

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, OCTOBER 19, 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. PROCLAMATION – RECOGNIZING MONTGOMERY TOWNSHIP EMPLOYEES FOR YEARS OF DEDICATION AND SERVICE

WHEREAS, the Mayor and the Township Committee wish to recognize employees who attain milestones in their employment; and

WHEREAS, the following employees have achieved the following service milestones with the Township of Montgomery:

<u>Name</u>	<u>Department</u>	<u>Title</u>	<u>Years of Service</u>
Claire Higgins	Finance	Assistant CFO	38
Roy Mondi	Code & Fire	Construction Official/ Fire Marshall	38
Sue Weidenfeller	Finance	Senior Purchasing Aide	36
Chery Chrusz	Planning & Zoning	Assistant Planning Director	36
Keith DeFrancesco	Sewer	Chief Sewer Plant Operator	32
Alicia Herold	Code/Construction	Technical Assistant to the Construction Official	31
Silvio Bet	Police	Director/Captain	30
Chris Bleistine	Police	Officer	25
Gina Rojek	Finance	Senior Finance Aid	25
Michelle Mistretta	Public Works	Administrative Assistant	20
Dan Balinski	Police	Sergeant	20
Tammy Garaffa	IT	Community Information Officer	20
Rob Jensen	Sewer	Sewer Plant Operator II	20
Wilbur Hart	Sewer	Sewer Collections Equipment Operator	20
Sean Sullivan	Police	Sergeant	20
Laura Pavan	Police	Police Services Aide	10
Leo Wisniewski	Code/Construction	Electrical Subcode Official	10
Joe Ceccato	Police	Officer	10
John Colucci	Police	Officer	10
Tim Dubovick	Police	Officer	10

<u>Name</u>	<u>Department</u>	<u>Title</u>	<u>Years of Service</u>
Matt Boehm	Public Works	Senior Equipment Operator	5
	Tax		
Glenn Stives	Assessor/Finance	Tax Assessor	5
Chris Lalicato	Sewer	Director of Wastewater Operations	5
Olu Ochei	Finance	Senior Financial Analyst	5
Don Moon	Public Works	Senior Equipment Operator	5
	Parks &		
John Groeger	Recreation	Director of Parks & Recreation	5
John Brown	Public Works	Equipment Operator III	5
Thomas Connell, Jr.	Police	Officer	5
Salvatore Intili	Police	Officer	5

;and

WHEREAS, these employees have shown dedication and commitment to their positions providing outstanding public service and demonstrating exemplary performance throughout their careers; and

WHEREAS, the success of the Township of Montgomery's municipal departments is dependent on the knowledge, professionalism and commitment of its personnel.

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Devra Keenan, and the Township Committee of the Township of Montgomery, County of Somerset, New Jersey on this nineteenth day of October, two-thousand twenty-three, do hereby recognize all of the aforementioned Township employees for their professionalism, efforts and devotion throughout their many years of service with the Township of Montgomery and extend sincere gratitude and congratulations on behalf of all citizens of the Township.

6. **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.

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

There are no ordinances for introduction.

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

- A. **ORDINANCE #23-1705 - An Ordinance of the Township of Montgomery, County of Somerset, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Township in Emergency Access and Utility Easement Rights Located on Lots 46 and 77, Block 34001**

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 19th day of October 2023 and that the ordinance summary be published in an official newspaper as required by law.

8. ORDINANCES – PUBLIC HEARING/FINAL ADOPTION (CONT.)

MOTION to adopt Ordinance #23-1705 _____ Second _____

ROLL CALL VOTE:

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

B. ORDINANCE #23-1706 – An Ordinance Amending Fees of Chapter 8, Building, Housing and Farming and Chapter 13, Fire Prevention of the Revised General Ordinances 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 19th day of October 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1706 _____ Second _____

ROLL CALL VOTE:

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

C. ORDINANCE #23-1707 – An Ordinance Amending and Supplementing Chapter XVI, “Land Development,” of the Code of the Township of Montgomery, County of Somerset, State of New Jersey and Specifically Subsection 16-5.5k.11(b)(2) Pertaining to the Bulk Standards for Patios and Decks for the Townhouses that are Part of the Development in Area 2 (A-2) of an Optional Planned Mixed-Use Development within Designated Portions of the “ARH,” “HC,” and “REO-3” Districts

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 19th day of October 2023 and that the ordinance summary be published in an official newspaper as required by law.

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

MOTION to adopt Ordinance #23-1707 _____ Second _____

ROLL CALL VOTE:

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

D. ORDINANCE #23-1708 – An Ordinance Authorizing an Agreement for Police Mutual Aid with the County of Somerset and Certain Municipalities

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 19th day of October 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1708 _____ Second _____

ROLL CALL VOTE:

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

9. **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 #23-10-280 – 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) – Emergency Management Agency Assistance Grant (EMAA)

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

9. **CONSENT AGENDA (CONT.)**

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

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 NJ Department of Public Safety:

EMAA Grant

\$10,000.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles for the sole purpose of enhancing and sustaining the Township's all-hazard emergency management capabilities including preventing, responding to, and recovering from acts of terrorism, natural disasters or other catastrophic events; and salaries and wages for the Montgomery Township Office of Emergency Management.

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.

B. **RESOLUTION #23-10-281 – Authorizing Temporary Use Agreement – 1060 Route 206**

WHEREAS, the Montgomery Arts Council ("MAC"), a subcommittee of the Montgomery Township Economic Development Commission, is hosting its annual "A Return to Art" fine art show event, Friday, October 27 through Sunday, October 29, 2023; and

WHEREAS, the event utilizes a venue located at 1060 Route 206 in Montgomery Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Township Administrator is authorized to execute a Temporary Use Agreement between Hilton Management, LLC and Montgomery Township for use of 1060 Route 206 for the MAC-sponsored "A Return to Art" fine art show.

C. **RESOLUTION #23-10-282 – Amending Resolution #23-6-159 Municipal Alliance Grant**

WHEREAS, Resolution #23-4-114 authorizing the submission of a municipal alliance grant was adopted by the Township Committee April 20, 2023; and

WHEREAS, Resolution #23-6-159, adopted June 15, 2023 amended Resolution #23-4-114 to reflect a corrected "In-kind" amount of \$5,147.75; and

WHEREAS, the "In-kind" amount needs to be corrected to the amount of \$5,147.74; and

WHEREAS, the total alliance budget listed on Form 1A needs to be corrected to the amount of \$13,727.32.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the "In-kind" amount is hereby corrected to the amount of \$5,147.74 and the Total Alliance Budget to the amount of \$13,727.32.

10. RESOLUTIONS

A. RESOLUTION #23-10-283 – Classification of Permanent Police Officer – Robert Davis

BE IT RESOLVED that Robert Davis has completed the probationary period and is now classified as a permanent police officer effective October 7, 2023.

MOTION to adopt Resolution #23-10-283 _____ Second _____

ROLL CALL VOTE:

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

B. RESOLUTION #23-10-284 – Authorizing the Adoption of Amendments to the Township of Montgomery Personnel Policies and Procedures Manual (Family Leave)

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, by Resolution #23-8-230, the Township Committee voted to approve and adopt the amended Personnel Policies and Procedures Manual; and

WHEREAS, the Township Committee has determined that further revisions to the Township’s Personnel Policies and Procedures: “Time Away From Work – Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA)”, shall be incorporated into the Personnel Policies and Procedures Manual, attached hereto.

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: “Time Away From Work – Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA)”, annexed hereto, is hereby adopted effective immediately.

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.

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.

10. RESOLUTIONS (CONT.)

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.”

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.

MOTION to adopt Resolution #23-10-284 _____ Second _____

ROLL CALL VOTE:

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

C. RESOLUTION #23-10-285 – Authorizing a Settlement and Release Agreement for Work Related to Pump Station 2B Upgrades with Village Shoppes at Montgomery, LLC and CC1377, LLC

WHEREAS, the Village Walk and CC1377 (Somerset at Montgomery Apartments) projects both required upgrades and capacity expansion of the Montgomery Shopping Center Pump Station (Pump Station 2B); and

WHEREAS, it was determined that some of the improvements shown on the approved plans for Pump Station 2B upgrades would be more extensive than initially contemplated by the parties, specifically related to rehabilitation of a downstream sewer manhole; and

WHEREAS, the Township Engineer and Director of Wastewater Operations have determined that the manhole requires replacement and in lieu of rehabilitation, the developers should contribute to the cost of the manhole replacement.

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 a Settlement and Release Agreement with Village Shoppes at Montgomery, LLC, and CC1377, LLC, related to manhole rehabilitation associated with the Montgomery Shopping Center pump station upgrades required for the Village Walk and CC1377 (Somerset at Montgomery Apartments) projects, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

10. **RESOLUTIONS (CONT.)**

MOTION to adopt Resolution #23-10-285 _____ Second _____

ROLL CALL VOTE:

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

D. **RESOLUTION #23-10-286 – Authorizing Execution of Deed, Easement Agreements and Other Documents Necessary for the Transfer of Title and Closing of Block 23001, Lot 13.03 (1860 House) to 124 Club, Inc.**

WHEREAS, the Township Committee of the Township of Montgomery authorized the transfer of certain property formerly known as p/o Lot 13, Block 23001, and now known as Lot 13.03, Block 23001 by adoption of Ordinance #16-1535, adopted on December 1, 2016, and in accordance with N.J.S.A. 40A:12-21(k); and

WHEREAS, pursuant to Ordinance #16-1535, the Township executed an installment purchase agreement with the 124 Club, Inc.; and

WHEREAS, pursuant to the terms of the installment purchase agreement, the Township must now effectuate the transfer of Lot 13.03, Block 23001 to the 124 Club, Inc.

BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute a deed, easement agreements, and any documents necessary for the transfer of title and closing of Lot 13.03, Block 23001 to 124 Club, Inc., subject to the review and approval of the Township Attorney.

MOTION to adopt Resolution #23-10-286 _____ Second _____

ROLL CALL VOTE:

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

11. APPROVAL OF MINUTES

MOTION to approve the Regular Meeting Minutes of October 5, 2023 _____ Second _____ Favor _____
_____ Opposed _____ Abstain _____

MOTION to approve the Executive Session Meeting Minutes of October 5, 2023 as to form only _____
Second _____ Favor _____ Opposed _____ Abstain _____

12. RESOLUTION #23-10-287 – Payment of Bills – Posted

WHEREAS, the Township Committee of the Township of Montgomery has received bills to be paid as listed;
and

WHEREAS, the Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

MOTION to adopt Resolution #23-10-287 _____ Second _____

ROLL CALL VOTE:

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

14. CORRESPONDENCE

15. NEW BUSINESS

16. TOWNSHIP COMMITTEE REPORTS

17. ADMINISTRATOR'S REPORT

18. FUTURE AGENDA ITEMS

19. RESOLUTION #23-10-288 – Executive Session

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session are as follows:
 - 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 #23-10-288 _____ 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 ____

20. ADJOURNMENT

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____