

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, NOVEMBER 9, 2023
7:00 P.M.**

1. **MEETING CALLED TO ORDER**

2. **ROLL CALL** – Keenan (), Singh (), Barragan (), Todd (), Ahn ()

ALSO PRESENT – Rubinstein Quiroga (), Savron (), Fania ()

3. **NOTICE OF MEETING** – In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided on August 25, 2023, to the Courier News and the Star Ledger, posted on the municipal bulletin board, and filed with the Township Clerk.

4. **SALUTE TO THE FLAG**

5. **PROCLAMATION – RECOGNIZING DISTINGUISHED CHARTER MEMBERS OF THE ROTARY CLUB OF MONTGOMERY/ROCKY HILL**

WHEREAS, the Mayor and the Township Committee wish to recognize individuals who attain milestones and selflessly serve their community; and

WHEREAS, the Township of Montgomery honors the remarkable longevity of the active Charter Nonagenarians Art Martin, Don Matthews, and Keith Wheelock, each having reached the milestone of 90 years of age; and celebrates all active Charter Members including Bill Beachell, Kris Hadinger, Kip Higgins, Bill Hyncik, and Doug Merritt, for their unwavering commitment to the Rotary’s mission of “Service Above Self; and

WHEREAS, these Rotarians have dedicated endless hours of time and talent to the betterment of community on local, national and international levels.

NOW, THEREFORE, BE IT PROCLAIMED, that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, on behalf of its residents, hereby extends heartfelt appreciation and recognition to Bill Beachell, Kris Hadinger, Kip Higgins, Bill Hyncik, Art Martin, Don Matthews, Doug Merritt and Keith Wheelock for their exemplary commitment and contributions to the community on this 9th day of November, Two-Thousand Twenty-Three.

6. **PUBLIC COMMENT** – Members of the public wishing to address the Township Committee on matters pertaining to the Township will be limited to five minutes per person. If comments are similar to those already stated, please indicate your support or opposition. Groups are asked to select a spokesperson.

7. **ORDINANCES – INTRODUCTION AND FIRST READING**

A. **ORDINANCE #23-1709 – An Ordinance Amending Chapter 8, Building, Housing and Farming of the Municipal Code of the Township of Montgomery, County of Somerset, New Jersey**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published according to law with a public hearing and a vote scheduled for the meeting of December 7, 2023.

MOTION to introduce Ordinance #23-1709 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

B. **ORDINANCE #23-1710 – An Ordinance Amending and Supplementing Chapter 2, Administration, of the Municipal Code of the Township of Montgomery, County of Somerset, New Jersey Creating Section 39, Appointed Office Attendance Policy**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published according to law with a public hearing and a vote scheduled for the meeting of December 7, 2023.

MOTION to introduce Ordinance #23-1710 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

7. **ORDINANCES – INTRODUCTION AND FIRST READING (CONT.)**

C. **ORDINANCE #23-1711 – An Ordinance Amending Chapter 2, Administration, Section 2-12.6, Entitled Otto Kaufman Community Center Reservation of the Municipal Code of the Township of Montgomery, County of Somerset, New Jersey**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published according to law with a public hearing and a vote scheduled for the meeting of December 7, 2023.

MOTION to introduce Ordinance #23-1711 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

D. **ORDINANCE #23-1712 – An Ordinance Amending Chapter 2, Section 22 of the Municipal Code of the Township of Montgomery, County of Somerset, New Jersey to Comply with the Elections Transparency Act**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published according to law with a public hearing and a vote scheduled for the meeting of December 7, 2023.

MOTION to introduce Ordinance #23-1712 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

E. **ORDINANCE #23-1713 – An Ordinance Amending Chapter VII, of the Code of the Township of Montgomery, County of Somerset, New Jersey Establishing Speed Limits and Other Traffic Regulations for Mountain View Road, Pin Oak Road, and Country Club Meadows Development**

7. **ORDINANCES – INTRODUCTION AND FIRST READING (CONT.)**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published according to law with a public hearing and a vote scheduled for the meeting of December 7, 2023.

MOTION to introduce Ordinance #23-1713 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

8. **ORDINANCES – PUBLIC HEARING/FINAL ADOPTION**

There are no ordinances for final adoption.

9. **CONSENT AGENDA** – All matters listed on the consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

A. **RESOLUTION #23-11-289 – Authorizing the Municipal Clerk to Certify that the Governing Body has Reviewed the Completed Best Practices Inventory at a Public Meeting**

BE IT RESOLVED, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the Municipal Clerk be and is hereby authorized to certify that the Township Committee has reviewed the Completed Best Practices Inventory as prepared by the Township Administrator and the Chief Financial Officer at a public meeting held on November 9, 2023.

B. **RESOLUTION #23-11-290 – Official Signature – Assistant Chief Financial Officer**

BE IT RESOLVED, that Assistant Chief Financial Officer, Olu Ochei, is hereby authorized to sign Township checks for the remainder of 2023 in the absence of the Chief Financial Officer.

9. CONSENT AGENDA (CONT.)

C. RESOLUTION #23-11-291 – Declaring Certain Personal Property as Salvage for Scrap

WHEREAS, the Township of Montgomery desires to declare certain equipment from the Sewer Utility as scrap.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby authorizes the disposal of the following:

1. Two Volutes for Discarded Pumps
2. Office Furniture Consisting of One Desk, 5 File Cabinets
3. One Refrigerator
4. One Stainless Steel Sink
5. One Steel Kitchen Cabinet
6. One Stainless Steel Kitchen Counter Top
7. Several Wall Shelves
8. Various Amounts of Wire, Brackets and Connectors

D. RESOLUTION #23-11-292 – Authorizing Refund of Overpaid 2023 Taxes (Block 21001, Lot 1.04)

BE IT RESOLVED that a refund in the amount of \$2,737.25 be given to Jipeng Qian & Danping Fang, 228 Sutphen Court, Belle Mead, NJ 08502 for the overpayment of 2023 taxes on Block 21001, Lot 1.04.

E. RESOLUTION #23-11-293 - Authorizing Refunds of Overpaid 2023 Taxes (Core Logic)

BE IT RESOLVED that a refund in the amount of \$22,382.89 be given to Core Logic Refunds Department, P.O. Box 9202, Coppell, TX 75019 for the overpayment of 2023 taxes on the properties listed below.

BLOCK	LOT	QUARTER	PROPERTY LOCATION	AMOUNT
5008	8	2023/4 th	17 Goldenrod Drive	\$3,690.76
7004	26	2023/4 th	209 Berkley Avenue	\$4,419.96
28003	201	2023/4 th	15 Milford Place	\$3,990.61
28008	78	2023/4 th	119 Village Drive	\$1,754.50
34001	13.04	2023/4 th	105 Cherry Hill Road	\$1,935.41
34021	5	2023/4 th	16 Rutgers Lane	\$4,127.46
37002	1.183	2023/4 th	46-H Haverhill Court	\$2,464.19

F. RESOLUTION #23-11-294 - Authorizing Insertion of Special Item of Revenue in the 2023 Municipal Budget Pursuant to N.J.S.A. 40a:4-87 (Chapter 159, P.L. 1948) – 2023-2024 Municipal Alliance Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

9. CONSENT AGENDA (CONT.)

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2023, in the amount listed below, which items are now available as a revenue from the County of Somerset:

2023-2024 Municipal Alliance \$6,863.66

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

G. **RESOLUTION #23-11-295 - A Resolution to Affirm the Township of Montgomery’s Civil Rights Policy With Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that Come into Contact with Municipal Employees, Officials and Volunteers**

WHEREAS, it is the policy of the Township of Montgomery to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the Township Committee of the Township of Montgomery has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that:

Section 1: No official, employee, appointee or volunteer of the Township of Montgomery by whatever title known, or any entity that is in any way a part of the Township of Montgomery shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee, volunteer or entity is engaged in or acting on behalf of the Township’s business or using the facilities or property of the Township.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

9. CONSENT AGENDA (CONT.)

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Township Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Township Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Township Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Township Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Montgomery. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township’s website.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Montgomery in order for the public to be made aware of this policy and the Township’s commitment to the implementation and enforcement of this policy.

H. RESOLUTION #23-11-296 - Authorizing Release of Maintenance Guarantee for Goddard School (Performance Guarantee)

WHEREAS, the above referenced project was inspected for maintenance guarantee release and all punch list work was completed by the developer, Tuladhar Educational Services, Inc. No apparent deficiencies were found during inspections conducted by the Engineering Department or Township Landscape Architect; and

WHEREAS, the Township Engineer is herein recommending that the Township Committee consider the release of the posted Maintenance Guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that inspection escrow funds in account PB-03-18 and the cash Maintenance Guarantee in the amount of \$45,023.25 plus any accrued interest be released to Tuladhar Educational Services, Inc.

9. CONSENT AGENDA (CONT.)

I. RESOLUTION #23-11-297 – Authorizing Release of Maintenance Guarantee for Goddard School (Safety and Stabilization)

WHEREAS, the above referenced project was inspected for maintenance guarantee release and all punch list work was completed by the developer, Tuladhar Educational Services, Inc. No apparent deficiencies were found during inspections conducted by the Engineering Department or Township Landscape Architect; and

WHEREAS, the Township Engineer is herein recommending that the Township Committee consider the release of the posted Safety & Stabilization Maintenance Guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that inspection escrow funds in account PB-03-18 and the cash Maintenance Guarantee in the amount of \$4,421.10 be released to Tuladhar Educational Services, Inc

J. RESOLUTION #23-11-298 – Authorizing Release of Maintenance Guarantee for Goddard School (Landscape Buffer)

WHEREAS, the above referenced project was inspected for maintenance guarantee release and all punch list work was completed by the developer, Tuladhar Educational Services, Inc. No apparent deficiencies were found during inspections conducted by the Engineering Department or Township Landscape Architect; and

WHEREAS, the Township Engineer is herein recommending that the Township Committee consider the release of the posted Landscape Buffer Guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that inspection escrow funds in account PB-03-18 and the cash Maintenance Guarantee in the amount of \$2,977.50 be released to Tuladhar Educational Services, Inc.

K. RESOLTUON #23-11-299 – Authorizing Guarantee Extensions for the Completion of Improvements – Various Projects

WHEREAS, the period for the completion of improvements on the following projects have recently expired or will expire soon. The developers for the projects below are working on completing the guaranteed improvements or are working on punch lists.

WHEREAS, Mark Herrmann, Township Engineer, has recommended that the Township Committee consider extending the time for completion of bonded improvements as follows:

<u>Development</u>		<u>New Completion Date</u>
147 Kildee Road, Block 15010, Lot 10	Landscaping Guarantee	2/19/2024
65 Belle Mead Griggstown Road (Block 6001, Lot 4)	TCO Guarantee	6/07/2024

9. CONSENT AGENDA (CONT.)

Tapestry at Montgomery – Temporary Trailer	Restoration Performance Guarantee	12/31/2024
Gibraltar Rock of Belle Mead – Process Basin	Performance Guarantee	1/11/2025
Montgomery Crossing, Phase 3	Performance Guarantee	2/12/2025
Montgomery Crossing, Phase 3	Landscape Buffer Guarantee	2/12/2025

L. RESOLUTION #23-11-300 – Authorizing Release of Restoration Guarantee to Resolve Easement Encroachments – 147 Windsor Road (Block 4026, Lot 2)

WHEREAS, Mark Herrmann, Township Engineer, has certified on November 2, 2023 that work has been completed pertaining to the easement restoration; that a Certificate of Occupancy/Approval has been issued; and all items have been satisfactorily completed, and, therefore recommends that the performance guarantee be released.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the restoration guarantee in the amount of \$2,000.00 be released to Ekta Sheth.

BE IT FURTHER RESOLVED that a maintenance guarantee is not required and the Township will not accept any improvements as part of this guarantee release.

MOTION to adopt **CONSENT AGENDA, Resolutions #23-11-289 through #23-11-300** _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

10. **RESOLUTIONS**

A. RESOLUTION #23-11-301 – Authorizing the Township of Montgomery to Accept Subgrant Award of the Federal Fiscal Year 2023 of Emergency Management Performance Grant and Emergency Management Agency Assistance

WHEREAS, the Montgomery Township Office of Emergency Management has been awarded State Homeland Security Grant Program Subgrant AFN #97.042, Subgrant Award #FY23-EMPG-EMAA-1813 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The Subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the Township’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Township of Montgomery will use these funds to enhance its Emergency Management Program; and for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2023 to June 30, 2024; and

WHEREAS, the Subgrant Award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Montgomery Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey:

1. That the Township Committee accepts the award of the FFY23 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate Subgrant Award documents.
3. That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Montgomery Township Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

MOTION to adopt Resolution #23-11-301 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

10. RESOLUTIONS (CONT.)

B. RESOLUTION #23-11-302 – Authorizing the Submission of a Grant Application and Execution of Grant Contract with the Department of Community Affairs for Connectivity of Schools, Residential Neighborhoods and Other Areas

WHEREAS, the Township of Montgomery desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$3,000,000 to carry out a project for connectivity of the schools, residential neighborhoods and other areas so individuals can safely access municipal services.

BE IT THEREFORE RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby authorizes the application for such grant.

BE IT FURTHER RESOLVED that the Township Committee recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Montgomery and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that Township Administrator, Mayor and Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

MOTION to adopt Resolution #23-11-302 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

C. RESOLUTION #23-11-303 – Authorizing the Submission of a Grant Application and Execution of Grant Contract with the Department of Community Affairs for Planting of Trees and Shrubs and Meadow Management at the Municipal Complex

WHEREAS, the Township of Montgomery desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$75,000 to carry out a project for the planting of trees and shrubs and meadow management at the Municipal Complex.

BE IT THEREFORE RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby authorizes the application for such grant.

10. **RESOLUTIONS (CONT.)**

BE IT FURTHER RESOLVED that the Township Committee recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Montgomery and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that Township Administrator, Mayor and Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

MOTION to adopt Resolution #23-11-303 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

D. RESOLUTION #23-11-304 – Authorizing the Submission of a Grant Application and Execution of Grant Contract with the Department of Community Affairs for Radios, Communication Devices and Related Equipment for Montgomery Township First Responders

WHEREAS, the Township of Montgomery desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$1,482,000 to carry out a project for the purchase of radios, communication devices and related equipment for Montgomery Township First Responders.

BE IT THEREFORE RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby authorizes the application for such grant.

BE IT FURTHER RESOLVED that the Township Committee recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Montgomery and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that Township Administrator, Mayor and Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

10. **RESOLUTIONS (CONT.)**

MOTION to adopt Resolution #23-11-304 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

E. RESOLUTION #23-11-305 – Authorizing Execution of Agreement for Receipt of ARP Funding in Support of Public Sewer and Water Improvements Between the County of Somerset and the Township of Montgomery

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Township Administrator and Clerk are hereby authorized to execute an agreement for receipt of ARP funding in Support of Public Sewer and Water Improvements.

MOTION to adopt Resolution #23-11-305 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

F. RESOLUTION #23-306 – Authorizing a Professional Services Agreement for the Demolition of the Former Municipal Building at 2261Route 206 with Environmental Resolutions, Inc. (ERI)

WHEREAS, the Township of Montgomery seeks to retain the services of a professional engineering firm to perform sampling, inspection, and testing for environmentally sensitive materials; prepare bid documents for demolition of the main building, foundation, generator, HVAC chiller, transformer, communications tower, animal shelter, and sheds, as well as utility disconnection, decommissioning of the septic system, well abandonment/closure, sensitive waste material abatement (if any), general restoration of the area; permitting assistance, plan preparation, bidding assistance, construction management, and inspection services; and

WHEREAS, the Township has a need to acquire these services without a “fair and open process” as defined in P.L. 2004, c. 19, the “Local Unit Pay-To-Play Law”, and Environmental Resolutions, Inc. has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A 19:44A-20.2 et seq. certifying that Environmental Resolutions, Inc. has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A 19:44-20.26 and an Affidavit

10. **RESOLUTIONS (CONT.)**

Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively “Pay-To-Play Forms”); and

WHEREAS, the firm of Environmental Resolutions, Inc. has submitted a proposal dated October 31, 2023 to provide the sought-after services to the Township for a sum not to exceed \$38,400.00; and

WHEREAS, the proposal excludes certain services, including but not limited to the investigation, registration, and removal of underground storage tanks, which will be handled separately; and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract as “professional services” without competitive bidding; and

WHEREAS, the Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account # 04-215-55-901-1699I.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Environmental Resolutions, Inc. to provide professional engineering services for the demolition of the former municipal building at 2261 Route 206.
2. Environmental Resolutions, Inc. shall be paid a sum not to exceed \$38,400.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the October 31, 2023 proposal, the Pay-To-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection
4. A notice of this action shall be published in the official newspaper as required by law.

MOTION to adopt Resolution #23-11-306 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

10. **RESOLUTIONS (CONT.)**

G. RESOLUTION #23-11-307 – Authorizing the Purchase of one Multihog MX120 Tractor for the Department of Public Works

WHEREAS, exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State CO-OP per N.J.S.A. 40A:11-11; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to enter into a cooperative pricing agreement for the purchase of work, materials and supplies; and

WHEREAS, the Township of Montgomery has determined the following cooperative pricing system identifier Sourcewell Contract #111522-MUL for the purchase of one Multihog MX120 Tractor provided the Township with the most competitive price for this item; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Numbers: 04-215-55-901-1639G, 04-215-55-901-1660E, 04-215-55-901-1611F, 01-201-26-290-256.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the purchase of one Multihog MX120 Tractor at a price not to exceed an amount of \$95,875.00 shall be authorized through the utilization of the Sourcewell Contract to:

Trius, Inc.
5049 Industrial Road
Farmingdale, NJ 07727

MOTION to adopt Resolution #23-11-307 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

H. RESOLUTION #23-11-308 – Authorizing Execution of Easement Agreements – Montgomery Promenade Development

WHEREAS, TGA SJC MONTGOMERY PROMENADE OWNER LLC, f/k/a PRINCETON PROMENADE, LLC, a limited liability company of the State of Delaware, with a principal address of 1115 Howell Mill Road, Suite 777, Atlanta, GA, 30318 (hereinafter “Developer”) intends to develop certain lands in the Township known and currently designated as Block 34001, Lots 46.01, 56, portion of 57, 77, 78 and 79 on the Montgomery Township Tax Map (Tax Assessment Maps rev. 2022); and

WHEREAS, the Developer and its predecessors in interest, obtained certain approvals from the Montgomery Township Planning Board (hereinafter “Planning Board”) with respect to the development known as “Montgomery Promenade;” and

10. **RESOLUTIONS (CONT.)**

WHEREAS, on-tract and off-tract improvements for Montgomery Promenade include the construction of two master plan loop roads, named Nevius Boulevard and Bolmer Corner, connecting Van Horne Road to County Route 518, improvements to Van Horne Road and County Route 518, parking lots, access roads, stormwater management facilities, utilities, and ancillary improvements including but not limited to drainage, lighting and landscaping; and

WHEREAS, Planning Board approvals and subdivision conformance review require certain legal instruments to be filed and recorded at the Somerset County Clerk’s office, including but not limited to the easements or deed restrictions for sight triangles, sidewalk or public pedestrian access, emergency access, roadway, drainage or storm sewer, sanitary sewer, stormwater management facility access, stormwater management facility operations and maintenance, utility, landscaping buffer and/or screening, conservation, temporary construction, and cross easements (all as applicable); all of which are subject to the review and approval of the Township Attorney and the Township Engineer prior to recording.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Mayor and Clerk are hereby authorized to execute Easement Agreements with TGA SJC MONTGOMERY PROMENADE OWNER LLC, f/k/a Princeton Promenade, LLC, with respect to the Montgomery Promenade Development, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

MOTION to adopt Resolution #23-11-308 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

I. RESOLUTION #23-11-309 – Authorizing Sale of 145 Hartwick Drive, a COAH Deed Restricted Affordable Housing Complex to 145 Hartwick Drive, LLC

WHEREAS, 145 Hartwick Drive in Montgomery Township (the “Property”) is a COAH Deed Restricted Affordable Rental Housing Complex; and

WHEREAS, Section III.D. of said deed restriction provides that the sale of the Property requires advance approval in writing by the Township of Montgomery; and

WHEREAS, the Property owner, Sharbell Plainsboro, Inc., seeks to convey the Property to 145 Hartwick Drive LLC (“Buyer”), a Delaware limited liability company.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery in the County of Somerset, New Jersey that:

10. **RESOLUTIONS (CONT.)**

- 1. The Township hereby consents to the sale of 145 Hartwick Drive in Montgomery Township.
- 2. The conditions, covenants and terms of the deed restriction for affordable housing of rental units located at 145 Hartwick Drive remain in full force and effect.
- 3. This Resolution shall serve as written approval of the conveyance by the Township.

MOTION to adopt Resolution #23-11-309 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

11. **APPROVAL OF MINUTES**

There are no minutes for approval.

12. **RESOLUTION #23-11-310 - PAYMENT OF BILLS – POSTED**

WHEREAS, the Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, the Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset as follows:

- 1. That these bills are hereby authorized for payment; and
- 2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
- 3. That the proper Township Officials are authorized to sign the checks.

12. **RESOLUTION #23-11-310 - PAYMENT OF BILLS – POSTED (CONT.)**

MOTION to adopt Resolution #23-11-310 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

13. **CORRESPONDENCE**

14. **NEW BUSINESS**

- Additional public cable channel
- Montgomery Farmers’ Market

15. **TOWNSHIP COMMITTEE REPORTS**

16. **ADMINISTRATOR’S REPORT**

17. **FUTURE AGENDA ITEMS**

- January 4, 2024 Reorganization Meeting
- Youth Leadership Council Presentation
- Noise Ordinance

18. **RESOLUTION #23-11-311 – EXECUTIVE SESSION**

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey as follows:

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session are as follows:
 - Potential Acquisition for Open Space, Conservation, Recreation and/or Municipal Purposes:
 1. Block 17008, Lot 1 (“Bethke”)

18. **RESOLUTION #23-11-311 – EXECUTIVE SESSION (CONT.)**

- Real Estate: 1. Municipal Property
 - Anticipated/Pending Litigation: 1. Country Club Meadows v. Township of Montgomery
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of property and settlement of litigation shall only be approved by the Township Committee in a public session.
 4. The Township Committee will return to Regular Session and may take further action.
 5. This Resolution shall take effect immediately.

MOTION to adopt Resolution #23-11-311 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh, Deputy Mayor				
Keenan, Mayor				

MOTION to close Executive Session and open Regular Session ____ Second ____ Favor ____ Opposed ____

19. **ADJOURNMENT**

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____