

**TOWNSHIP OF MONTGOMERY
TOWNSHIP COMMITTEE**

**REGULAR MEETING MINUTES
THURSDAY, AUGUST 17, 2023**

The Regular Meeting of the Township Committee of the Township of Montgomery was called to order by Mayor Keenan at 7:00 p.m.

ROLL CALL: The following were present: Mayor Devra Keenan; Deputy Mayor, Neena Singh; Committee Member Dennis Ahn; Committee Member, Vince Barragan; Committee Member, Patricia Taylor Todd, Esq.

ABSENT: None.

Also present were: Township Administrator, Lori Savron; Township Attorney, Wendy Rubinstein Quiroga; Township Clerk, Lisa Fania

MEETING NOTICE: Mayor Keenan noted that adequate notice of the meeting was provided to the official newspapers of the Township, posted on the municipal bulletin board and filed with the Township Clerk as required by law on January 5, 2023.

SALUTE TO THE FLAG: Mayor Keenan led the Pledge of Allegiance.

RECOGNIZING THE MILITARY ORDER OF THE PURPLE HEART – Committee Member Barragan acknowledged the Township’s observance of National Purple Heart Day, August 7, 2023. Committee Member Barragan explained the significance of the Purple Heart designation awarded to military personnel and recognized members of the Montgomery community including First Lieutenant, Steve Warner; Ashley Henderson Huff; and a new resident who served in Afghanistan for the ultimate sacrifice in service. On behalf of the Township Committee, Committee Member Barragan expressed deep gratitude and heartfelt appreciation to Montgomery Township Purple Heart recipients for their selfless acts of bravery and sacrifice.

PUBLIC COMMENT

There was no public comment.

ORDINANCES – FIRST READING/INTRODUCTION

There were no ordinances for introduction.

ORDINANCES – PUBLIC HEARING/FINAL ADOPTION

Mayor Keenan read by title Ordinance #23-1704.

AN ORDINANCE CREATING A NEW SECTION 7.3-8 “PUBLIC PARKING SPACES FOR ELECTRIC VEHICLES,” OF THE TOWNSHIP OF MONTGOMERY CODE

Mayor Keenan asked for a motion to open the public hearing.
Motion by Deputy Mayor Singh, seconded by Barragan
Motion unanimously carried

There was no public comment.

Mayor Keenan asked for a motion to close the public hearing and adopt Ordinance #23-1704 on final consideration, same to be published according to law.
Motion by Deputy Mayor Singh, seconded by Barragan

ROLL CALL

AYES: Ahn, Barragan, Todd, Deputy Mayor Singh, Mayor Keenan

NOES: None

ABSTAIN: None

ABSENT: None

ORDINANCE ADOPTED

Ordinance advertised on August 9, 2023 in the Courier News. Posted on municipal bulletin board as required by law.

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

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Montgomery, in the County of Somerset and State of New Jersey, that a new section, Section 7-3.8, "Public Parking Spaces for Electric Vehicles" shall be added to the Township of Montgomery Municipal Code as follows:

SECTION 1. That the Township of Montgomery Municipal Code is hereby amended and supplemented with the addition of a new Section 7-3.8, "Public Parking Spaces for Electric Vehicles" to read as follows:

§ 7-3.8 Public Parking Spaces for Electric Vehicles.

A. Definitions.

As used herein, the following terms shall have the following meanings:

CHARGING STATION

A location that is fitted with charging station equipment.

CHARGING STATION EQUIPMENT

The conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging status or apparatus installed specifically for the purpose of delivering electrical energy from the charging station to the electric vehicle.

CHARGING STATION SPACE

A dedicated, marked parking space that is fitted with charging station equipment and exclusively used for the charging of electric vehicles.

ELECTRIC SCOOTER AND/OR ELECTRIC MOTORCYCLE

A two-wheel or three-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle's batteries.

ELECTRIC VEHICLE

A vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. "Electric vehicle" includes: a battery electric vehicle; a plug-in hybrid electrical vehicle; a neighborhood electric vehicle; and electric scooters or electric motorcycles.

NEIGHBORHOOD ELECTRIC VEHICLE

An electric vehicle that is a low-speed vehicle, built to have a top speed of 25 miles per hour and to have a maximum loaded weight of 3,000 pounds.

NON-ELECTRIC VEHICLE

A vehicle that does not meet the definition of "electric vehicle" as provided herein.

PLUG-IN HYBRID ELECTRIC VEHICLE or PHEV

An electric vehicle that contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; may additionally be able to sustain a battery charge using an on-board internal-combustion-driven generator; and has the ability to be propelled through the use of electricity.

SITTING

An electric vehicle remaining in a charging station space after charging is complete.

B. Designation of spaces. The Township has designated parking spaces at each of the following locations for use as charging stations:

- (1) Two (2) spaces at the Otto Kaufman Community Center.
- (2) Four (4) spaces at the Municipal Complex.

C. Fees. The following fees shall apply to use of each designated electric vehicle charging station space:

Type	Fee
Hourly Rate	
Up to 4 hours	\$2.00/hour
Maximum time limit	4 hours
Minimum fee	\$2.00
More than 4 hours (whether actively charging or sitting)	\$5 per hour or part thereof

D. Use of said charging station spaces shall be limited and restricted as follows:

- (1) It shall be unlawful for any person to park or leave standing a vehicle in a stall or space that is designated as a charging station space unless the vehicle is an electric vehicle as defined in this section and is connected for electric charging purposes. Any vehicle violating this requirement is subject to parking fees, a violation and towing at the owner's expense in accordance with Chapter 4A of the Township Code.
- (2) Electric vehicles are authorized to park in spaces designated as charging station spaces only during the time when the vehicles are connected for electric charging purposes or up to four hours, whichever is less. Within 30 minutes of the time the vehicle is no longer charging, the owner or operator of said vehicle shall be required to remove the vehicle from the charging station space. If the owner or operator of said vehicle allows his or her vehicle to remain in a charging station space while the vehicle is no longer charging past the 30-minute grace period, then said owner or operator shall be subject to a sitting fee, a violation, and further subject to towing at the owner's expense in accordance with Chapter 4A of the Township Code.

SECTION 2. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This Ordinance shall take effect following adoption and publication in accordance with the laws of the State of New Jersey.

CONSENT AGENDA

Resolutions #23-8-221 through #23-8-225. Read by title.

Mayor Keenan asked for a motion to adopt Resolutions #23-8-221 through #23-8-225.

Motion by Deputy Mayor Singh; seconded by Barragan

ROLL CALL

AYES: Ahn, Barragan, Todd, Deputy Mayor Singh, Mayor Keenan

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #23-8-221

REFUND OVERPAID 2023 TAXES – BLOCK 4067, LOT 2

BE IT RESOLVED that a refund in the amount of \$6,832.13 be given to Lucas and Krystyn Kitto, 35 Johnson Drive, Belle Mead, NJ 08502 for the overpayment of 2023 taxes on Block 4067, Lot 2. Property is owned by 100% disabled veteran and is therefore exempt.

RESOLUTION #23-8-222

REDEMPTION OF TAX SALE CERTIFICATE #22-000049

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #22-000049 in the amount of \$73,712.60.

BE IT RESOLVED that a refund in the amount of \$73,712.60 be given to Evolve Bank & Trust, 6070 Poplar Avenue, Suite 200, Memphis, TN, 38119 for the Redemption of Tax Sale Certificate #22-000049 on Block 37003 Lot 1.007.

Tax Lien Redemption

Certificate Amount	\$ 5,184.69
Subsequent Charges	\$ 15,056.24
Redemption Penalty	\$ 207.39
Interest	\$ 699.28
Recording Fees	\$ 53.00
Other Fees	\$ 12.00
PREMIUM	\$ 52,500.00
 TOTAL	 \$ 73,512.60

RESOLUTION #23-8-223

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

RESOLUTION #23-8-224

REFUND OVERPAID 2023 TAXES – BLOCK 31003, LOT 5

BE IT RESOLVED that a refund in the amount of \$2,614.22 be given to Ellen Crayton & Raynelle Mensah, 131 Rolling Hill Road, Skillman, NJ 08558 for the overpayment of 2023 taxes on Block 31003, Lot 5. Overpayment is due to Tax Appeal #13-2300003A.

RESOLUTION #23-8-225

AUTHORIZING TEMPORARY ROAD CLOSING – BLOCK PARTY – KNICKERBOCKER DRIVE

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that authorization is hereby given for the temporary closing of the Cul-de-sac of Kilpatrick Lane to accommodate a neighborhood block party scheduled for September 9, 2023 from approximately 4:00 p.m. to 9:00 p.m. (rain date – September 16, 2023). The Montgomery Township Police have no objection to the road closing provided that:

- The roadway must be made accessible to emergency vehicles.
- The roadway must be made accessible to traffic originating and terminating on the closed section.
- Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

RESOLUTION #23-8-226

AMENDING RESOLUTION #23-8-226 AWARD OF BID FOR CHEMICALS FOR WASTEWATER TREATMENT TO CORRECT AWARD AMOUNTS

BE IT RESOLVED that Resolution #23-8-226 authorizing the award of bid for chemicals for wastewater treatment to Miracle Chemical Company be amended to reflect the following award amounts:

Sodium Bisulfite	\$29,850
Sodium Hypochlorite (bulk)	\$44,620

RESOLUTION #23-8-227

**AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE #S-295916M –
ESTATES AT MONTGOMERY**

WHEREAS, by Resolution #23-8-227 adopted August 3, 2023, the Township Committee authorized retention, transfer and use of escrow funds for the Estates at Montgomery Development as the Developer failed to complete certain maintenance guarantee obligations; and

WHEREAS, the Phase I Maintenance Guarantee has expired and no longer serves its intended purposes; and

WHEREAS, Mark Herrmann, Township Engineer, recommends that the Township Committee consider the release of the posted Maintenance Guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that Maintenance Guarantee #S-295916M in the amount of \$125,546.31 be released to Estates at Montgomery Development.

RESOLUTION #23-8-228

**AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE #S-299478M –
ESTATES AT MONTGOMERY**

WHEREAS, by Resolution #23-8-228 adopted August 3, 2023, the Township Committee authorized retention, transfer and use of escrow funds for the Estates at Montgomery Development as the Developer failed to complete certain maintenance obligations; and

WHEREAS, the Phase II Maintenance Guarantee has expired and no longer serves its intended purposes; and

WHEREAS, Mark Herrmann, Township Engineer, recommends that the Township Committee consider the release of the posted Maintenance Guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that Maintenance Guarantee #S-299478M in the amount of \$90,730.89 be released to Estates at Montgomery Development.

RESOLUTION #23-8-229

**AUTHORIZING MAINTENANCE GUARANTEE EXTENSIONS FOR THE
COMPLETION OF IMPROVEMENTS – VARIOUS PROJECTS**

WHEREAS, the period for the completion of improvements on the following projects have recently expired or will expire soon. The developers for the projects below are working on completing the guaranteed improvements or are working on punch lists.

WHEREAS, Mark Herrmann, Township Engineer, has recommended that the Township Committee consider extending the time for completion of bonded improvements as follows:

Development		New Completion Date
Country Club Meadows Phase 1	Wet Ponds	8/11/2024
Country Club Meadows Phase 1	Single Family Homes Landscaping	8/11/2024
Country Club Meadows Phase 1	Single Family Homes	8/11/2024
Country Club Meadows Phase 2	Single Family Homes	8/11/2024
Country Club Meadows Phase 3	Single Family Homes	8/11/2024
Country Club Meadows Phase 4	Single Family Homes	8/11/2024

Resolution #23-8-230. Read by title.

Mayor Keenan asked for a motion to adopt Resolution #23-8-230.

Motion by Deputy Mayor Singh, seconded by Barragan

ROLL CALL

AYES: Ahn, Barragan, Todd, Deputy Mayor Singh, Mayor Keenan

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #23-8-230

**AUTHORIZING ADOPTION OF AMENDMENTS TO THE
MONTGOMERY TOWNSHIP PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Township of Montgomery has heretofore adopted a Personnel Policies and Procedures Manual adopted and approved by the Township Committee of the Township of Montgomery; and

WHEREAS, the Township Committee have determined that certain revisions to the Township's Personnel Policies and Procedures shall be incorporated into the Personnel Policies and Procedures Manual, attached hereto; and

WHEREAS, it is the intent of this Resolution to approve and adopt the amended Personnel Policies and Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the Personnel Policies and Procedures Manual, annexed hereto, is hereby adopted effective immediately; and

BE IT FURTHER RESOLVED that these Personnel Policies and Procedures shall apply to all Township officials, appointees, employees, volunteers, and independent contractors, and in the event of a conflict between these rules and any Collective Bargaining Agreement, or Federal or State law, the terms and conditions of that Agreement or law shall prevail. In all other cases, these Policies and Procedures shall prevail; and

BE IT FURTHER RESOLVED that the aforesaid Personnel Policies and Procedures Manual are intended to provide guidelines governing public service by Township employees and is not a Contract. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee; and

BE IT FURTHER RESOLVED that, to the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as "Employment at Will"; and

BE IT FURTHER RESOLVED that all managerial/supervisory personnel are responsible for these employment practices. The Township Administrator shall supervise and manage such personnel in the implementation of the Policies and Procedures in this Manual.

Resolution #23-8-231. Read by title.

Mayor Keenan asked for a motion to adopt Resolution #23-8-231.

Motion by Deputy Mayor Singh, seconded by Barragan

ROLL CALL

AYES: Ahn, Barragan, Todd, Deputy Mayor Singh, Mayor Keenan

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION #23-8-231

AUTHORIZING AWARD OF BID – COLLECTION AND DISPOSAL OF SOLID WASTE

WHEREAS, the following bids for Collection & Disposal of Solid Waste, bid #03-2023, were received and publicly opened on August 10, 2023:

BIDDERS:

1. Republic Services - 9 Frontage Road, Clinton NJ 08009

WHEREAS, it is the recommendation of the Purchasing Agent, that Republic Services be awarded the bid; they being the lowest responsible bidder; and

WHEREAS, there exists the following accounts 01-201-32-465-269 and 07-201-55-544-295 which will fund these goods; and

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

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the contract for the Collection and Disposal of Solid Waste is hereby awarded to: Republic Services - 9 Frontage Road, Clinton NJ 08009 as follows:

Year 1: \$90,337.62

Year 2: \$90,337.62

Year 3: \$90,337.62

Total: \$271,012.86

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

APPROVAL OF MINUTES

Deputy Mayor Singh moved to approve the Regular Meeting Minutes of July 20, 2023, seconded by Barragan and carried unanimously.

Deputy Mayor Singh moved to approve the Regular Meeting Minutes of August 3, 2023, seconded by Barragan. Mayor Keenan abstained. Motion carried unanimously.

Deputy Mayor Singh moved to approve the Executive Session Meeting Minutes of August 3, 2023, seconded by Barragan. Mayor Keenan abstained. Motion carried unanimously.

Resolution #23-8-232. Read by title.

Mayor Keenan asked for a motion to adopt Resolution #23-8-232.

Motion by Deputy Mayor Singh, seconded by Barragan

ROLL CALL

AYES: Ahn, Barragan, Todd, Deputy Mayor Singh, Mayor Keenan
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #23-8-232

PAYMENT OF BILLS

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.

CORRESPONDENCE

- a. **OEM Coordinator Appointment of Patrol Officer, Thomas Connell, as Deputy Coordinator for the Office of Emergency Management** - Municipal Clerk, Lisa Fania explained that Patrol Officer, Thomas Connell, has been appointed as Deputy Coordinator in the Office of Emergency Management. L. Fania continued that no action is required of the Township Committee, as this appointment is made by the OEM Coordinator.

NEW BUSINESS

There are no matters of new business.

TOWNSHIP COMMITTEE REPORTS

Deputy Mayor Singh reported that residents enjoyed two recent Recreation Department events – Montgomery Night at Patriots Stadium and Movie Night. Deputy Mayor Singh also provided an update on the Township’s pedestrian safety initiative advising that signage has been placed on Route 206 encouraging crosswalk usage; and that two town meetings were held with residents regarding same. Deputy Mayor Singh commented that a detailed report will be provided at a future meeting.

There were no reports from Mayor Keenan and Committee Members Ahn, Barragan and Todd.

ADMINISTRATOR’S REPORT

Administrator Savron reported that Brecknell Way remains closed due to final inspection by the County and resolution of issues regarding a guardrail and light pole that municipal staff is in the process of addressing.

Administrator Savron provided a brief update regarding the Township’s pedestrian safety initiative advising that the Police Department conducted a campaign in May consisting of heightened awareness for motorists as well as pedestrians regarding the importance of proper crosswalk usage.

Administrator Savron announced that the pool has reopened and that the swim program has also been reinstated. Administrator Savron advised residents interested in the swim program or passes for lap swimming to visit the Recreation Department’s page on the Township website for additional information.

FUTURE AGENDA ITEMS

- Quarterly Financial Presentation/2022 Annual Audit Report (September)
 - Development Projects Update – Stage II Wastewater Pump Station (September)
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Resolution #23-8-233. Read by title.

Mayor Keenan asked for a motion to adopt Resolution #23-8-233.

Motion by Deputy Mayor Singh, seconded by Barragan

ROLL CALL

AYES: Ahn, Barragan, Todd, Deputy Mayor Singh, Mayor Keenan

NOES: None

ABSTAIN: None

ABSENT: None

EXECUTIVE SESSION

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

5. This Resolution shall take effect immediately.

The Township Committee reconvened the regular session at 8:14 p.m. on motion by Deputy Mayor Singh, seconded by Barragan and carried unanimously.

The Township Committee adjourned at 8:14 p.m. on motion by Deputy Mayor Singh, seconded by Barragan and carried unanimously.

Lisa Fania, RMC
Township Clerk

Date Approved: September 7, 2023