



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION AGENDA
November 10, 2021
7:30 PM OPEN SESSION, CLOSED SESSION 6:45 PM**

A draft of the Township Committee Regular Session Agenda is posted on the Township website at www.longhillnj.us on the Monday preceding the meeting.

The November 10, 2021, Township Committee Meeting will be conducted in person in Long Hill Township Municipal Court located at 915 Valley Road, Gillette.

MASKS ARE REQUIRED AT ALL TIMES IN THE MUNICIPAL BUILDING

To participate through Zoom webinar: <https://us02web.zoom.us/j/89560557384>

Webinar ID: 895 6055 7384 Passcode: 602851

To livestream on YouTube please visit: <https://www.youtube.com/channel/UCzUB2ICSvWAcow4XVOyrNDg>

To watch live on LHTV visit: Comcast channel 29, Verizon channel 37

1. STATEMENT OF PRESIDING OFFICER

"In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and posted on the Township Website. The agenda and public handouts for this meeting can be viewed online at www.longhillnj.gov. A public comment period will be held in the order it is listed on the meeting agenda.

2. EXECUTIVE SESSION:

21-281 EXECUTIVE SESSION

- Land Acquisition
- Attorney Client Privilege - EMS Fees
- Contract Negotiation – Professional Service Contract, Community Options
- Personnel– Community Service Program Manager, DPW employment
- Vandalism to public property

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution 21-281 is hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

3. CALL MEETING TO ORDER:

4. PROCLAMATION / PRESENTATIONS

- Eagle Scout Presentation – Harrison Quinn

5. ORDINANCE(S):

ORDINANCE 483-21 (SECOND READING / ADOPTION)

BOND ORDINANCE PROVIDING FOR THE REMEDIATION OF THE POLICE HEADQUARTERS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$461,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$438,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

PUBLIC HEARING

MOVED by: _____, that Ordinance 483-21 be adopted. **SECONDED** by: _____,
ROLL CALL VOTE

ORDINANCE 484-21 (FIRST READING)

REGULATING FENCES AND OTHER OBSTRUCTIONS IN THE RIGHT-OF-WAY AND SUPPLEMENTING AND AMENDING CHAPTER 20 OF THE TOWNSHIP CODE ENTITLED “STREETS AND SIDEWALKS”

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, November 10, 2021 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, December 8, 2021 by a meeting when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. To obtain details of the meeting please refer to December 8,, 2021, public agenda, or email municipalclerk@longhillnj.gov.

MOVED by: _____, that Ordinance 483-21 be introduced and passed on first reading.
SECONDED by: _____, **ROLL CALL VOTE**

6. CONSENT AGENDA RESOLUTIONS:

Resolution No. 21-282 – 21-297 are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

- 21-282 APPROVAL AND RELEASE OF MINUTES
- 21-283 APPROVING PAYMENT OF BILLS
- 21-284 IN-GRADE ADVANCEMENT – HARTMANN
- 21-285 IN-GRADE ADVANCEMENT – ENGEL
- 21-286 AUTHORIZING REFUND OF RECREATION DEPOSIT
- 21-287 AUTHORIZING TRANSFER OF FUNDS
- 21-288 AUTHORIZING MILLINGTON FIRE COMPANY COIN TOSS
- 21-289 APPROVING SPECIAL EVENT LICENSE [MEYERSVILLE TREE LIGHTING ASSOCIATION]
- 21-290 APPOINTING 2021 / 2022 BASKETBALL PROGRAM STAFF
- 21-291 APPOINTING QUALIFIED PURCHASING AGENT (“QPA”)
- 21-292 INCREASING THE BID THRESHOLD TO \$44,000.00
- 21-293 APPROVING WAIVER REQUEST FOR A ROAD OPENING PERMIT
- 21-294 ACCEPTING RESIGNATION – NICHOLSON
- 21-295 RESOLUTION HIRING SENIOR BUS DRIVER
- 21-296 AUTHORIZING THE TOWNSHIP ENGINEER TO SUBMIT A REQUEST TO NJ DOT FOR A GRANT EXTENSION IN CONNECTION WITH MAIN AVENUE STREETSCAPE IMPROVEMENTS

21-297 REJECTING ALL BIDS FOR MAIN AVENUE STREETScape IMPROVEMENT PROJECT

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution 21-282 through 21-297 are hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

7. LIAISON REPORTS:

8. ADMINISTRATOR'S REPORT:

9. DISCUSSION:

- Cross Hill Road – Cross Paving update

21-298 TERMINATING CONTRACT WITH CROSSROADS PAVING COMPANY FOR THE CONSTRUCTION OF IMPROVEMENTS TO CROSS HILL ROAD

- Environmental Fees
- Main Avenue light poles and clock

10. OLD/NEW BUSINESS:

11. ANNOUNCEMENTS:

12. MEETING OPEN TO THE PUBLIC: Remarks and Statements Pertaining to Any Matter - Comments and remarks will be limited to 3 Minutes

13. ADJOURNMENT

**RESOLUTION 21-281
EXECUTIVE SESSION**

BE IT RESOLVED, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meets in closed session to discuss the following matters:

- Land Acquisition
- Attorney Client Privilege - EMS Fees
- Contract Negotiation – Professional Service Contract, Community Options
- Personnel– Community Service Program Manager, DPW Hire / Fire
- Vandalism to public property

ORDINANCE 483-21

BOND ORDINANCE PROVIDING FOR THE REMEDIATION OF THE POLICE HEADQUARTERS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$461,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$438,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Long Hill, in the County of Morris, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$461,000, said sum, except as described below, being inclusive of all appropriations heretofore made therefor and including the sum of \$23,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of an emergency appropriation adopted by the governing body of the Township on October 6, 2021, and including any moneys received or expected to be received by the Township from the Federal Emergency Management Agency or the State of New Jersey, or agencies thereof, as a grant-in-aid of financing said improvement, and excluding the amount of \$461,000 heretofore appropriated therefor by virtue of an emergency resolution adopted by the governing body of the Township on October 6, 2021.

Section 2. For the financing of said improvement or purpose and said emergency appropriation and to meet the part of said \$461,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$438,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$438,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the remediation of the Police Headquarters located at 264 Mercer Street in and by the Township, including all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$438,000.

(c) The estimated cost of said purpose is \$461,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$23,000 down payment for said purpose.

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

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$438,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$80,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account any grants referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at not less than par at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said

obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**ORDINANCE 484-21
REGULATING FENCES AND OTHER OBSTRUCTIONS IN THE RIGHT-OF-WAY AND
SUPPLEMENTING AND AMENDING CHAPTER 20 OF THE TOWNSHIP CODE ENTITLED "STREETS
AND SIDEWALKS"**

WHEREAS, § 20-3.2 of the Township Code entitled "Street and Sidewalk Obstructions" regulates the placement of fences, hedges and other obstructions in the right-of-way; and

WHEREAS, fences that are installed closer than four feet (4') to the edge of the pavement can create problems during snow plowing and present other safety hazards;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter 20 of the Township Code entitled "Streets and Sidewalks" is hereby amended as follows:

Section 1. Section 20-3.2 entitled "Street and Sidewalk Obstructions" is hereby supplemented and amended to read as follows:

"20-3.2 Street and Sidewalk Obstructions.

No person shall obstruct the traveled portion of any street or sidewalk within the limits of the Township. Moreover, the owner of any property containing a fence, hedge, wall, gate, landscaping, shrub, bush, tree, boulders or other obstructions which encroach upon any sidewalk, street or right-of-way and which constitute a safety hazard in the opinion of the Chief of Police or his designee, or the Township Code Enforcement Officer, shall remove the same within ten (10) days after written notice signed by the Chief of Police or his designee. No fences, walls, gates or similar obstructions (not including mailboxes) shall be closer than four feet (4') to the edge of the pavement or curb."

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

**RESOLUTION 21-282
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of October 27, 2021

BE IT FURTHER RESOLVED that the Township Committee hereby approves October 27, 2021 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 21-283
APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

**RESOLUTION 21-284
IN GRADE ADVANCEMENT – HARTMANN**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice and recommendation of Police Chief Ahmed Naga, does hereby approve the grade advancement of Officer Bryan Hartmann to Officer Grade VII, effective December 1, 2021 at an annual salary of \$75,645.00.

BE IT FURTHER RESOLVED, that this advancement is consistent with the current PBA 322 Collective Bargaining Agreement.

**RESOLUTION 21-285
IN GRADE ADVANCEMENT – ENGEL**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice and recommendation of Police Chief Ahmed Naga, does hereby approve the grade advancement of Officer Bryan Engel to Officer Grade VIII, effective December 1, 2021 at an annual salary of \$69,972.00.

BE IT FURTHER RESOLVED, that this advancement is consistent with the current PBA 322 Collective Bargaining Agreement.

**RESOLUTION 21-286
AUTHORIZING REFUND OF RECREATION DEPOSIT**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill upon the advice and recommendation of the Recreation Director, does hereby authorize the following refunds:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>PROGRAM</u>
Matthew Dorsi	312 Warren Ave Stirling, NJ 07980	\$99.00	Recreation Basketball

**RESOLUTION 21-287
AUTHORIZING TRANSFER OF FUNDS**

WHEREAS, there appears to be insufficient funds in the following accounts to meet the demands thereon for the balance of the Current Year; and

WHEREAS, there appears to be a surplus in the following accounts, over and above the demand necessary for the balance of the Current Year;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provision R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be and the same is hereby transferred to the account mentioned as being insufficient, to meet the current demands, and

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

ACCOUNT	TRANSFER FROM	TRANSFER TO
Group Health Benefits- OE	\$60,100.00	
Purchase of Police Vehicles- OE		\$13,500.00
Vehicle Maint- OE Millington		15,000.00
Fire Prevention SW		5,500.00
Assessment of Taxes- SW		2,100.00
Fire Prevention- OE Fire Hydrant		4,000.00
Social Security- OE		20,000.00
Totals	\$60,100.00	\$60,100.00

**RESOLUTION 21-288
AUTHORIZING MILLINGTON FIRE COMPANY COIN TOSS**

WHEREAS, the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey received a request from the Millington Volunteer Fire Company to conduct a coin toss at the corner of Basking Ridge Road and Long Hill Road in Millington on December 11, 2021, from 9:00 am to 2:00 pm.

WHEREAS, Application was sent to Morris County Board of Chosen Freeholders and awaiting approval,

BE IT FURTHER RESOLVED that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, authorizes the Stirling Volunteer Fire Company to conduct a coin toss on Valley Road on December 11, 2021.

**RESOLUTION 21-289
APPROVING SPECIAL EVENT LICENSE
[MEYERSVILLE TREE LIGHTING ASSOCIATION]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, when all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license for the event to the "Sponsor" Meyersville Tree Lighting Association, for their Special Event to be held on December 5, 2021 at the Meyersville Circle for the annual Christmas Tree Lighting event; and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Fire Official, that all documents have been reviewed and are in good order, does hereby approve fireworks conducted by Garden State Fireworks of Millington on December 5, 2021, at the Meyersville Ball Field on New Vernon Road and that all necessary permits have been approved; and

BE IT FURTHER RESOLVED that the Police Department approves the application and will provide the appropriate manpower for the event.

**RESOLUTION 21-290
APPOINTING 2021 / 2022 BASKETBALL PROGRAM STAFF**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill upon the advice and recommendation of the Recreation Director that the following be appointed to the 2021 / 2022 Recreation Basketball program effective November 20, 2021

Supervisors:	Salary/Hour
Fowler, Vanessa	\$ 27.00
Zigarelli, Jessica	\$ 24.00
Referees/Timers/Scorekeepers	
Cunningham, Scott	\$ 14.00
Krug, Ryan	
Krug, Sean	
Substitutes/College Students	

**RESOLUTION 21-291
APPOINTING QUALIFIED PURCHASING AGENT (“QPA”)**

WHEREAS, the position of Purchasing Agent for the Township of Long Hill was created by the adoption of Ordinance #229-12, as now memorialized in § 2-25 of the Township Code; and

WHEREAS, Township Administrator Nancy Malool who possesses a Qualified Purchasing Agent certificate pursuant to N.J.S.A. 40A:11-9 has agreed to serve as the Township Purchasing Agent for the balance of 2021;

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

1. Township Administrator Nancy Malool is hereby appointed as the Township Purchasing Agent.
2. As compensation for serving as Township Purchasing Agent, Nancy Malool shall be paid an additional \$5,000.00 (prorated for the balance of 2021) above and beyond her salary as Township Administrator.
3. As Purchasing Agent, Nancy Malool shall have the responsibilities set forth in § 2-25.4 of the Township Code.
4. This Resolution shall take effect immediately.

**RESOLUTION 21-292
INCREASING THE BID THRESHOLD TO \$44,000.00**

WHEREAS, pursuant to N.J.S.A. 52:34-7, Governor Phil Murphy exercised his statutory authority to adjust the bid threshold for awarding contracts by governmental contracting units, effective July 1, 2020; and

WHEREAS, N.J.S.A. 40A: 11-9 (b) provides that a governmental unit which employs a Qualified Purchasing Agent can take advantage of the adjusted bid threshold of \$ 44,000.00 pursuant to N.J.S.A. 40A: 11-3a; and

WHEREAS, Township Administrator/QPA Nancy Malool possesses a qualified purchasing agent certificate as required by N.J.S.A. 40A:11-9; and

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

1. It hereby increases the bid threshold to \$44,000.00, and the quotation threshold to \$6,600.00.
2. It hereby recognizes Nancy Malool as the Township’s Qualified Purchasing Agent in accordance with N.J.S.A. 40A:11-2(30) and Township Code Section 2-25.

**RESOLUTION 21-293
APPROVING WAIVER REQUEST FOR A ROAD OPENING PERMIT**

WHEREAS, the Township of Long Hill, County of Morris, State of New Jersey, has received a request from New Jersey American Water, for a road opening permit for Northfield Road, Millington, New Jersey (the “property”); and

WHEREAS, the Township Committee has reviewed the application request from the applicant and is advised the reason for the road opening permit is to replace a value; and

WHEREAS, the Township finds that the request of the applicant under these circumstances is reasonable and appropriate; and

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, approves the road opening permit subject to the terms and conditions of Ordinance #470-21.

**RESOLUTION 21-294
ACCEPTING RESIGNATION – NICHOLSON**

BE IT RESOLVED, that the Township Committee hereby accepts the resignation of Wayne Nicholson from Department of Public Works, effective October 28, 2021.

**RESOLUTION 21-295
RESOLUTION HIRING SENIOR BUS DRIVER**

WHEREAS, the Township is in need of a driver for the senior citizen bus; and

WHEREAS, Charles Cellini has the required commercial driver’s license, with passenger endorsement;

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

1. Charles Cellini is hereby hired as the senior citizen bus driver.
2. Charles Cellini shall be compensated \$35.00 an hour, not to exceed 15 hours per week.
3. In all other respects, Charles Cellini’s employment shall be governed by the Township Personnel Policies and Procedures.
4. Charles Cellini employment is contingent upon a satisfactory background check.
5. This Resolution shall take effect immediately.

RESOLUTION 21-296

AUTHORIZING THE TOWNSHIP ENGINEER TO SUBMIT A REQUEST TO NJ DOT FOR A GRANT EXTENSION IN CONNECTION WITH MAIN AVENUE STREETScape IMPROVEMENTS

WHEREAS, the Township of Long Hill received a grant from the New Jersey Department of Transportation ("NJ DOT") in the amount of \$246,336.00 for Main Avenue Streetscape Improvements Project; and

WHEREAS, the grant requires that a contract be awarded by November 2021; and

WHEREAS, the Township received six bids on the subject property on November 4, 2021; and

WHEREAS, the low bid received was substantially higher than the Construction Cost Estimate and exceeded the Township's budget for the project; and

WHEREAS, as a result, the Township had to reject all bids; and

WHEREAS, the Township is also in receipt of an NJDOT grant for milling and resurfacing Main Avenue which includes the Streetscape Project limits and extends north to Long Hill Road; and

WHEREAS, this second grant requires that a contract be awarded by November 2022; and

WHEREAS, the Township had intended to advertise the milling and resurfacing project in January 2022, with construction commencing immediately following the work associated with the Streetscape Project; and

WHEREAS, a six-month extension on the Streetscape Improvement grant and NJ DOT concurrence on combining the two grants and project limits would allow the Township to pool the resources and advertise one contract for the combined streetscape/project limits in the beginning of 2022;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the Township Engineer is hereby authorized and directed to submit a request to NJ DOT for a six-month extension of time in which to award a contract for the Main Avenue Streetscape Improvements Project as described in the preamble and to request NJ DOT concurrence on combining the two grants and project limits.

**RESOLUTION 21-297
REJECTING ALL BIDS FOR MAIN AVENUE STREETScape IMPROVEMENT PROJECT**

WHEREAS, six bids were received by the Township Administrator on November 4, 2021 for the Main Avenue Streetscape Project; and

WHEREAS, the low bid was in the amount of \$609,783.90; and

WHEREAS, the low bid exceeded the amount of available funds for the contract;

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

1. All bids on the Main Avenue Streetscape Improvement Project are hereby rejected.

- 2. The Township Clerk is hereby authorized and directed to return the bid bonds or certified checks all bidders.

**RESOLUTION 21-298
 TERMINATING CONTRACT WITH CROSSROADS PAVING COMPANY FOR THE CONSTRUCTION
 OF IMPROVEMENTS TO CROSS HILL ROAD**

WHEREAS, bids were received by the Township on June 2, 2021 for the construction of improvements to Cross Hill Road; and

WHEREAS, by Resolution 21-180 adopted June 23, 2021, the contract was awarded to the apparent low bidder, Crossroads Paving Company, 312 Emmet Street, Newark, New Jersey; and

WHEREAS, the bid specifications provided that:

“Should the successful bidder fail to execute and deliver the Contract, Payment and Performance Bonds within ten (10) working days after the receipt of written notification by the Municipal Clerk that the Contract is ready for execution by the Contractor, the bidder shall forfeit to the Municipality as liquidated damages the security deposited with the submitted bid.”; and

WHEREAS, despite numerous requests, Crossroads did not sign the Contract until August 16, 2021; and

WHEREAS, §214 of the General Conditions included in the bid specification provided that:

“Substantial completion of the road shall be accomplished within ninety (90) consecutive calendar days, plus any other extensions of time as approved by written agreement. Substantial completion time of ninety (90) consecutive calendar days shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this contract and all else necessary and incidental in connection with the performance of the contract.

Final completion of the work shall be no later than ten (10) consecutive calendar days from the date of substantial completion.”; and

WHEREAS, the specifications further provided that:

“The Owner shall have the right to declare the contractor in default in any of the following eventualities:

9. The Owner shall be of the opinion that the contractor is or has been unnecessarily, unreasonably, or willfully delaying the performance and completion of the work;

10. The Owner shall be of the opinion that the contractor is or has been willfully or in bad faith violating any of the provisions of the Contract.

11. The Owner shall be of the opinion that the contractor is not or has not been

executing the contract in good faith and in accordance with its terms;

12. The Owner shall be of the opinion that the work cannot be completed within the time herein specified or within the time to which such completion may have been extended; provided, however, that the impossibility of timely completion is, in the Owner's opinion, attributable to conditions within the contractor's control; and

The right to declare the contractor in default for any of the grounds specified or referred to herein shall be exercised by sending the contractor notice, signed by the Owner, setting forth the ground or grounds upon which such default is declared. Upon receipt of such notice, the contractor shall immediately discontinue all further operations under this contract.

The Owner, after declaring the contractor in default, may then have the work completed by such means and in such manner by contract or without public letting, or otherwise, as the Owner may deem advisable. After such completion, the Owner shall certify the expense incurred in such completion,...."; and

WHEREAS, at a September 22, 2021 meeting, the Township Committee, after considering the recommendations of the Township Administrator and the Township Engineer to terminate the contract, decided to give the contractor two additional weeks to comply with the bid specifications, but it still has not done so; and

WHEREAS, the Township Committee is of the opinion that Crossroads has been unnecessarily, unreasonably or willfully delaying the performance and completion of the work, that Crossroads has not been executing the contract in good faith and in accordance with its terms, and that the work cannot be completed by Crossroads within the time set forth in the specifications; and

WHEREAS, Crossroads Paving Company has been given notice of the fact that this resolution would be considered by the Township Committee at its November 10, 2021 meeting and that it would be given opportunity to be heard at that meeting.

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

1. Crossroads Paving Company is hereby declared to be in default of its contract with the Township to construct improvements to Cross Hill Road.
2. The Township Clerk is hereby directed to send Crossroads Paving Company a notice that it has been declared in default for the reasons set forth in this resolution, a copy of which should be attached to the notice.
3. The Township Administrator is hereby authorized to enter into a contract with the second lowest bidder on the project.
