

AGENDA FOR
MONTGOMERY TOWNSHIP COMMITTEE
February 2, 2023
5:30 p.m.

It is the Township Committee's intention to conclude this meeting no later than 11:00 p.m.

ROLL CALL - Keenan (), Singh (), Barragan (), Todd (), Ahn ()

ALSO PRESENT - Rubenstein Quiroga (), Savron (), Kukla ()

MAYOR'S STATEMENT - Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers.

SALUTE TO THE FLAG

1. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

BE IT RESOLVED by the Township Committee of the Township of Montgomery in Somerset County, 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 subject to be discussed in this session is as follows:
 - Personnel - Township Clerk Interviews
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

1-1. **MOTION TO REOPEN THE MEETING IN PUBLIC SESSION**

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

2. **RECOGNIZING MARVIN SCHULDINER**

WHEREAS, a community derives its strength from people who endeavor to help others and contribute to the public good; and

WHEREAS, Marvin Schuldiner has worked diligently on behalf of Montgomery Township residents during his years of service; and

WHEREAS, Committeeperson Schuldiner left public office in December of 2022, having served Montgomery Township in the following capacities:

Deputy Mayor - 2020, 2021
Board of Fire Prevention - 2021, 2022
Budget and Finance Committee - 2019, 2020
Economic Development Commission - 2021, 2022
Planning Board Member - 2019, 2022, 2021, 2022
Township Committee Member - 2019, 2020, 2021, 2022
Transportation Advisory Committee - 2019, 2020, 2021, 2022
Somerset County Community Development Commission - 2020

WHEREAS, during his years of service, Marvin faithfully performed the duties and obligations of the office, and has given his utmost to the residents of Montgomery.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Montgomery Township Committee on behalf of the people of Montgomery, express our deepest appreciation to the Honorable Marvin Schuldiner for outstanding service to our community, and extend a fond farewell and warmest wishes for the future on this 2nd day of February 2023.

3. **PROCLAMATION - BLACK HISTORY MONTH**

WHEREAS, during Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development; and

WHEREAS, in February 1926, Dr. Carter Godwin Woodson, noted Black scholar and son of former slaves, initiated Black History Week; and

WHEREAS, for many years the second week of February, chosen so as to coincide with the birthdays of Frederick Douglas and Abraham Lincoln, was celebrated by African Americans in the United States; and

WHEREAS, in 1976, as part of the nation's bicentennial, Black History Week was expanded and became established as Black History Month, and is now celebrated all over North America; and

WHEREAS, the observance of Black History Month calls our Nation's attention to the continued need to battle racism and to build a society that lives up to its democratic ideals; and

WHEREAS, the Stoutsburg Sourland African American Museum, located in Skillman is a place that instills the history of the unique culture, experiences, and contributions of the African American community of the Sourland Mountain region dating back to colonial times; and

WHEREAS, the Museum's purpose is to create awareness and educate the public about the African American residents who lived in this unique community and rose up from slavery to be men and women whose labor helped create one of the wealthiest areas in New Jersey.

NOW, THEREFORE, we the Montgomery Township Committee do hereby proclaim February 2023 as Black History Month in Montgomery Township and urge all citizens to celebrate our diverse heritage and culture.

4. **STOUTSBURG SOURLAND AFRICAN AMERICAN MUSEUM PRESENTATION**

5. **FOURTH QUARTER FINANCIAL REPORT AND REVENUE DISCUSSION**

6. **PUBLIC COMMENT**

Each speaker will have a maximum of five (5) minutes to speak and should limit comments to matters pertaining to the Township. Additionally, if your comments are similar to comments already made, instead of repeating them at length, we ask that you instead indicate that you join in or support those comments previously made. Groups are asked to select a spokesperson to speak on their behalf.

7. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #23-2-55 - REFUND OVERPAID 2018 and 2021 TAXES**

BE IT RESOLVED that a refund in the amount of \$1,847.51 be given to MM/PG Montgomery Properties LLC, 100 Main St, Suite 2400, Houston, TX 77002 for the overpayment of prior year taxes on the properties listed below;

BLOCK	LOT	QUARTER	AMOUNT
34001	77	2021/3 rd	\$91.51
34001	78	2018/3 rd	\$1,756.00

B. **RESOLUTION #23-2-56 - REFUND OVERPAID TAXES**

Name	Year	Block/Lot	Amount
Coastal Title Agency	2022	7007/19	\$ 723.79
Gregory L & Eileen G Finley	2023	18021/2	\$3,127.51

C. **RESOLUTION #23-2-57 - APPOINTMENT OF RISK MANAGEMENT CONSULTANT**

WHEREAS, the Township of Montgomery has resolved to join the Mid Jersey Municipal Joint Insurance Fund ("MidJIF") following a detailed analysis; and

WHEREAS, the Bylaws of MidJIF allow for an entity to designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS, the Bylaws indicate that MidJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee.

NOW THEREFORE, BE IT RESOLVED that the Township of Montgomery does hereby reappoint Acrisure as its Risk Management Consultant in accordance with the Fund's Bylaws.

D. **RESOLUTION #23-2-58 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH PRINCETON FOR PUBLIC HEALTH SERVICES**

WHEREAS, the governing bodies of the Township of Montgomery and Princeton desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for public health services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Princeton, has been prepared and circulated for approval by the governing bodies of Montgomery and Princeton.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with Princeton for public health services for a one-year period, beginning January 1, 2023 and ending December 31, 2023.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

E. **RESOLUTION #23-2-59 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH PRINCETON FOR ANIMAL CONTROL SERVICES**

WHEREAS, the governing bodies of the Township of Montgomery and Princeton desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for animal control services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Princeton, has been prepared and circulated for approval by the governing bodies of Montgomery and Princeton.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with Princeton for animal control services for a one-year period, beginning January 1, 2023 and ending December 31, 2023.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
2. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

F. RESOLUTION #23-2-60 - PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE TOWNSHIP OF MONTGOMERY

WHEREAS, The Township Committee of the Township of Montgomery, County of Somerset, under the provisions of statutes, wishes to defer Local District School Taxes; and

WHEREAS, The unpaid portion of the Local District School Tax on December 31, 2022 may be deferred to the extent of not more than 50% of the school year July 1, 2022 to June 30, 2023 levy, providing no requisition has been made for such amount or any portion of such amount; and

WHEREAS, The Deferred Local District School Taxes for the year 2022 may not exceed 50% of the school year July 1, 2022 to June 30, 2023 levy of \$88,071,145.00 resulting in a deferred amount not to exceed \$44,035,572.50. This amount represents an increase over the maximum Deferred Local District School Taxes prior year's amount of \$43,240,984.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that Local District School Taxes unpaid on December 31, 2022 be deferred to the amount not exceeding \$43,240,984, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$794,588.50; and

BE IT FURTHER RESOLVED, That two (2) certified copies of this resolution shall be forwarded to the Director of the Division of Local Government Services,

G. RESOLUTION #23-2-61 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 22-R-14 - 17 OTTER CREEK ROAD - BLOCK 31008, LOT 8

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Richard Rossi because all work has been satisfactorily completed with respect to Street Opening Permit 22-R-14 at Block 31008, Lot 8 (17 Otter Creek Road).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$460.00 be released to Richard Rossi, 17 Otter Creek Road, Skillman, NJ 08558.

H. RESOLUTION 23-2-62 - AUTHORIZING DEPOSIT AGREEMENT - PUBLIC SERVICE ELECTRIC & GAS COMPANY- OTTO KAUFMAN COMMUNITY CENTER

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Deposit Agreement with Public Service Electric & Gas Company, to extend gas service to the Otto Kaufman Community Center at Block 14001, Lot 38, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

I. RESOLUTION 23-2-63 - RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE BLOOMBERG BUSINESS PARK STORMCEPTOR AT 104 PARK AREA PROJECT

WHEREAS, Mark Herrmann, Township Engineer, has certified on January 25, 2023, that Bloomberg, LLP, has completed the improvements for the Bloomberg Business Park Stormwater at 104 Parking Area and the improvements are acceptable and therefore recommends that the Township Committee consider the release of the Performance Guarantee. It is recommended that the release include the following conditions:

1. Bloomberg, LLP, shall post a two-year maintenance guarantee in the amount of 15% of the original Performance Guarantee amount of \$27,480.40 which is:

15% Maintenance Guarantee = \$4,122.06

2. Bloomberg, LLP shall post adequate escrow funds.

No improvements will be accepted by the Township. The property owner shall maintain the stormwater management basin.

7-1. Motion to adopt **CONSENT AGENDA** _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

8. **MAYORAL APPOINTMENT**

BE IT RESOLVED that Mary Reese is hereby appointed Chair to the Environmental Commission, 3-year appointment expiring 12/31/2025.

9. **RESOLUTION #23-2-64 - REQUESTING A TRAFFIC STUDY AND COMPLETION OF SIDEWALKS AT THE INTERSECTION OF ROUTES 518 AND 601 IN MONTGOMERY TOWNSHIP**

WHEREAS, the concerned residents in the Blawenburg section of Montgomery Township submitted a petition to the Governing Body seeking to improve safety through Blawenburg and at the intersection of Routes 518 and 601; and

WHEREAS, said residents have presented sound and convincing reasons for the County to conduct a traffic study of the intersection of County Routes 518 and 601; and

WHEREAS, the dangers posed to pedestrians, cyclists, motorists, residents and visitors to this historic area include an excessive 40-mile per hour speed limit, right turn on red from southbound 601 onto westbound 518, lack of signage warning of the presence of children, lack of a crosswalk across the southern approach to the intersection, lack of sidewalks in certain areas, vibration damage to historic buildings, and noise pollution linked to the use of Jake brakes by dump trucks; and

WHEREAS, there have been twenty reported motor vehicle accidents within the intersection from July 2012 to December 2022.

NOW, THEREFORE BE IT RESOLVED that the Montgomery Township Committee hereby requests that the Somerset County Engineering Division, Department of Public Works complete the sidewalks at the intersection and undertake a traffic study to encompass the intersection of County Routes 518 and 601 in the Blawenburg section of Montgomery Township.

BE IT FURTHER RESOLVED that the Township Clerk shall communicate said request for the Traffic Study to Matthew Loper, PE, County Engineer, Somerset County Department of Public Works.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

10. **RESOLUTION #23-2-65 - CHANGE ORDER #1 (FINAL) FOR BID #B07-2022 - CHERRY BROOK DRIVE IMPROVEMENT PROJECT (DECREASE)**

WHEREAS, Resolution #22-9-194 adopted on September 1, 2022, authorized the award of a contract for the Cherry Brook Drive Improvement Project to Top Line Construction, Corp. in the amount of \$ 640,212.28; and

WHEREAS, the Township Engineer has requested the Committee's approval of a Change Order to reflect quantity adjustments and costs for the project; and

WHEREAS, Change Order #1 would allow for bid item quantity adjustments as outlined on said Change Order; and

WHEREAS, The work comprising Change Order #1 will result in a net decrease in the original contract amount by \$58,966.68 or -9.21%; and

WHEREAS, The Township Administrator has recommended approval of the Change Order; and

WHEREAS, A copy of the proposed Change Order is available in the Office of the Township Engineer.

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

1. Change Order #1 is hereby approved as the final change order for this project.
2. This Resolution, when counter-signed by Top Line Construction, Corp., shall serve as a contract amendment to the original contract for the purpose of decreasing the total contract price by \$58,966.68 for a total contract amount of \$581,245.60.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

11. **RESOLUTION #23-2-66 - STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Montgomery has previously obtained a grant of \$6,825,000.00 from the State to fund the following project(s): **#1813-96-004 Open Space Acquisition 5**; and

WHEREAS, the State and the Township of Montgomery intend to increase Green Acres funding by \$1,000,000.00; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. The Township Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Open Space Acquisition 5, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$7,825,000.00.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

12. **RESOLUTION #23-2-67 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR FLEET MANAGEMENT AND MAINTENANCE SERVICES - FIRST VEHICLE SERVICES**

WHEREAS, Resolution #22-2-72 adopted on February 17, 2022 awarded a Fleet Management and Maintenance Services contract for 12 months with 4 (four) one-year extension options to First Vehicle Services; and

WHEREAS, N.J.S.A. 40A:11-15 provides that the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, the contract will not exceed \$777,998.76 for the extended year effective March 1, 2023 through February 29, 2024. This is an increase of 5% which is presently below the Consumer Price Index rate of 11.7% in motor vehicle maintenance and repair to the target and non-target rates for this extension period. There is no increase of a cost adjustment for changes in contractual fleet size from 439 contract units to 445 contract units; and

WHEREAS, there exists account numbers 07-201-55-544-256 and 01-201-26-315-230 which will fund this service; and

WHEREAS, a certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby approves the first of four (4) one-year extensions pursuant to the above-described terms.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

13. **ORDINANCE #23-1693 - Appropriate Authority - Public Hearing**

- A. Title: AN ORDINANCE AMENDING SECTION 2-3.2 "APPROPRIATE AUTHORITY", OF THE TOWNSHIP OF MONTGOMERY MUNICIPAL CODE
- B. Public Hearing. Motion to close _____ Second _____ Favor _____ Opposed _____
- C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be adopted this 16th day of February 2023 and that a notice thereof be published in an official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

14. **ORDINANCE #23-1694 - Providing for 3/5% "Cap" - Introduction**

- A. Title: AN ORDINANCE TO EXTEND THE MUNICIPAL BUDGET APPROPRIATION LIMITS PROVIDING FOR A 3/5% "CAP" FOR THE 2023 BUDGET AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A.40A:4-45.14
- B. 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 in an official newspaper as required by law together with a Notice of Pending ordinance fixing February 16, 2023 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

15. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for December 15, 2022 and January 5, 2023 stand approved.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

16. **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 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.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

COMMITTEE CORRESPONDENCE

NEW & UNFINISHED BUSINESS

ADMINISTRATOR'S REPORT

COMMITTEE REPORTS

UPCOMING MEETINGS

17. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

BE IT RESOLVED by the Township Committee of the Township of Montgomery in Somerset County, 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 of property for open space, conservation, recreation purposes: Block 34001 Lot 40 (Jefferson), Block 17008 Lot 1 (Bethke);
 - Advice of Counsel with regard to building mediation;
 - Advice of Counsel with regard to AFSME update.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of property and settlement of agreements shall only be approved by the Township Committee in a public session.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

17-1. **MOTION TO REOPEN THE MEETING IN PUBLIC SESSION**

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

ADJOURNMENT at _____ p.m. Motion _____ Second _____ Favor _____ Opposed _____