

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, DECEMBER 7, 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 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. **AWARD PRESENTATION** – **New Jersey Municipal Management Association (NJMMA) Internship Award**

6. **PROCLAMATION** – **Recognizing the Montgomery Arts Council and Hilton Management, LLC for Community Support**

WHEREAS, the Township of Montgomery depends on volunteers and business partnerships to serve its community; and

WHEREAS, the Mayor and Township Committee wish to give recognition to individuals and community partners that serve selflessly for the betterment of community; and

WHEREAS, the Montgomery Arts Council (MAC), a local non-profit comprised of volunteers has partnered with the Montgomery Township Economic Development Commission to host an annual “Return to Art” fine art show event which depends on volunteers and business partners for its success; and

WHEREAS, Karen Tuveson, founder and chairperson of the MAC, is a local Montgomery artist and champion for other local artists, exemplifies the mission of the MAC to foster artistic and creative growth in the Township; and

WHEREAS, Hilton Management, LLC is a community supporter through their generous donation of the use of 1060 Route 206 for the event.

NOW, THEREFORE, BE IT PROCLAIMED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby extends gratitude and appreciation to Karen Tuveson, the members of the Montgomery Arts Council and Hilton Management, LLC, for the generous contributions and selfless dedication in support of art and culture for the betterment of the Montgomery community.

7. **PROCLAMATION – Recognizing Landmarks Commission Members, Jessie L. Havens and Liz Palius for Years of Service in Support of Historic Preservation**

WHEREAS, a community possesses no greater treasure than the dedicated service of its citizens and volunteers; and

WHEREAS, Jessie L. Havens has served the Montgomery Township community as a member of the Landmarks Commission for many years and has dedicated over fifty years to research and volunteerism for the preservation of history throughout Somerset County; and

WHEREAS, Jessie L. Havens’ allegiance to historic preservation is exemplified by her years of service as a respected author; as an advocate for preservation; as a member of several historical committees; and recipient of many awards and accolades including the 2010 Outstanding Women in Somerset County Award for Journalism and the 2022 Historic Preservation and History Awards; and

WHEREAS, Jessie L. Havens has been instrumental in the planning of the Middlebrook Symposia as well as the inclusion of Somerset County’s part in the American Revolution in the Crossroads of the American Revolution National Heritage Area; and

WHEREAS, Liz Palius has served the Township for many years as a member of the Landmarks Commission and Shade Tree Committee and her passion for historic preservation is exemplified by many achievements; and

WHEREAS, Liz Palius, founder of the River Road Association, was instrumental in the re-creation of a hedgerow on the last 2,000 feet of River Road, for which initiative earned the 1997 Native Plant Society Award; and instrumental in defeating the widening of River Road; and

WHEREAS, Liz Palius, co-founder of the Millstone Valley Preservation Coalition, was also instrumental in the designation of the Millstone Valley National Scenic Byway in 2001 by New Jersey, and 2009 nationally, which resulted in grant opportunities for byway management, landscaping and restoration.

NOW, THEREFORE, BE IT PROCLAIMED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby extends gratitude and sincere appreciation to Jessie L. Havens and Liz Palius for years of selfless dedication in support of historic preservation throughout the Township of Montgomery and the County of Somerset.

8. **PRESENTATION - Youth Leadership Council**

9. **PRESENTATION – High Water Rescue Vehicle**

10. **PRESENTATION – State Stormwater Requirements Update – Tree Removal and Replacement**

11. **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.

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

A. **ORDINANCE #23-1714 – An Ordinance of the Township of Montgomery, County of Somerset, State of New Jersey, Amending Fees Within Chapter 5, Animal Control, of the Code of the Township of Montgomery**

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 21, 2023.

MOTION to introduce Ordinance #23-1714 _____ Second _____

ROLL CALL VOTE:

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

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

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**

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 7th day of December 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1709 _____ Second _____

ROLL CALL VOTE:

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

13. **ORDINANCES – PUBLIC HEARING/FINAL ADOPTION (CONT.)**

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

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 7th day of December 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1710 _____ Second _____

ROLL CALL VOTE:

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

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

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 7th day of December 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1711 _____ Second _____

ROLL CALL VOTE:

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

13. **ORDINANCES – PUBLIC HEARING/FINAL ADOPTION (CONT.)**

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 adopted this 7th day of December 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt 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

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 7th day of December 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1713 _____ Second _____

ROLL CALL VOTE:

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

14. **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 #23-12-312 – Authorizing Refund of Overpaid 2023 Taxes**

BE IT RESOLVED that a refund in the amount of \$780.50 be given to Trident Land Transfer (NJ), LLC, 7000 Lincoln Drive East, Suite 105, Marlton, NJ 08053 for the overpayment of 2023 taxes on Block 31005, Lot 3.

B. **RESOLUTION #23-12-313 – Authorizing the Release of Performance Guarantees –
Montgomery Shopping Center Pump Station Upgrades –
Portion by Village Shoppes at Montgomery, LLC**

WHEREAS, improvements for the above referenced project pertaining to the Cash Performance Guarantee have been completed by the developer, Village Shoppes at Montgomery, LLC, and the completed improvements are acceptable to the Township Engineer; and

WHEREAS, the Township Engineer is recommending that the Township Committee consider the release of the Cash Performance Guarantee.

It is recommended that the Performance Guarantee release include the following conditions:

1. Village Shoppes at Montgomery, LLC shall post a two-year maintenance guarantee in the amount of fifteen percent (15%) of the original cost of installation of the public improvements, in accordance with Township Code Section 16-9.2d2.(e)(1). The original cost of these specific improvements is \$77,400.00, therefore, the required fifteen percent amount is

Maintenance Guarantee = \$11,610.00

2. Village Shoppes at Montgomery, LLC shall post adequate escrow funds.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Cash Performance Guarantee posted in the amount of \$77,400 plus any accrued interest be released to Villages Shoppes at Montgomery, LLC per conditions set herein.

C. **RESOLUTION #23-12-314 – Authorizing the Release of Cash Performance Guarantee –
Montgomery Shopping Center Pump Station Upgrades –
Portion by CC1377, LLC**

WHEREAS, improvements for the above referenced project pertaining to the Cash Performance Guarantee have been completed by the developer, CC1377, LLC, and the completed improvements are acceptable to the Township Engineer; and

WHEREAS, the Township Engineer is recommending that the Township Committee consider the release of the Cash Performance Guarantee.

14. **CONSENT AGENDA (CONT.)**

It is recommended that the Performance Guarantee release include the following conditions:

1. CC1377, LLC shall post a two-year maintenance guarantee in the amount of fifteen percent (15%) of the original cost of installation of the public improvements, in accordance with Township Code Section 16-9.2d2.(e)(1). The original cost of these specific improvements is \$102,600.00, therefore, the required fifteen percent amount is

Maintenance Guarantee = \$15,390.00

2. CC1377, LLC shall post adequate escrow funds.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Cash Performance Guarantee posted in the amount of \$102,600.00 plus any accrued interest be released to CC1377, LLC per conditions set herein.

MOTION to adopt Consent Agenda, **Resolutions #23-12-312 to #23-12-314** _____ Second _____

ROLL CALL VOTE:

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

15. **RESOLUTIONS**

- A. **RESOLUTION #23-12-315 – 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) – Infrastructure Improvements 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

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 amounts listed below, which item is now available as a revenue from the Division of Local Government Services:

Infrastructure Improvements Grant

\$3,000,000.00

15. **RESOLUTIONS (CONT.)**

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.

MOTION to adopt Resolution #23-12-315 _____ Second _____

ROLL CALL VOTE:

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

B. **RESOLUTION #23-12-316 – 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) – Tree Planting Improvements 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

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 amounts listed below, which item is now available as a revenue from the Division of Local Government Services:

Tree Planting Improvements Grant

\$75,000.00

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.

MOTION to adopt Resolution #23-12-316 _____ Second _____

15. **RESOLUTIONS (CONT.)**

ROLL CALL VOTE:

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

C. **RESOLUTION #23-12-317 – 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) – First Responder Radios 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

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 amounts listed below, which item is now available as a revenue from the Division of Local Government Services:

First Responder Radios Grant **\$1,482,000.00**

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.

MOTION to adopt Resolution #23-12-317 _____ Second _____

ROLL CALL VOTE:

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

15. **RESOLUTIONS (CONT.)**

D. **RESOLUTION #23-12-318 – Authorizing Submission and Execution of Grant Application for 2023 NJ Urban & Forestry Program Stewardship Grant**

WHEREAS, the Township Committee of the Township of Montgomery, County of Somerset, New Jersey desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$15,000.00 to fund the following project:

2023 NJUCF Stewardship Grant-Canopy Resiliency

NOW, THEREFORE, BE IT RESOLVED that Michael Pitts, or the successor to the Office of the Chief Financial Officer is authorized to (a) make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$15,000.00, and (c) to execute any amendments thereto.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey authorizes and hereby agrees to match twenty percent (20%) of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property is hereby certified. Up to one hundred percent (100%) of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement.

BE IT FURTHER RESOLVED that the Grantee agrees to comply with all applicable Federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

Introduced and passed:

Ayes:

Noes:

Absent:

MOTION to adopt Resolution #23-12-318 _____ Second _____

ROLL CALL VOTE:

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

15. **RESOLUTIONS (CONT.)**

E. **RESOLUTION #23-12-319 – Supporting the Submission of Montgomery Township’s Farmland Preservation Program Municipal Incentive Grant Program FY2025 Planning Round Application**

WHEREAS, the Agriculture Retention and Development Act establishes the State Agriculture Development Committee (SADC) to implement the preservation of farmland through the retirement of development rights and the acquisition of agricultural easements; and

WHEREAS, over 1,300 acres of agricultural land have been preserved in Montgomery Township through the SADC Farmland Preservation Program; and

WHEREAS, the SADC enacted the Planning Incentive Grant (PIG) program in 1999 to enhance farmland preservation by providing grants to eligible counties and municipalities for easement acquisition; and

WHEREAS, N.J.S.A. 2:76-17A.6 requires municipalities to submit annual Farmland Preservation Program Municipal Planning Incentive Grant applications for each year’s funding round to be eligible to receive funding for that round; and

WHEREAS, the Agricultural Advisory Committee reviewed and supported submission of the application at their December 7, 2023 meeting; and

WHEREAS, N.J.S.A. 2:76-17A.6(a)2iii(3) requires Municipal PIG applications be accompanied by a resolution of support by the Governing Body; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, Somerset County New Jersey that it endorses and supports the submission of the Municipal Planning Incentive Grant FY2025 Planning Round Application to the SADC.

MOTION to adopt Resolution #23-12-319 _____ Second _____

ROLL CALL VOTE:

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

F. **RESOLUTION #23-12-320 – Rescinding Agreement for Uniform Construction Code Inspection And Support Staff Services Between the Townships of Montgomery, Franklin, Branchburg and Hillsborough**

WHEREAS, by Resolution #23-9-262, adopted September 21, 2023, the Township Committee of the Township of Montgomery approved a Shared Services Agreement for Uniform Construction Code Inspection and Support Staff Services with the Townships of Franklin, Branchburg and Hillsborough; and

15. **RESOLUTIONS (CONT.)**

WHEREAS, the lead agency, the Township of Hillsborough, provided an updated contract November 7, 2023 which also includes the Township of Bridgewater; and

WHEREAS, the Township Committee finds it to be in the best interest of the Township to rescind the approval for the former contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Montgomery, County of Somerset, New Jersey that Resolution #23-9-262 authorizing an agreement for Uniform Construction Code Inspection and Support Staff Services between the Townships of Montgomery, Franklin, Branchburg and Hillsborough is hereby rescinded.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately according to law.

MOTION to adopt Resolution #23-12-320 _____ Second _____

ROLL CALL VOTE:

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

G. **RESOLUTION #23-12-321 – Authorizing the Execution of an Agreement with Branchburg Township, Bridgewater Township, Franklin Township, Hillsborough Township and Montgomery Township for the Provision of Uniform Construction Code Licensed Officials, Inspectors and Support Staff on an As-Needed and Available Basis**

WHEREAS, the Townships of Branchburg, Bridgewater, Franklin, Hillsborough and Montgomery desire to enter into an agreement for the provision of Uniform Construction Code (UCC) licensed code officials, inspectors and support staff on an as-needed and available basis.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Mayor and Township Clerk are hereby authorized to execute an Agreement with Branchburg Township, Bridgewater Township, and Franklin Township for the provision of UCC licensed code officials, inspectors and support staff on an as-needed and available basis.

MOTION to adopt Resolution #23-12-321 _____ Second _____

15. **RESOLUTIONS (CONT.)**

ROLL CALL VOTE:

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

H. **RESOLUTION #23-12-322 – In Support of State/Federal Funding Due to Emerald Ash Borer
Destruction of Ash Trees**

WHEREAS, the United States and especially New Jersey, has been hit hard by the Emerald Ash Borer (EAB), a voracious pest that has destroyed hundreds of thousands of Ash trees and has devastated the canopy of trees throughout the State since it was discovered in New Jersey in 2014; and

WHEREAS, as Ash trees die, they become quite brittle and are a hazard to the community and need to be removed to minimize risk to life and property; and

WHEREAS, each municipality has incurred substantial costs to remove, destroy and quarantine (to avoid the spread of the EAB) these hazard trees; and

WHEREAS, each municipality should be replacing the lost tree canopy with a different tree species as soon as possible to maintain the ecosystem.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Montgomery, County of Somerset, New Jersey, along with the New Jersey State League of Municipalities, supports the request that the State of New Jersey and U.S. Federal government provide funding to assist municipalities with the extraordinary and unanticipated costs of removing, destroying and quarantining the infected Ash trees and replacing the lost tree canopy.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to all members of the New Jersey State Legislature, the Lieutenant Governor and Governor of the State of New Jersey; and to all representatives in Congress.

Sponsors:

Hon. Amalia Duarte
Committee Member, Mendham Township

Hon. Nancy Verga
Council Member, Morris Plains

Hon. Sandi Mayer
Council President, Morristown

15. **RESOLUTIONS (CONT.)**

Co-Sponsors:

Hon. Devra Keenan
Mayor, Montgomery Township

Hon. Sandra Wittner
Alderwoman, Dover

Hon. Andrew Nowick
Mayor, Lambertville

Hon. Bud Ravitz
Deputy Mayor, Morris Township

Hon. Nathan Umbriac
Council Vice President, Morristown

Hon. Mark Freda
Mayor, Princeton

Hon. Jonathan Sackett
Council Member, Rockaway Township

Hon. Donna Guariglia
Committee Member, Morris Township

Hon. Mark Gyorfy
Mayor, Morris Township

MOTION to adopt Resolution #23-12-322 _____ Second _____

ROLL CALL VOTE:

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

I. **RESOLUTION #23-12-323 – Authorizing 2023 Budget Transfers**

WHEREAS, there are unexpended balances in various 2023 appropriation accounts not required for the balance of 2023; and

WHEREAS, additional sums are required for the operating expenses of other Township accounts.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the following transfers be approved:

15. **RESOLUTIONS (CONT.)**

TO:

Account Name	Amount
Summer Camp – S/W	\$103,000
Finance S/W	\$ 15,000
Planning Board – S/W	\$ 10,000
Recreation – S/W	\$ 5,000
Bond Principal – O/E	\$ 3,000
	\$136,000

FROM:

Account Name	Amount
Adult School – S/W	\$70,000
Group Health Benefits – O/E	\$25,000
Maintenance of Parks – S/W	\$ 8,000
Clerk – S/W	\$15,000
Administration – S/W	\$10,000
Recreation – O/E	\$ 5,000
Bond Interest – S&W	\$ 3,000
	\$136,000

MOTION to adopt Resolution #23-12-323 _____ Second _____

ROLL CALL VOTE:

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

J. **RESOLUTION #23-12-324 –Authorizing Award of Contract – Laboratory Testing Services**

WHEREAS, the Township has a need to procure Laboratory Testing Services; and

WHEREAS, Quotes for said services were requested and received from the following:

Pace Analytical	\$31,244.00
SGS	\$49,395.00

15. **RESOLUTIONS (CONT.)**

WHEREAS, it is the recommendation of the Purchasing Agent and the Director of Wastewater Operations that Pace Analytical be awarded the contract; and

WHEREAS, the term for this contract will be from January 1, 2024 through December 31, 2024. This will be a one (1) year contract with the option to renew for four additional one (1) year terms. Said contract will not extend past December 31, 2028; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available for this purchase as follows: Account Number 07-201-55-542-272; Account Number 07-201-55-543-272; Account Number 07-201-55-546-272; Account Number 07-201-55-547-272; Account Number 07-201-55-544-272.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the contract for Laboratory Testing Services is hereby awarded to Pace Analytical, 1275 Bloomfield Avenue, Suite 37D, Fairfield, NJ 07004, for an amount not to exceed \$35,000.00.

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

MOTION to adopt Resolution #23-12-324 _____ Second _____

ROLL CALL VOTE:

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

K. **RESOLUTION #23-12-325 – Authorizing Award of Contract to Kleinfelder for Bidding And Construction Inspection/Monitoring Services for the Grayson Estates Pump Station Underground Storage Tank (UST) Replacement Project**

WHEREAS, the Township of Montgomery seeks to retain the services of professional engineering firm to provide bidding assistance and construction phase services for the Grayson Estates Pump Station Underground Storage Tank (UST) Replacement Project; 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 Kleinfelder 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 Kleinfelder 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 Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$17,500.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively “Pay-To-Play Forms”); and

15. **RESOLUTIONS (CONT.)**

WHEREAS, the firm of Kleinfelder has submitted a proposal dated November 22, 2023 to provide the sought-after services to the Township for the cost of \$28,732.20; 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 #08-215-55-901-1685A.

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 Kleinfelder to provide professional engineering services during the construction of the Grayson Estates Pump Station Underground Storage Tank Replacement Project.
2. Kleinfelder shall be paid a total fee of \$28,732.20 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 November 22, 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 #23-12-325 _____ Second _____

ROLL CALL VOTE:

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

- L. **RESOLUTION #23-12-326 – Authorizing Award of Bid to BR Welding for Construction Services for the Grayson Estates Pump Station Underground Storage Tank (UST) Replacement Project**

15. **RESOLUTIONS (CONT.)**

WHEREAS, the following bids for the Grayson Estates Pump Station Underground Storage Tank (UST) Replacement Project were received and publicly opened on November 28, 2023 at 11:00 a.m.:

Bidders	Bid Amount
BR Welding	\$107,800.00
TTI Environmental, Inc.	\$115,235.00
Sovereign Consulting, Inc.	\$124,775.00
VNL Inc.	\$145,000.00

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

WHEREAS, the Chief Financial Officer certifies availability of funds; and

WHEREAS, funds exist in account # 08-215-55-901-1685A, which will fund this project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the contract for the Grayson Estates Pump Station UST Replacement Project is hereby awarded to:

BR Welding
3 Brook Road
Howell Township, New Jersey 07731

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

MOTION to adopt Resolution #23-12-326 _____ Second _____

ROLL CALL VOTE:

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

M. **RESOLUTION #23-12-327 – Authorizing Change Order #1 (Final) for BID #B10-2022 – Orchard Road Improvements State Aid Project (Increase) and Time Extension**

WHEREAS, Resolution #23-1-53 adopted on January 19, 2023, authorized the award of a contract for the Orchard Road Improvements State Aid Project to DeSantis Construction, Inc. in the amount of \$458,771.39; and

15. **RESOLUTIONS (CONT.)**

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

WHEREAS, Change Order #1 would allow for bid item quantity adjustments as outlined on said Change Order, and for a no cost time extension to December 15, 2023; and

WHEREAS, the work comprising Change Order #1 will result in a net increase in the original contract amount by \$6,275.03 or 1.37%; 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, County of Somerset, New Jersey as follows:

1. Change Order #1 is hereby approved as the final change order for this project.
2. This Resolution, when counter-signed by DeSantis Construction, Inc., shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$6,275.03 for a total contract amount of \$465,046.42, and for the purpose of extending the contract completion date from August 21, 2023 to December 15, 2023 at no additional cost.

MOTION to adopt Resolution #23-12-327 _____ Second _____

ROLL CALL VOTE:

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

N. **RESOLUTION #23-12-328 – Authorizing Execution of Easement Agreement for an On-Site Facilities Maintenance Agreement and Access Easement for Drainage Facilities – Village Walk Development**

WHEREAS, the Township Engineer has determined that certain drainage facilities serving Village Drive are partly located outside the future public right-of-way on the Village Shopper 3 property at Block 28009, Lot 4, and a drainage access easement is needed to access the storm sewers.

15. **RESOLUTIONS (CONT.)**

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 an on-site facilities maintenance agreement and access easement for drainage facilities with Village Shopper III, LLC, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

MOTION to adopt Resolution #23-12-328 _____ Second _____

ROLL CALL VOTE:

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

16. **APPROVAL OF MINUTES**

MOTION to approve the Regular Meeting Minutes of October 19, 2023 _____ Second _____ Favor _____
_____ Opposed _____ Abstain

MOTION to approve the Regular Meeting Minutes of November 7, 2023 _____ Second _____ Favor _____
_____ Opposed _____ Abstain

17. **RESOLUTION #23-12-329 - 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.

17. **RESOLUTION #23-12-329 - PAYMENT OF BILLS – POSTED (CONT.)**

MOTION to adopt Resolution #23-12-329 _____ Second _____

ROLL CALL VOTE:

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

18. **CORRESPONDENCE**

19. **NEW BUSINESS**

- Update on Bid for the design, construction, maintenance of cell tower
- Repealing Airport Advisory Board
- Township Code Review and Update
- Noise/Nuisances

20. **TOWNSHIP COMMITTEE REPORTS**

21. **ADMINISTRATOR'S REPORT**

22. **FUTURE AGENDA ITEMS**

- January 4, 2024 Reorganization Meeting
- Award of Bid for Animal Control Services

23. **RESOLUTION #23-12-330 – 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.

23. **RESOLUTION #23-12-330 – Executive Session (cont.)**

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 8001, Lots 7.01 & 8 (“Staats”)
- 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 #23-12-330 _____ 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 _____

24. **ADJOURNMENT**

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____