

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE  
April 20, 2023  
7:00 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 ( ) Pitts ( )

**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. **PEDESTRIAN AND BICYCLE SAFETY MONTH**

WHEREAS, in 2020 there were 6,516 pedestrians killed in the United States. That is 18 pedestrians a day and 125 pedestrians a week; and

WHEREAS, in 2021 there were 220 pedestrians killed on New Jersey roadways, accounting for approximately 30% of all fatalities; and

WHEREAS, New Jersey experiences a disproportionate number of pedestrian injury crashes and fatalities compared to the nation as a whole.

WHEREAS, the month of May is recognized as National Bicycle Safety Month; and

WHEREAS, Montgomery Township residents shall have the opportunity to experience the pleasure of walking, running, and bike riding as sources of health, exercise, and transportation; and

WHEREAS, Montgomery Township is a great place to walk, hike and bike and has extensive pathways system throughout the Township; and

WHEREAS, the Township of Montgomery desires to conduct a campaign during the month of May to raise awareness and to educate its residents on pedestrian and bicycle safety.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby proclaims May, 2023 as Pedestrian and Bicycle Safety Month in the Township of Montgomery, and encourages motorists, pedestrians and bicyclists to share the road and obey all traffic safety laws; and

BE IT FURTHER RESOLVED that the Governing Body urges all citizens to strive towards taking active roles in reducing the occurrence of pedestrian and bicyclist injuries and fatalities on Township roadways and throughout the State of New Jersey.

2. **2022 ENVIRONMENTAL AWARD RECIPIENTS**

3. **Q-1 FINANCIAL REPORT**

4. **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.

5. **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 #23-4-104 - REFUND OVERPAID 2022 TAXES**

BE IT RESOLVED that a refund in the amount of \$5,147.23 be given to Larrabee, Cunningham and McGowan, Penn Land Transfer, 1500 Walnut Street, Suite 930, Philadelphia, PA 19102 for the overpayment of 2022 taxes on Block 5005 Lot 5.

B. **RESOLUTION #23-4-105 - REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS, the Township received payment for the redemption of Tax Sale Certificate #222000034 in the amount of \$2,293.96.

BE IT RESOLVED that a refund in the amount of \$2,293.96 be given to Trystone Capital Assets, LLC, P.O. Box 1030, Brick, NJ 08723 for the redemption of Tax Sale Certificate #22000034 on Block 5026 Lot 9.06 CONDO.

Tax Lien Redemption

Certificate Amount	\$ 224.47
Redemption Penalty	\$ 4.49
Recording Fees	\$ 53.00
Other Fees	\$ 12.00
PREMIUM	\$ 2,000.00
TOTAL	\$ 2,293.96

C. **RESOLUTION 23-4-106 - AUTHORIZING A SEWER PARTICIPATION AGREEMENT IN THE PIKE BROOK SEWAGE TREATMENT PLANT FOR NATALIA MAHMUD AND SAQUIB MAHMUD OF 20 WALTON COURT (BLOCK 7007, LOT 17)**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with Natalia Mahmud and Saquib Mahmud related to sewer capacity in the Pike Brook Sewage Treatment Plant for Block 7007, Lot 17, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

D. **RESOLUTION 23-4-107 - AUTHORIZING AN AGREEMENT FOR SEWER CAPACITY RESERVATION IN THE STAGE II SEWAGE TREATMENT PLANT FOR THE HAVEN AT PRINCETON DEVELOPMENT (BLOCK 37003, LOT 7)**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement with Haven at Princeton, LLC for reservation of remaining sewer capacity in the Stage II Sewage Treatment Plant for Block 37003, Lot 7, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

E. **RESOLUTION 23-4-108 - AUTHORIZING RELIEF FOR ROAD OPENING PERMIT RESTRICTION FOR 60 MILL POND ROAD**

WHEREAS, John Shockley requested relief from the road opening moratorium for 60 Mill Pond Road in order to connect to New Jersey America Water's system; and

WHEREAS, Township Engineer Mark Herrmann has reviewed Mr. Shockley's request and recommends relief from the moratorium subject to conditions imposed on the Street Excavations Permit and listed on his March 30, 2023 memo to the Township Committee.

BE IT RESOLVED that the Montgomery Township Committee hereby approves the relief from the road opening moratorium for 60 Mill Pond Road.

F. **RESOLUTION 23-4-109 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 22-R-27 - 161 MONROE AVENUE - BLOCK 31008, LOT 8**

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Shelley Currie because all work has been satisfactorily completed with respect to Street Opening Permit 22-R-27 at Block 31008, Lot 8 (161 Monroe Avenue).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$100.00 be released to Shelley Currie, 161 Monroe Avenue, Belle Mead, NJ 08502.

G. **RESOLUTION 23-4-110 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 22-R-28 - 362 HARLINGEN ROAD - BLOCK 6003, LOT 1**

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Christina Woodward-Strong because all work has been satisfactorily completed with respect to Street Opening Permit 22-R-28 at Block 6003, Lot 1 (362 Harlingen Road).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$100.00 be released to Christina Woodward-Strong, 362 Harlingen Road, Belle Mead, NJ 08502.

H. **RESOLUTION #23-4-111 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Top Class Auto Fest**

WHEREAS, Fresh Status Events has requested approval of the Township Committee to conduct an auto show event on May 7, 2023 from 11:00 a.m. to 6:00 p.m. at Princeton Airport, 41 Airpark Road, Princeton, NJ 08540; and

BE IT RESOLVED that the Township Committee has considered the application and hereby grants the same subject to the following conditions:

- a. This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
- b. This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
- c. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
- d. The organizers will obtain the required health certificates from the Township Health Department.
- e. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

I. **RESOLUTION #23-4-112 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Emad and Ola Abou-Sabe**

WHEREAS, Emad and Ola Abou-Sabe have requested approval of the Township Committee to conduct a wedding event on June 10, 2023 from 4:00 p.m. to 10:00 p.m. at 110 Skillman Road, Skillman, NJ 08558; and

BE IT RESOLVED that the Township Committee has considered the application and hereby grants the same subject to the following conditions:

- a. This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
- b. This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
- c. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
- d. The organizers will obtain the required health certificates from the Township Health Department if necessary.
- e. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

J. **RESOLUTION #23-4-113 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Car Show**

WHEREAS, Precision Auto Works, LLC has requested approval of the Township Committee to conduct an auto show event on June 4, 2023 from 12:00 p.m. to 6:00 p.m. at Princeton Airport, 41 Airpark Road, Princeton, NJ 08540; and

BE IT RESOLVED that the Township Committee has considered the application and hereby grants the same subject to the following conditions:

- a. This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
- b. This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
- c. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
- d. The organizers will obtain the required health certificates from the Township Health Department.
- e. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

K. **RESOLUTION #23-4-114 - 2023-2024 MUNICIPAL ALLIANCE GRANT**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Somerset.

NOW, THEREFORE, BE IT RESOLVED that the Township of Montgomery, County of Somerset, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Montgomery Township and Rocky Hill Borough Municipal Alliance grant for fiscal year 2023-2024 in the amount of:
 

DEDR	\$	6,863.66
Cash Match	\$	1,715.92
In-Kind	\$	5,137.74
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. Montgomery Township accepts subsequent award of this grant.

5-1. Motion to adopt **CONSENT AGENDA** \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

6. **RESOLUTION #23-4-115 - AUTHORIZING MONTGOMERY TOWNSHIP TO CONDUCT A SELF EXAMINATION OF THE 2023 BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, Montgomery Township has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges.
  - b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relation to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth,
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

7. **RESOLUTION #23-4-116 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ONE OR MORE NOTES RELATING TO THE CONSTRUCTION FINANCING LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK, TO BE ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$17,000,000, PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTES TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTES BY THE TOWNSHIP IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK CONSTRUCTION FINANCING LOAN PROGRAM**

WHEREAS, the Township of Montgomery, in the County of Somerset, New Jersey (the "Local Unit"), intends to undertake the Stage II Wastewater Treatment Plant Flood Protection Project which will provide flood protection at the existing wastewater treatment plant to improve its resiliency, and will provide for the replacement of various plant components that have reached the end of their service lives, including all work and materials necessary therefor and incidental thereto (collectively, the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the "New Jersey Water Bank") of the New Jersey Infrastructure Bank (the "I-Bank"); and

WHEREAS, the Local Unit has determined to temporarily finance the undertaking of the Project prior to the closing with respect to the New Jersey Water Bank, and to undertake such temporary financing with the proceeds of a short-term loan (or loans) to be made by the I-Bank (collectively the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the "Construction Financing Loan Program"); and

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell to the I-Bank the "Note Relating to the Construction Financing Loan Program of the New Jersey Infrastructure Bank" in an aggregate principal amount of up to \$17,000,000 (collectively the "Note"); and

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note or Notes to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, on June 17, 2021 the Local Unit adopted bond ordinance #21-1661, as amended by bond ordinance #22-1684 finally adopted July 7, 2022 (collectively, the "Local Unit Bond Ordinance") pursuant to the provisions of the Local Bond Law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note or Notes to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note or Notes to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with the provisions of the Local Bond Law, the Infrastructure Trust Act and the Local Unit Bond Ordinance, the Local Unit hereby authorizes the issuance, sale and award of the Notes in accordance with the provisions hereof. The obligations represented by the Notes have been appropriated and authorized by the Local Unit Bond Ordinance, at which time a quorum was present and acted throughout, all in accordance with the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, pursuant to the terms and conditions hereof, (i) the final principal amount of the Note or Notes (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note or Notes.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note or Notes by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note or Notes shall be as follows:

- (a) the aggregate principal amount of the Note or Notes to be issued shall be an amount not to exceed \$17,000,000;
- (b) the maturity of the Note or Notes shall be as determined by the I-Bank;
- (c) the interest rate of the Note or Notes shall be as determined by the I-Bank;
- (d) the purchase price for the Note or Notes shall be par;
- (e) the Note or Notes shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note or Notes;
- (f) the Notes shall each be issued in a single denomination and shall be numbered "CFP-2023-[\_]";
- (g) the Note or Notes shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note or Notes shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk; and
- (i) the Note or Notes may be issued in one or more series as may be deemed necessary by the I-Bank.

Section 5. The Notes shall be substantially in the form on file with the Local Unit Clerk, together with such additions, deletions and other modifications required by the I-Bank and agreed to by the Local Unit upon consultation with counsel and any advisors to the Local Unit, such determinations being conclusively evidenced by the execution of the Note or Notes by the Authorized Officers (as defined herein).

Section 6. The law firm of McManimon, Scotland and Baumann, LLC is hereby authorized to arrange for the printing of the Note or Notes, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Loan Financing Program, to arrange for same.

Section 7. The Local Unit Mayor, Chief Financial Officer and Local Unit Clerk (each an "Authorized Officer") of the Local Unit are each hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note or Notes and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note or Notes and the participation of the Local Unit in the Construction Financing Loan Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

8. **ORDINANCE #23-1699 - BOND - 2023 ANNUAL CURRENT FUND BOND ORDINANCE - Introduction**

- A. Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$3,263,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,107,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.
- 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 May 4, 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				

9. **ORDINANCE #23-1700 - BOND - 2023 ANNUAL SEWER FUND BOND ORDINANCE - Introduction**

- A. Title: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF SEWER UTILITY FACILITIES IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF
- 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 May 4, 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				

10. **ORDINANCE #23-1697 - 2023 SEWER CAPACITY AND SERVICE RATES - Public Hearing**

- 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. 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 20th day of April 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				

11. **ORDINANCE #23-1698 - DEER MANAGEMENT - Public Hearing**

- 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. 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 20th day of April 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				

12. **RESOLUTION #23-4-117 - DESIGNATING SPECIFIC TRACTS OF MUNICIPALLY-OWNED PARKS AND OPEN SPACES TO BE INCLUDED IN MONTGOMERY TOWNSHIP'S DEER MANAGEMENT PROGRAM PURSUANT TO CHAPTER IX, SECTION 9 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) FOR THE HUNTING SEASON BEGINNING IN SEPTEMBER 2023 AND ENDING IN FEBRUARY 2024**

WHEREAS, as part of a comprehensive deer management plan and for the purpose of reducing the Township's white-tailed deer population, the Township Committee of the Township of Montgomery amended Chapter IX, "Parks and Recreation" of the Code of the Township of Montgomery (1984) ("Code") to allow limited hunting on the Township's parks and open spaces for the purpose of culling white-tailed deer; and

WHEREAS, Section 9-9 of the Code authorizes the Township Committee to designate annually by resolution which parks and open spaces will be made available for hunting through the Township's municipal deer management program and during which dates;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY as follows:

1. Pursuant to Section 9-9 of the Code of the Township of Montgomery (1984), the hunting of white-tailed deer will be allowed on the properties listed below within the timeframes established by the New Jersey Department of Environmental Protection, Division of Fish and Wildlife ("State") for zones 12 and 14. The anticipated hunting season will be from September 9, 2023 to February 17, 2024 subject to the restrictions and conditions set forth below. In the event any of the dates below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution.

- Fall bow: September 9 - October 27, 2023
- Permit bow: October 28 - December 24, 2023  
December 26 - December 31, 2023
- Winter bow: January 1 - February 17, 2024
- Permit shotgun: November 20 - November 22, 2023 (ZONE 14 ONLY)  
November 24, 2023 (ZONE 14 ONLY)  
December 4 - December 9, 2023  
December 13 - December 15, 2023  
January 6 - February 10, 2024
- Permit muzzle-loader: November 20 - November 22, 2023 (ZONE 14 ONLY)  
November 24, 2023 (ZONE 14 ONLY)  
November 27 - November 28, 2023  
December 4 - December 9, 2023  
December 11 - December 12, 2023  
December 16 - December 23, 2023  
December 26 - December 30, 2023  
January 1 - February 10, 2024
- Six-day firearm: December 4 - December 9, 2023

2. Except as otherwise set forth, hunting shall be allowed only during the dates designated by the State of New Jersey Department of Environmental Protection, Division of Fish and Wildlife for the applicable seasons listed above. The specific dates shall be set forth on each permit. Any dates set forth on the permits notwithstanding, the Township may make it a condition of any permit that hunting not take place on certain days as may be necessary to protect the health and safety of the public. *Hunting shall be prohibited on Sundays.*

3. The incidental taking of a coyote or fox while engaging in deer hunting on properties enumerated in the Resolution is permissible, provided that hunters abide by all State regulations on coyote or fox hunting. Permittees are authorized to take coyotes or foxes while hunting white-tailed deer on such property, provided that the taking of coyotes or foxes is incidental to, and not separate from, their deer hunting activities during the six-day firearm, muzzleloader rifle permit, shotgun permit, fall bow, permit bow, or winter bow deer seasons if the coyote or fox is encountered before said permittee has taken the daily bag limit of deer. However, after the permittee has taken a daily bag limit of deer he or she must cease hunting immediately. Incidental hunting of coyote or fox while deer hunting may resume the following day (provided the season remains open and the season bag limit of deer has not been reached). The hunting of coyote or fox at night is strictly prohibited.

4. The incidental taking of turkey while engaging in deer hunting on properties enumerated in the Resolution is permissible, provided that hunters abide by all State regulations on turkey hunting. Permittees with a valid turkey season permit from the New Jersey Division of Fish and Wildlife are authorized to take turkeys of either sex during the fall turkey season, provided that the taking of turkeys is incidental to, and not separate from, their deer hunting activities during the one week of the permit bow season that coincides with the fall turkey season if the turkey is encountered before said permittee has taken the daily bag limit of deer. The bag limit is one turkey per permit, but only one bird may be taken in a given day, regardless of the number of permits a hunter holds. However, after the permittee has taken a daily bag limit of deer he or she must cease hunting immediately. Incidental hunting of turkey while deer hunting may resume the following day (provided the season remains open and the season bag limit of deer has not been reached). *The hunting, shooting or killing any other game is strictly prohibited.*

5. Hunting may take place only pursuant to the requirements set forth in Section 9-9 of the Code of the Township of Montgomery (1984) ("Code") and all applicable State and local regulations. In the event of any inconsistency, the more restrictive standard shall govern.

6. Pursuant to Section 9-9 of the Code, every permittee shall be required to participate in a hunter orientation and safety course to be conducted by an agent of the New Jersey Division of Fish and Wildlife, as well as in a property-specific hunter orientation and safety course to be conducted by a member of the Montgomery Township Wildlife Committee and the Montgomery Township Police Department.

7. Warning signs shall be posted at the entrances to the properties designated above and in the vicinity of tree stands; in addition, the properties shall be posted in accordance with any specific terms and conditions of the individual permits.

8. All permittees shall be required to check in with the Police Department prior to hunting any property. This procedure shall be required each time the permittee intends to hunt.

9. A press release and a legal notice in a form approved by the Township Attorney notifying the public of the above designated dates and locations shall be published on the Township's website and shall be submitted to the Township's officially-designated newspapers as well as such others newspaper or newspapers as may be deemed advisable to publicize the above-referenced dates and locations as widely as possible. In addition, individual notices shall be sent to all property owners situated within two hundred feet of the properties set forth above.

10. The Township reserves the right to modify the conditions and restrictions set forth above *at any time, including after issuance of 2023-2024 permits*, in the interests of the public health, safety and welfare of Township residents.

11. Permittees are limited to use of one portable tree stand per property.

12. Permittees must hunt from elevated tree stands, and shall use a full-body safety harness.

13. Several properties are subject to farming lease agreements between the Township and a private farmer, as noted below. Hunters shall not disrupt the farmer's operations, or damage, destroy or harm the farmer's crops, livestock or farming equipment.

14. Any hunter who meets the eligibility criteria established in Section 9-9 of the Code of the Township of Montgomery (1984) may apply for one of the following "main" properties. Hunters may be "grandfathered" on the property from the previous hunting season if they reached the designated minimum quota.

ID	Property	Block/Lot Location	Zone	Size (Acres)	No. of Permits	Permit Terms & Conditions
1	Folusiak	Bl. 11001, Lots 55 & 56 Hollow Rd & Spring Hill Road	12	125±	10 + 2 youth	Bow & Firearm Farm Lease - see #13 above

2	Opatut and adjacent lands	Bl. 34001, Lots 13.02, 13.02, 35, 35.01, 35.06, 38.02, 43.02, 43.03, 43.04 and a 25.6± acre portion of Block 34023, Lot 72 County Route 518 & Pine Brae Drive	12	190±	12 + 2 youth	Bow & Firearm Bow only on Block 34023, Lot 72 and a portion of Block 34001, Lot 35 (see map) Farm Lease - see #13 above
3	Dead Tree Run	Bl. 18026, Lot 27 Dead Tree Run Road	14	69±	4 + 2 youth	Bow only Farm Lease - see #13 above
4	Ingersoll-Rand	Bl. 23001, Lot 13 Montgomery Road	14	151±	10 + 2 youth	Bow only Farm Lease - see #13 above
5	Runyon-Fox Brook-Tomenchok	Bl. 15001, Lots 29, 31, 32, & 34 Route 206 & Sunset Road	12	142.5±	10 + 2 youth	Bow & Firearm Farm Lease - see #13 above
6	Dale/Washington Well	Bl. 27001, Lot 6 County Route 518 & Burnt Hill Road	12	63±	7 + 2 youth	Bow only Farm Lease - see #13 above
7	Broadway area	Bl. 4002, Lots 2-9, 13, 18-45 Bl. 4003, Lots 1-9, 13-29, 32-33 Bl. 4004, Lots 1-12, 14-32 Bl. 4005, Lots 1-16, 23-24, 27-32 Bl. 4006, Lots 1-3, 7-32 Bl. 4007, Lots 1-10, 12 Bl. 4008, Lot 13 Bl. 4009, Lot 14 Bl. 4010, Lots 1, 2, 3 Bl. 4011, Lot 1 Bl. 4012, Lot 1 Broadway and County Route 601	12	92.8±	9 + 2 youth	Bow only
8	Somerset Holdings / Bridgepoint Road Tract	Bl. 22001, Lots 5, 10, 11, 12.02, and 12.03 Bridgepoint Road	14	41±	4 + 2 youth	Bow only Farm Lease - see #13 above
9	Nicolaysen and adjacent lands	Bl. 34001, Lots 14, 15, 22, 30, 36, 37.02 and 42.39 Cherry Valley Road & Cherry Hill Road	12	165.7±	11 + 2 youth	Bow only
10	Zeloof	Bl. 15001, Lot 1 County Route 601 and Dutchtown-Harlingen Road	12	29.73±	4+ 2 youth	Bow only
11	Potter Tract/Rock Mill Preserve	Bl. 10001, Lot 20 and Block 12001 Lot 39 Grandview Road	12	15±	2 + 2 youth	Bow only
12	Formerly 901 Realty Associates	Bl. 30001, Lot 9.01 County Route 518	12	34.5±	4 + 2 youth	Bow only
13	Zion Crossing	Bl. 10001, Lots 4, 7, 7.01 and 8, and Block 11002 Lots 38 & 40 Dutchtown-Zion Road & Rock Mill Run Road	12	28.2±	2 + 2 youth	Bow only

14	Mountainview	Bl. 32001, Lot 24 Mountainview Road and Cherry Valley Road	12	60.4±	4 + 2 youth	Bow only
15	Fairview	Bl. 14001, Lot 7 Fairview Road	12	24.4±	2 + 2 youth	Bow only

15. The Township hereby establishes the following properties as "provisional" hunting tracts. Eligible hunters who meet the criteria established in Township Code Section 9-9, and who meet the following additional requirements may apply for a "provisional" property: 1) participated in the Township's deer management program for at least one year, and 2) achieved the designated minimum quota in the previous hunting season on a "main" property or the "provisional" property for which they are applying, and 3) may be required to conduct an on-site meeting with a representative of the Wildlife Committee, Police Department or other Township staff to determine appropriate tree stand locations or to identify and discuss other site specific constraints.

ID	Property	Block/Lot Location	Zone	Size (Acres)	No. of Permits	Permit Terms & Conditions
P1	Bennett Tract	Bl. 31010, northern portion of Lot 9.03 and Block 31036 Lot 44 Provinceline Road and Cherry Valley Road	12	36±	2 + 2 youth	Bow only No hunting in the southern portion of Lot 9.03 (see map) Farm Lease - see #13 above
P2	Platz Tract	Bl. 15001, Lot 26 and Block 15004 Lot 9 Dutchtown- Harlingen Road	12	39±	2 + 2 youth	Bow only Farm Lease - see #13 above
P3	Montgomery Meadows	Bl. 15001, Lots 43 and 43.10 Brandywine Road	12	25±	3 + 2 youth	Bow only
P4	Saxon Ridge	Bl. 16012, Lots 1.02 and 1.03 Sunset Road and Saxon Way	12	17.4±	2 + 2 youth	Bow only
P5	Montgomery Woods	Bl. 37002, Lot 2.01 River Road	14	6.064±	2 + 2 youth	Bow only
P6	East Street	Bl. 15009, Lots 1-4 and 6-8 Kildee Road and East Street	12	24.7±	2 + 2 youth	Bow only
P7	Formerly Congregation Kehilat Shalom	Bl. 6001, Lot 24 Belle Mead- Griggstown Road	14	15.54±	2 + 2 youth	Bow only
P8	Harvest Moon	Bl. 4001, Lot 44 and Bl. 4065, Lot 16 Harvest Moon Lane and Southfield Drive	12	40.25±	2 + 2 youth	Bow only
P9	Township Line Road	Bl. 5001, Lot 24 Township Line Road	14	14.8±	2 + 2 youth	Bow only
P10	Long	Bl. 6001, Lot 26.07 Harlingen Road	14	6	1 + 1 youth	Bow only
P11	<del>Stage II</del>	Bl. 38001, Lot 3.01 River Road	14	10±	<b>0 (ZERO)</b>	The property has been <b>REMOVED</b> for the 2023- 2024 hunting program as the Township is undertaking a floodwall construction project in connection with this property.
P12	Mill Pond	Bl. 17001, Lots 13, 14 and 19 Mill Pond Road	14	7.7±	1 + 1 youth	Bow only
P13	Community Center	Bl. 14001 Lots 37 & 38 Skillman Road	12	36.7±	1 + 1 youth	Bow only
P14	Former Municipal Building	Bl. 6001, Lot 16 Route 206	14	12.9±	2 + 2 youth	Bow only
P15	River Road Pump Station	Bl. 7019, Lot 64 River Road	14	6.88±	1 + 1 youth	Bow only
P16	Fieldcrest	Bl. 15001, Lot 70 Fieldcrest Ave	12	11.69±	1 + 1 youth	Bow only

P17	Back Brook	Bl. 17001, Lots 6.86, 6.87, 6.88 and Bl. 21001, Lot 1.14 Bridgepoint Road and Route 206	14	31.6±	2 + 2 youth	Bow only
P18	Opossum Road Woods	Bl. 27001 Lots 12, 19.01, 19.02 & 19.03 Opossum Road	12	26.6±	2 + 2 youth	Bow only  The Township will be undertaking a demolition project in connection with this property. Hunting will not be permitted during demolition activities. Permittees will be notified in writing when hunting on this property will not be permitted.
P19	Camp Meeting Avenue	Block 25001 Lot 7 and 12001 Lot 17	12	10.732	1 + 1 youth	Bow only
P20	Van Zandt	Block 25001 Lots 28.08 & 28.13	12	36.293	2 (no youth)	Bow only
P21	206 Farmview	Block 20001 Lot 4	12	7.9	1 (no youth)	Bow only
P22	Bronson	Block 16014 Lot 17	12	8.71	1 (no youth)	Bow only

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

13. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for April 6, 2023 stand approved.

Motion \_\_\_\_\_ Second \_\_\_\_\_

If there are no corrections, the following 2021 Executive Session minutes stand approved as to Form only: February 4, March 4 and 18, April 15, May 6 and 20, June 3 and 17, July 1, August 5 and 19, October 7 and 21, November 4, December 2 and 16.

Motion \_\_\_\_\_ Second \_\_\_\_\_

14. **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

May 4

- 2023 Budget Adoption
- Bond Ordinance public hearings - Capital Improvements and Sewer Utility
- Resolution authorizing Township Firework's permit
- Health Department Presentation

15. 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:
  - Advice of Counsel with respect to PBA litigation;
  - Advice of Counsel with respect to property code issues;
  - Advice of Counsel with respect to potential litigation;
  - Advice of Counsel with respect to lease of municipal property.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Agreements shall only be authorized by action of the Township Committee in a public session.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Favor \_\_\_\_\_ Opposed \_\_\_\_\_ Abstain \_\_\_\_\_

15-1. MOTION TO REOPEN THE MEETING IN PUBLIC SESSION

Motion \_\_\_\_\_ Second \_\_\_\_\_ Favor \_\_\_\_\_ Opposed \_\_\_\_\_ Abstain \_\_\_\_\_

ADJOURNMENT at \_\_\_\_\_ p.m. Motion \_\_\_\_\_ Second \_\_\_\_\_ Favor \_\_\_\_\_ Opposed \_\_\_\_\_