bond held in connection with this project, which is in the amount of \$5,253.91, be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montville, County of Morris, and State of New Jersey, that it does hereby authorize that the cash restoration bond held in connection with this project, which is in the amount of \$5,253.91, be released to the property owner.

This Resolution shall take effect immediately.

Resolution 2020-241 Resolution ratifying the payment of unused accumulated absence pay to retiree

WHEREAS, the following employees of the Township of Montville are retiring as listed, and

WHEREAS, these employees have accumulated sufficient unused absences to entitle them to accrued pay in accordance with the corresponding bargaining unit contracts and Township policy, and

WHEREAS, sufficient funds have been budgeted in current and prior year budgets and reserved in the Accumulated Absence Trust Fund designated for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montville that unused accumulated absence pay is hereby authorized to be paid out in accordance with the corresponding bargaining unit contracts and Township policy as listed:

<u>Date of Retirement</u>	<u>Name</u>	<u>Amount</u>
04/24/20 - Deceased	Alan Huber – Estate	\$ 5,581.31
08/01/2020	Eric Brauchle	\$ 30,624.37
06/01/2020	Deborah E. Gamsby	\$ 21,668.40
05/01/2020	Richard Huffstutler	\$ 27,351.66
06/25/2020 – Deceased	Carmelita Massefski - Estate	\$ 25,528.57
03/01/2020	Douglas Vanderhoof	\$ 43,662.69
07/01/2020	George Vuolo	\$107,382.56

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the following individual:

Katie Yanke – Chief Financial Officer

Resolution 2020-242 Resolution determining the form and other details of \$5,990,000 general obligation bonds, series 2020, consisting of \$5,111,000 general improvement bonds and \$879,000 water utility bonds of the Township of Montville, in the County of Morris, New Jersey, and providing for their sale

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. The \$5,111,000 General Improvement Bonds of the Township of Montville, in the County of Morris, New Jersey (the "Township"), referred to and described in the resolution adopted by the Township Committee pursuant to the Local Bond Law of the State of New Jersey on August 18, 2020, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Montville, in the County of Morris, New Jersey, Into a Single Issue of Bonds Aggregating \$5,111,000 in Principal Amount" shall be

issued as "General Improvement Bonds" (the "General Improvement Bonds"). The General Improvement Bonds shall mature in the principal amounts on May 15 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$276,000	2026	\$535,000
2022	530,000	2027	540,000
2023	535,000	2028	540,000
2024	530,000	2029	545,000
2025	535,000	2030	545,000

Section 2. The \$879,000 Water Utility Bonds of the Township referred to and described in the resolution adopted by the Township Committee pursuant to the Local Bond 4815-0961-7095, v. 1 Law of the State of New Jersey on August 18, 2020, and entitled, "Resolution Providing for the Combination of Certain Issues of Water Utility Bonds of the Township of Montville, in the County of Morris, New Jersey, Into a Single Issue of Bonds Aggregating \$879,000 in Principal Amount" shall be issued as "Water Utility Bonds" (the "Water Utility Bonds" and, together with the General Improvement Bonds, the "Bonds"). The Water Utility Bonds shall mature in the principal amounts on May 15 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$ 59,000	2026	\$105,000
2022	100,000	2027	105,000
2023	100,000	2028	105,000
2024	100,000	2029	105,000
2025	100,000		

Section 3. The Bonds shall not be subject to redemption prior to their stated maturities.

Section 4. The General Improvement Bonds shall be ten in number, with one certificate being issued for each year of maturity, and shall be numbered GIB-1 to GIB-10, inclusive. The Water Utility Bonds shall be nine in number, with one certificate being issued for each year of maturity, and shall be numbered WUB-1 to WUB-9, inclusive.

Section 5. The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the fifteenth day of May and November in each year until maturity or prior redemption, commencing on May 15, 2021, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1%, proposed by the successful bidder in accordance with the Full Notice of Sale authorized and defined herein.

Section 6. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed,

printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 7. (a) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds of each series maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple thereof through book-entries made on the books and records of the Securities Depository and its participants.

(b) The principal of and interest on the Bonds will be paid to the Securities Depository by the Township on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of each next preceding May 1 and November 1 (the "Record Dates" for the Bonds).

Section 8. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to market the Bonds and/or in accordance with the requirements of the Securities Depository:

Resolution 2020-243 Resolution providing for the combination of certain issues of general improvement bonds of the Township of Montville, in the County of Morris, New Jersey into a single issue of bonds aggregating \$5,111,000 in principal amount

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds (as defined herein) of the Township of Montville, in the County of Morris, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$5,111,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Bond Ordinance	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$72,200	#2012-11	Various capital improvements, finally adopted June 12, 2012.	10.48 years
\$1,096,555	#2017-06	Various capital improvements, finally adopted February 28, 2017.	10.03 years
\$673,920	#2017-21	Various capital improvements, finally adopted May 9, 2017.	8.97 years
\$1,352,300	#2018-04	Various capital improvements, finally adopted February 27, 2018.	10.44 years
\$605,285	#2018-11	Various capital improvements, finally adopted May 22, 2018.	9.77 years
\$434,900	#2019-17	Various capital improvements, finally adopted May 28, 2019.	8.33 years
\$875,840	#2020-08	Various capital improvements, finally adopted May 14, 2020.	10 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 9.82 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded

and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

Resolution 2020-244 Resolution providing for the combination of certain issues of water utility bonds of the Township of Montville, in the County of Morris, New Jersey into a single issue of bonds aggregating \$879,000 in principal amount

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds (as defined herein) of the Township of Montville, in the County of Morris, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Water Utility Bonds in the principal amount of \$879,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Bond Ordinance	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$174,990	#2015-16	Various water improvements, finally adopted July 14, 2015.	32 years
\$219,010	#2016-14	Various water improvements, finally adopted May 24, 2016.	30.06 years
\$110,000	#2018-14	Various improvements to the water utility, finally adopted June 12, 2018.	32.82 years
\$375,000	#2019-18	Various improvements to the water utility, finally	24.48

Principal Amount of Bonds	Number of Bond Ordinance	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$174,990	#2015-16	Various water improvements, finally adopted July 14, 2015.	32 years
\$219,010	#2016-14	Various water improvements, finally adopted May 24, 2016.	30.06 years
\$110,000	#2018-14	Various improvements to the water utility, finally adopted June 12, 2018.	32.82 years
		adopted May 28, 2019.	years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 28.41 years.

b. The Bonds of the combined issue shall be designated "Water Utility Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law.

Section 5. This resolution shall take effect immediately.

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES – August 18, 2020**

Resolution 2020-245 Resolution of the Township of Montville, County of Morris, State of New Jersey, approving and authorizing a developer's agreement between the Township of Montville and 29 46 East Limited Liability Company

WHEREAS, 29 46 East Limited Liability Company obtained conditional preliminary and final major site plan approval with attendant variances, waivers and soil movement permission, for property known as 29 Route 46 East, Block 183, Lot 8.01, which approvals were memorialized by Resolution of the Township of Montville Planning Board and incorporated into the Developer's Agreement by reference; and

WHEREAS, 29 46 East Limited Liability Company is proceeding with such approvals in accordance with the applicable ordinances, rules and regulations of the Township and its agencies; and

WHEREAS, 29 46 East Limited Liability Company and the Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the approvals received; and

WHEREAS, the Township and 29 46 East Limited Liability Company 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 29 46 East Limited Liability Company.
2. A copy of this resolution shall be provided to the Township Planning Department and 29 46 East Limited Liability Company, 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.

**MONTVILLE TOWNSHIP COMMITTEE
MEETING MINUTES – August 18, 2020**

RESOLUTIONS:

1. **Resolution** approving the listing of bills and signing of checks for August 18, 2020.

Motion by Conklin second by Witty to approve the listing of bills and signing of checks for August 18, 2020.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

2. **Resolution 2020-247** Resolution amending the Professional Services Contract with Anderson & Denzler Associates, Inc. to perform professional engineering services for Montville Township

WHEREAS, there exists a need for professional engineering services to be rendered to the Township of Montville in connection with the Township's water and sewer licensing requirements; and

WHEREAS, the Township currently retains Anderson & Denzler Associates, Inc. to perform such services; and

WHEREAS, the maximum amount for the 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 \$10,000 (five (5) months at \$2,000 per month); 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, as it relates to the Township's water and sewer licensing requirements, with Anderson & Denzler Associates, Inc. to include an additional \$10,000 (five (5) months at \$2,000 per month).

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; \$5,000

Professional Fees - Sewer = 0-07-55-500-227; \$5,000

This Resolution shall take effect immediately.

Motion by Conklin second by Witty to adopt Resolution 2020-247.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

3. **Resolution 2020-248** Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing an agreement for preventative maintenance for the Franklin Miller dimminutors comminutors at the Riverside Drive pumping station

WHEREAS, N.J.S.A. 40A:11-4 requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(gg), the Township of Montville is authorized by law to enter into a contract for the maintenance of a wastewater treatment system without public bidding; and

WHEREAS, the Township purchased two (2) Franklin Miller dimminutors comminutors for the Riverside Drive Pumping Station from Pumping Services, Inc. and now wishes to enter into an agreement for preventative maintenance for the dimminutors comminutors as outlined in quote #SQ32895; and

WHEREAS, in order to maintain all clauses in the warranty, only a Franklin Miller authorized representative or vendor can service the dimminutors comminutors; and

WHEREAS, Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, NJ 08846, is an authorized vendor for Franklin Miller; and

WHEREAS, the Township's Water and Sewer Engineer recommends this service; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this service.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey authorizing an agreement with Pumping Services, Inc., 201 Lincoln Boulevard, Middlesex, NJ 08846, for preventative maintenance for the Franklin Miller dimminutors comminutors at the Riverside Drive Pumping Station, pursuant to N.J.S.A. 40A:11-5(1)(gg), as it relates to Quote #SQ32895.

BE IT FURTHER RESOLVED that the accounts to be used for this purchase are the following:

- Sewer Utility, Plant Maintenance; 0-07-55-500-246, \$1,727.00
 - Sewer Utility, Plant Maintenance; 1-07-55-500-246, \$1,727.00**
- **(based on budget appropriation and subject to availability of funds)

This Resolution shall take effect immediately.

Motion by Kayne second by Witty to adopt Resolution 2020-248.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

- 4. Resolution 2020-249** Resolution of the Township of Montville, County of Morris, State of New Jersey, rescinding Resolution 2020-141 and authorizing the award of a contract for exterior painting and staining for Community Park Youth Center and Field House

WHEREAS, on April 14, 2020, the Township Committee adopted Resolution 2020-141 which authorized exterior painting and staining for the Community Park Youth Center and Field House; and

WHEREAS, any work for the Township that falls into the statutory definition as public work, including painting and staining, requires the New Jersey Public Works Contractor Registration; and

WHEREAS, the contractor was unable to provide the Public Works Contractor Registration which makes him ineligible to perform the work; and

WHEREAS, after reviewing the proposals, the second lowest responsible proposal is from Mera Painting & Home Design, 715 Mountain Avenue, Springfield, New Jersey 07081, in the amount of \$21,800; and

WHEREAS, Mera Painting & Home Design meets all the requirements for a contractor or subcontractor engaged in public works building projects; 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, and State of New Jersey that the Township Administration is hereby authorized to rescind Resolution 2020-141 and execute an agreement with Mera Painting & Home Design, 715 Mountain Avenue, Springfield, New Jersey 07081, in the amount of \$21,800, 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:

ORD #2017-20; CP YTH CTR/FIELD HOUSE EXTERIOR; C-04-56-133-003; \$21,800

This Resolution will take effect immediately.

Motion by Witty second by Cook to adopt Resolution 2020-249.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Deputy Mayor Cook commended the staff on obtaining a substantially lower price for this project, which was originally anticipated to cost \$70,000.

- 5. Resolution 2020-250 Resolution of the Township of Montville, County of Morris, State of New Jersey, authorizing the award of a Professional Services Contract without competitive bidding to Mott MacDonald to perform engineering services for the Lake Montowac Dam Repair Project**

WHEREAS, there exists a need for engineering services for the recommended design repairs to the Lake Montowac dam in Montville Township; and

WHEREAS, the Township wishes to retain Mott MacDonald to perform such services; and

WHEREAS, the maximum amount of Phase II and Phase III of the contract shall not exceed \$17,500.00; 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 Mott MacDonald 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. Mott MacDonald shall provide engineering services to the Township as set forth in its proposals of August 11, 2017 and July 27, 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 Mott MacDonald, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960, for their information and guidance.

Section 5. The account to be used for this project is as follows: Engineering Professional Fees; 0-01-20-165-227

This Resolution shall take effect immediately.

Motion by Cook second by Conklin to adopt Resolution 2020-250.

Roll Call:

Yes: Kayne, Witty, Cook, Conklin, Cooney

No: -0-

Review of Meeting Action Items:

1. Administrator
 - Have DPW address the fallen tree by the Passaic River
 - Follow up on complaints, by both Mr. Lucey and Mrs. Work, about traffic on Bellows Lane and Brook Valley Road and report back to the Township Committee and/or the residents
2. Attorney
 - Nothing from regular meeting session
3. Township Committee
 - Nothing from regular meeting session

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

1. Contract Negotiations: Solid Waste/Recycling Contract; Open Space purchase proposal; Surprise Lake
2. Litigation: Affordable Housing; William Aquilio
3. Personnel: Administrator; Health Department; Engineering
4. Attorney-Client Privilege: Route 46 Redevelopment; Township Committee; JCP&L and Altice utilities

Chairman Cooney stated for the record that no further official business would be conducted after the closed executive session other than to adjourn the meeting.

Motion by Cook second by Kayne to adopt the resolution authorizing Closed Executive Session and move into closed session. All in favor. Motion adopted.

Township Committee members were reminded to terminate the current call and call back on the designated conference number for closed session.

Adjournment - 10:03 p.m.

Motion by Witty second by Conklin to reopen public session. All in favor. Motion carried.

Motion by Kayne second by Witty to adjourn. All in favor. Meeting adjourned at 10:03 p.m.

Respectfully submitted

Adopted: 09/08/2020
Montville Township Committee



Stacy Sullivan-Gruca, Township Clerk



Frank W. Cooney, Mayor