

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
April 6, 2023
7:00 p.m.

1. Montgomery Township Committee met at 7:00 pm on the above date at the Municipal Complex, 100 Community Drive, Skillman, NJ. Those present were:

TOWNSHIP COMMITTEE: Mayor Keenan, Deputy Mayor Singh, Committee Members Barragan and Todd
Absent - Committee Member Ahn

Also present were:

ADMINISTRATOR - Lori Savron

TOWNSHIP ATTORNEY - Wendy Rubinstein-Quiroga

TOWNSHIP CLERK - Donna Kukla

CHIEF FINANCIAL OFFICER - Michael Pitts

2. Mayor Keenan stated the following: "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."

3. Mayor Keenan led the salute to the flag.

4. **GIRL SCOUT PROJECT PROPOSAL**

The Girl Scouts of Troop 60399 presented their proposal for a Little Free Library they intend to complete for their Bronze award. They discussed the supplies they would use as well as where it would be located at Van Horne Park and asked for permission to place it at the park.

- 4-1. Mayor Keenan and the Committee all gave their support for the project.

5. **EAGLE SCOUT PROPOSAL - Akarsh Gokina**

Eagle Scout Akarsh Gokina presented his Eagle Scout project proposal to the Committee. He plans to install four (4) interpretive signs in Hobler Park that will discuss:

- Bat boxes (a previous Eagle Scout project)
- Invasive species
- Created wetlands project at the south end of the park
- Other possible topics including the meadow management of the park

Akarsh will also remove invasive species at the south end of the park along the pathway and wetland area, primarily Bradford Pear.

He discussed the benefits of removing and disposing of the species, the supplies he will use and the timeline of when he wants to complete the project. He asked the Committee for approval to move forward with this project.

- 5-1. The Committee all gave their support and provided suggestions for ways he could improve his project.

6. **PROCLAMATION - ARBOR DAY - April 21, 2023**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, this year marks the 151st Anniversary of Arbor Day; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Montgomery Township has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways;

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby proclaims April 21, 2023 as ARBOR DAY in the Township of Montgomery, and urges all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

BE IT FURTHER RESOLVED that the Governing Body urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

7. **RECOGNIZING NATIONAL PUBLIC HEALTH WEEK 2023 AND MONTGOMERY SURGE VACCINATORS**

WHEREAS, the week of April 3-9, 2023 is National Public Health Week, and

WHEREAS, since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the public's health; and

WHEREAS, good health requires making healthy choices that improve our health, setting an example for our family and friends; as well as supporting efforts to improve the factors that affect everyone's health and limit the ability for many people to make healthy choices; and

WHEREAS, during National Public Health Week, we celebrate the power of prevention, advocate for healthy and fair policies, share strategies for successful partnerships and champion the role of a strong public health system; and

WHEREAS, we acknowledge and celebrate the Montgomery Surge Vaccinators who have helped Montgomery Township provide a much needed service to our residents in their time of need, and responded with care and compassion through the COVID-19 pandemic; and

WHEREAS, it is only when we come together that we are strong enough to create the healthiest nation in one generation.

NOW, THEREFORE, BE IT RESOLVED this 6th day of April, 2023, that the Township Committee of the Township of Montgomery joins with its Board of Health and its Health Department in celebrating National Public Health Week 2023, and its focus on building safe, healthy communities.

8. **PROCLAMATION - APRIL 2023 AS CHILD ABUSE PREVENTION MONTH AND CASA CHILD ADVOCACY MONTH**

WHEREAS, we all have a responsibility as individuals, neighbors, community members and citizens of Montgomery Township to help create healthy, nurturing and safe experiences for children; and

WHEREAS, healthy and safe childhoods help produce confident and successful adults; and

WHEREAS, child abuse and neglect often occur when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, incidences of child abuse and neglect can be reduced by making sure all families have the support they need and deserve to raise their children in health environments; and

WHEREAS, Court Appointed Special Advocates (CASA) is authorized by State Statute and Federal Law to help the Court and Child Welfare systems make "best interest" decisions on behalf of children removed from home because of abuse or neglect; and

WHEREAS, CASA volunteer advocates in Montgomery Township help to ensure that abused and neglected children who are placed in foster care and other out-of-home placements are safe and receive the services they need to achieve well-being; and

WHEREAS, CASA advocates reduce the number of moves between placements, help shorten the overall time a child remains in placement, and serve as a consistent person in the child's life until that child achieves permanency in a safe home with a loving family.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee does hereby proclaim April 2023 as Child Abuse Prevention Month and CASA Child Advocacy Month in Montgomery Township and urges all citizens to support the CASA network across New Jersey, as it strengthens families and helps children learn, grow, and thrive.

9. **2023 BUDGET PRESENTATION - CFO Michael Pitts**

Chief Financial Officer Michael Pitts gave a presentation on the 2023 Budget. Items discussed were:

- Breakdown of Property Taxes
- 2023 Budget Introduction
- Grants

9-1. Mayor Keenan thanked Mr. Pitts for all his hard work organizing the committee all together.

9-2. Committeeperson Barragan expressed his gratitude to everyone involved with the creation and discussion of the 2023 budget.

10. **RESOLUTION 23-4-97 - 2023 MUNICIPAL BUDGET - Introduction**

BE IT RESOLVED that the statements of revenue and appropriations shall constitute the local budget for the year 2023.

BE IT RESOLVED that a summary of said budget shall be published in an official newspaper as required by law together with a notice fixing May 4, 2023 at approximately 7:00 p.m. as the date and time when the budget will be considered for final adoption.

NOW THEREFORE, BE IT RESOLVED that the governing body of the Township of Montgomery does hereby approve the budget for the year 2023.

10-1. Deputy Mayor Singh moved to adopt the resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

11. **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 #23-4-98 - REFUND OVERPAID 2022 TAXES**

BE IT RESOLVED that a refund in the amount of \$214.86 be given to Title Authority, LLC, 12 Roszel Road, STE A207, Princeton, NJ 08540 for the overpayment of 2022 taxes on Block 5018 Lot 4.06.

B. **RESOLUTION #23-4-99 - AUTHORIZING FIREWORKS PERMIT - Bedens Brook Club**

BE IT RESOLVED that authorization is granted for the Bedens Brook Club to conduct a fireworks display on June 16, 2023 (rain-date - June 17, 2023) at 240 Rolling Hill Road, Skillman, NJ. Approvals of the Police Department and Fire Protection Inspector Roy Mondri have been received.

C. **RESOLUTION #23-4-100 - EXTENDING TOWNSHIP CLERK RETIREMENT DATE**

BE IT RESOLVED that the Donna Kukla, Township Clerk, has extended her retirement date to May 31, 2023.

11-1. Deputy Mayor Singh moved to adopt CONSENT AGENDA. The motion was seconded by Committeeperson Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

12. **RESOLUTION 23-4-101 - APPROVAL OF LAND PURCHASE AGREEMENT FOR BLOCK 34001 LOT 40 "JEFFERSON"**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a land purchase agreement with Dorothy Jefferson and Bruce Jefferson related to the acquisition of land consisting of approximately 13.01 acres designated on the municipal tax map as Block 34001 Lot 40 for open space, recreation, conservation and other municipal purposes.

12-1. Deputy Mayor Singh moved to adopt the resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

13. **RESOLUTION #23-4-102 - PROFESSIONAL SERVICES AGREEMENT - Hazardous Discharge Site Remediation Fund Application - Kleinfelder, Inc.**

WHEREAS, the Township of Montgomery seeks to retain professional engineering services to prepare an application to the New Jersey Hazardous Discharge Site Remediation Fund ("HDSRF") seeking funding to conduct environmental investigations and remediation of property located at 50 Camp Meeting Avenue, known as Block 12001 Lot 20; and

WHEREAS, there exists a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law"; and

WHEREAS, the firm of Kleinfelder, Inc. has submitted a proposal offering to provide the sought-after service to the Township for a sum not to exceed \$7,100; and

WHEREAS, it has been determined that the value of these services over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Kleinfelder, Inc. has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Kleinfelder, Inc. has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44-20.26 and an Affidavit Prerequisite to Execution Agreement Exempt from Public Bidding and in Excess of \$5,000 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, the New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq authorizes the award of a contract for "professional services" without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals; and

WHEREAS, the Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #22-288-56-000.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Kleinfelder, Inc. for the preparation of an application.
2. Kleinfelder, Inc. shall be paid a not to exceed fee of \$7,100.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.

5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

13-1. Deputy Mayor Singh moved to adopt the resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

14. **RESOLUTION #23-4-103 - EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD** - County Senior Transportation Fees

WHEREAS, the Montgomery Township Committee has established an "Employee Efficiency Incentive Program" the purpose of which is to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Township and its taxpayers the maximum benefit from the conservation of Township resources; and

WHEREAS, the program recognizes that the employees of the Township represent an unlimited source of ideas for better ways to serve the public; and

WHEREAS, monetary awards are intended to offer a significant efficiency incentive for employees to become involved in the creative process and to amplify the capabilities of management; and WHEREAS, employees whose suggestions result in actual dollar savings or costs avoidance of at least \$1,000 shall receive 20%, and the department head shall receive 10% of the actual dollar savings for that year providing that no award shall exceed \$10,000.00 or one-third of the award recipient's annual base salary; and

WHEREAS, the prior Recreation Director Karen Zimmerman suggested the Township reduce the scope for contracting senior transportation services; and

WHEREAS, this practice has saved the Township an average of \$78,272.57 per year since its implementation.

NOW, THEREFORE, BE IT RESOLVED that the Employee Efficiency Incentive Committee therefore recommends that Ms. Zimmerman be provided an award of \$7,827.26 for her suggestion and that this award be approved for payment.

14-1. Deputy Mayor Singh moved to adopt the resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

15. **ORDINANCE #23-1695 - PARKS AND RECREATIONAL AREAS FEES - Public Hearing**

A. Title: AN ORDINANCE AMENDING CHAPTER 2. MISCELLANEOUS FEES, AND CHAPTER 9, PARKS AND RECREATIONAL AREAS OF THE MONTGOMERY TOWNSHIP PARKS AND RECREATIONAL AREAS

B. There being no further comment, Mayor Keenan closed the public hearing.

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be adopted this 6th day of April 2023 and that a notice thereof be published in an official newspaper as required by law.

15-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committee Member Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

16. **ORDINANCE #23-1696 - ZION WERTSVILLE ROAD - ROW Acquisition - Public Hearing**

- A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY PROVIDING FOR THE ACQUISITION FOR A PORTION OF BLOCK 11002, LOTS 14 AND 15, FOR RIGHT-OF-WAY PURPOSES.
- B. There being no further comment, Mayor Keenan closed the public hearing.
- C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be adopted this 6th day of April 2023 and that a notice thereof be published in an official newspaper as required by law.

16-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committee Member Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

17. **ORDINANCE #23-1697 - 2023 SEWER CAPACITY AND SERVICE RATES - Introduction**

- A. Title: AN ORDINANCE AMENDING CHAPTER XII "SEWER AND WATER" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH THE 2023 SEWER CAPACITY CHARGES AND SERVICES RATES
- 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 April 20, 2023 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committee Member Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

18. **ORDINANCE #23-1698 - DEER MANAGEMENT - Introduction**

- A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AMENDING SUBSECTIONS 9-9.e AND 9-9.f OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) PERTAINING TO PERMIT REQUIREMENTS AND RULES AND REGULATIONS FOR DEER MANAGEMENT IN PARKS AND OPEN SPACE
- 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 April 20, 2023 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

18-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committee Member Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

19. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for March 16, 2023 stand approved. If there are no corrections, the following 2022 Executive Session minutes stand approved as to form: January 6 and 20, February 3 and 17, March 3, April 7, May 5, June 9 and 23, July 7 and 21, August 11, September 1, October 6 and 26, November 10, December 1(2) and December 15.

20. **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.

20-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Ahn

21. **ADMINISTRATOR'S REPORT**

Administrator Savron updated the committee on the following:

- Crosswalk Signs Installed on 206
- Orchard Road Construction

22. **UPCOMING MEETINGS**

April 20

- Environmental Awards Presentation
- Q-1 Financial Report
- Approval of Fireworks/Road Closings - Montgomery Fireworks
- Ordinance Public Hearings - 2023 Sewer Fees and Deer Management
- 2023-2024 Deer Management Program Resolution
- Committee Reports

May 4

- 2023 Budget Adoption

23. **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:
 - Advice of Counsel with regard to lease of property;
 - Advice of Counsel with regard to potential litigation Block 4021 Lot 1;
 - Advice of Counsel with regard to contract negotiations;
 - Attorney/client discussion regarding the new municipal building and grounds.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public.

23-1. Committee Member Barragan moved to close the meeting to the public. The motion was seconded by Committee Member Todd and carried unanimously.

24. **MOTION TO REOPEN THE MEETING IN PUBLIC SESSION**

Deputy Mayor Singh moved to reopen the meeting to the public. The motion was seconded by Committee Member Barragan and carried unanimously.

ADJOURNMENT was at 10:00 p.m. on a motion by Deputy Mayor Singh. The motion was seconded by Committeeperson Barragan and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk