

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, AUGUST 3, 2023
7:00 P.M.**

REVISED 8/2/23

1. **MEETING CALLED TO ORDER**

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

ALSO PRESENT – Rubenstein-Quiroga (), Savron (), Fania ()

3. **NOTICE OF MEETING** – In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided on January 5, 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. **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.

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

A. **ORDINANCE #23-1704** – **An Ordinance Creating A New Section 7-3.8 “Public Parking Spaces for Electric Vehicles,” of the Township of Montgomery Municipal Code**

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 August 17, 2023.

MOTION to introduce Ordinance #23-1704 _____ Second _____

ROLL CALL VOTE:

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

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

A. **ORDINANCE #23-1703 - Amending Ordinance #23-1702 Establishing a Comprehensive Salary and Wage Plan for the Township of Montgomery, Somerset County**

MOTION to CLOSE the Public Hearing _____ Second _____

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 3rd day of August, 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1703 _____ Second _____

ROLL CALL VOTE:

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

8. **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.

MOTION to adopt Consent Agenda, Resolutions #23-8-210 THROUGH #23-8-213 _____ Second _____

A. **RESOLUTION #23-8-210 – Refund Overpaid 2022 and 2023 Taxes**

BE IT RESOLVED that a refund in the amount of \$26,281.85 be given to Core Logic Refunds Department, P.O. Box 9202, Coppell, TX 75019 for the overpayment of 2022 and 2023 taxes on Block 17008, Lot 4.

QUARTER

OVERPAYMENT AMOUNT

2022/3 rd	\$6,515.40
2022/4 th	\$6,625.52
2023/1 st	\$6,802.95
2023/2 nd	\$6,337.98

B. RESOLUTION #23-8-211 - Amending Resolution #23-4-109 Authorizing Release of Performance Guarantee to Correct Applicant Name

BE IT RESOLVED that Resolution #23-4-109 authorizing the release of a performance guarantee be amended to reflect the correct applicant's name, A.J. Perri vs. Shelley Currie.

C. RESOLUTION #23-8-212 - Redemption of Tax Sale Certificate #21-00005

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #21-00005 in the amount of \$90,987.83.

BE IT RESOLVED that a refund in the amount of \$90,987.83 be given to Ram Tax Lien Fund, LP, 4450 Cedar Glen Court, Moorpark, CA for the redemption of Tax Sale Certificate #21-00005 on Block 7013 Lot 8.

Tax Lien Redemption

Certificate Amount	\$ 1,726.40
Redemption Penalty	\$ 34.53
Subsequent Charges	\$ 2,254.19
Interest	\$ 507.71
Recording Fees	\$ 53.00
Other Fees	\$ 12.00
PREMIUM	\$ 86,400.00
 TOTAL	 \$ 90,987.83

D. RESOLUTION #23-8-213 – Authorizing Release of Performance Guarantee for Road Opening Permit #22-R-20 – 11 Otter Creek Road, Block 31008, Lot 6

WHEREAS, Township Engineer, Mark Herrmann, has recommended the release of a cash performance guarantee to Anthony Ventresca because all work has been satisfactorily completed with respect to Street Opening Permit #22-R-20, Block 31008, Lot 6 (11 Otter Creek Road).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the cash performance guarantee in the amount of \$910.00 be released to Anthony Ventresca, 11 Otter Creek Road, Skillman, NJ 08558.

ROLL CALL VOTE:

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

9. **RESOLUTIONS**

A. **RESOLUTION #23-8-214 – Amending Resolution #23-7-187 - 2023 Salary Resolution (Non-Union Employees)**

BE IT RESOLVED, that Resolution #23-7-187 adopted July 6, 2023 be amended to reflect the following 2023 salaries:

Retroactive to January 1, 2023:

Chief Financial Officer/Tax Collector/ Qualified Purchasing Agent	Michael Pitts	\$185,863
IT Director	John (Jack) Ferrara	\$117,400
Director, Wastewater Operations	Christopher Lalicato	\$125,000
Payroll Manager/Pension Coordinator	Darleen Hamilton	\$ 90,698

Effective July 17, 2023:

IT Specialist	Carl Conti	\$ 75,000
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MOTION to adopt Resolution #23-8-214 _____ Second _____

ROLL CALL VOTE:

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

B. **RESOLUTION #23-8-215 - Authorizing Award of Bid for Chemicals for Wastewater Treatment**

WHEREAS, the following bids for Chemicals for Wastewater Treatment were received and publicly opened on July 25, 2023:

BIDDERS

Coyne Chemical Co.
Miracle Chemical Company

WHEREAS, it is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that, Miracle Chemical Company be awarded the bid; they being the lowest responsible bidders; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account numbers 07-201-55-542-232, 07-201-55-543-232, 07-201-55- 546-232, 07-201-55-547-232 to fund these goods.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the contract for the Chemicals of 5,000 gallons of Sodium Bisulfite and 10,000 gallons of Sodium Hypochlorite (bulk) is hereby awarded to: Miracle Chemical Company, 1151-B Highway 33, Farmingdale, NJ 07727 in the amount of \$32,625 for Sodium Bisulfite and \$50,645.00 for Sodium Hypochlorite (Bulk).

BE IT FURTHER RESOLVED that the Township Administrator and Purchasing Agent are authorized to sign said contracts.

MOTION to adopt Resolution #23-8-215 _____ Second _____

ROLL CALL VOTE:

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

C. RESOLUTION #23-8-216 - Authorizing Award of Bid #B02-2023 - Mill Pond Boardwalk Rehabilitation Phase 2

WHEREAS, the following bids for the Mill Pond Boardwalk Rehabilitation Phase 2 project were received and publicly opened on July 19, 2023 at 11:00 AM:

Bidders

Bid Amount

Brayco, Inc.	\$531,374.00
Empire Construction and Property Management Group, Inc.	\$705,648.04
Simpson & Brown	\$713,900.00

WHEREAS, it is the recommendation of the Purchasing Agent and the Township Engineer that Brayco, Inc. be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account number 22-288-56-000 to fund these goods.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the contract for the Mill Pond Boardwalk Rehabilitation Phase 2 project is hereby awarded to:

Brayco, Inc.
951 Route 537
Cream Ridge, NJ 08514

BE IT FURTHER RESOLVED that the Mayor and Township Clerk area hereby authorized to sign said contracts.

MOTION to adopt Resolution #23-8-216 _____ Second _____

ROLL CALL VOTE:

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

D. RESOLUTION #23-8-217 – Authorizing Relief Request from Township Code Chapter 12, Sewer and Water, Section 12-3.2, Single Connections for Block 26001, Lot 26 by Ant Jenndi, LLC

WHEREAS, DS Engineering, PC, on behalf of its client, Ant Jenndi, LLC, has requested relief from Township Code 12-3.2, which requires a separate building sewer connection for each unit; and

WHEREAS, Ant Jenndi's Zoning Board approval, Case BA-09-21, granted site plan approval to convert two (2) of the three (3) retail units in the existing building on Block 26001, Lot 26, into two (2) residential apartments; and

WHEREAS, the Zoning Board approval and Sewer Participation Agreement required separate single sewer connections for each unit, based on Township Code Section 12-3.2; and

WHEREAS, DS Engineering, PC, has stated in a letter dated July 24, 2023, that the existing single line servicing all three (3) units is sized adequately and has been functioning for decades, and in their professional opinion, see no public, health, and welfare benefit to separating the existing single sewer connection into three separate connections; and

WHEREAS, DS Engineering, PC, also expressed concerns that the work associated with separating the sewer lines could potentially interfere with ongoing remediation required by the New Jersey Department of Environmental Protection; and

WHEREAS, the sewer connection is privately owned and maintained, DS Engineering, PC had the sewer connection camera inspected, and the shared building sewer line will be maintained by the owner of the building; and

WHEREAS, Township Engineer, Mark Herrmann, reviewed the request and supporting documentation, and expresses no objection to the requested relief, subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby approves the waiver request from Township Code Chapter 12, Section 12-3.2 for Block 26001, Lot 26, subject to the following conditions:

1. Ant Jenndi, LLC, their assigns, successors in interest, employees, licensees, invitees, agents, tenants, contractors, subcontractors, now or at any time in the future, shall assume all risks and liability for and shall indemnify and hold harmless Montgomery Township, its officers, agents, employees, and successors and assigns, from any and all liability, loss, damage, claims, fees, or judgments which may in any manner arise out of or result from waiving the Township Code single sewer connection requirement for the existing building on Block 26001, Lot 26.

MOTION to adopt Resolution #23-8-217 _____ Second _____

ROLL CALL VOTE:

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

E. RESOLUTION #23-8-218 – Authorizing the Retention, Transfer and Usage of Posted Escrow Funds for the Estates at Montgomery Development

WHEREAS, Belvedere Homes, LLC, received approvals from the Planning Board of the Township of Montgomery for Case PB-05-05, PB-04-14, PB-05-14, and PB-12-15, to construct a single-family residential subdivision on the properties formerly known as Block 6001, Lots 32, 39, and 40; and

WHEREAS, Fleet Montgomery, LLC (the “developer”), is the successor in interest to Belvedere Homes, LLC; and

WHEREAS, the developer is responsible for all site work improvements approved by the Planning Board; and

WHEREAS, by Resolutions #19-6-158 and #19-9-221, the Montgomery Township Committee authorized release of the project Performance Guarantees, conditioned upon posting of Maintenance Guarantees; and

WHEREAS, the Engineering Department issued Maintenance Guarantee punch lists dated February 5, 2021 for site work and May 18, 2021 for landscaping, which were not completed in their entirety prior to the guarantee expirations; and

WHEREAS, while the guarantees have lapsed, the Township still holds two escrow accounts for the project, of which the “review escrow” account balance is ±\$209.86 and the “inspection escrow” balance ±\$5,104.95, totaling ±\$5,314.81, subject to interest accrual; and

WHEREAS, Township Engineer, Mark Herrmann, sent a letter on June 15, 2023, advising the developer that the outstanding maintenance guarantee punch lists must be completed within thirty (30) calendar days from the letter date, otherwise the remaining escrow fund balances will be transferred to the Township’s maintenance fund; and

WHEREAS, the Township Engineer has certified on July 25, 2023 that the developer has not completed the maintenance guarantee punch list work, and the escrow funds should be made available to the Township so that repairs to public improvements may be undertaken now or at any time in the future, subject to the Township Committee's prior authorization and approval.

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

1. Montgomery Township is authorized to make claim against and retain the ±\$5,314.81 escrow funds, plus accrued interest, to undertake repairs to public improvements on or along Estates Boulevard or Remy Court, now or at any time in the future.
2. Michael Pitts, CFO, is authorized to transfer the retained funds to the general fund.

MOTION to adopt Resolution #23-8-218 _____ Second _____

ROLL CALL VOTE:

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

10. **APPROVAL OF MINUTES**

MOTION to approve the Executive Session Meeting Minutes of July 20, 2023 as to form only ____ Second ____ Favor ____ Opposed ____ Abstain ____

11. **RESOLUTION #23-8-219 - 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.

MOTION to adopt Resolution #23-8-219 _____ Second _____

ROLL CALL VOTE:

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12. **CORRESPONDENCE**

- a. Resident email of commendation for Carolyn Bower, Acting Assistant to the Tax Assessor and Gina Rojek, Senior Finance Aide

13. **NEW BUSINESS**

There are no matters of new business.

14. **TOWNSHIP COMMITTEE REPORTS**

15. **ADMINISTRATOR'S REPORT**

16. **FUTURE AGENDA ITEMS**

17. **RESOLUTION #23-8-220 - 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:
 - Anticipated/Pending Litigation: Country Club Meadows v. Township of Montgomery 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 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 #23-8-220 _____ Second _____

ROLL CALL VOTE:

18. **ADJOURNMENT**

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____