

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
December 15, 2022  
7:00 p.m.

1. Montgomery Township Committee met at 7:00 p.m. on the above date at the Municipal Complex, 100 Community Drive, Skillman, NJ. Those present were:

TOWNSHIP COMMITTEE: Mayor Keenan, Deputy Mayor Singh  
Committeemembers Barragan and Todd

Also present were:

ADMINISTRATOR - Lori Savron

TOWNSHIP ATTORNEY - Wendy Rubinstein-Quiroga

TOWNSHIP CLERK - Donna Kukla

2. Mayor Keenan stated the following: "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."

3. Mayor Keenan led the salute to the flag.

4. **ACCEPTING COMMITTEEPERSON MARVIN SCHULDINER'S RESIGNATION**

WHEREAS, on December 9, 2022 the Township Clerk received a letter of resignation from Committeeperson Marvin Schuldiner.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby accepts Committeeperson Schuldiner's resignation and thanks him for his service over the last two years and four months.

- 4-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

5 **APPOINTMENT OF SERGEANT - Dewitt Giles**

BE IT RESOLVED that Dewitt Giles is hereby appointed Sergeant effective December 16, 2022 Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

5-1. **SWEARING IN OF SERGEANT DEWITT GILES**

Mayor Keenan administered the Oath of Office to Sergeant Dewitt Giles.

6. **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.

- 6-1. Jeffrey Grant, 6 Livingston Drive, asked for an explanation on the \$6,605,000 Board of Education taxes. He also inquired about the part from Comcast that prevented live streaming of the meeting. Mr. Grant then brought up concerns on how important freedom of speech is and reminded the Committee about the first amendment.

- 6-2. Mayor Keenan responded that the Township collects the taxes on behalf of the Board of Education, which is where the number came from. Administrator Savron replied they received the part and we are now live streaming. Mayor Keenan then acknowledged Mr. Grant's concerns and reminded him that matters should focus on Township business.

- 6-3. Christine Newman, Springhill Road, expressed her concerns about Mr. Grant's remarks stating that she felt his first amendment rights were never abridged and supported the Township with how they have handled the situation.

- 6-4. There being no further comment, Mayor Keenan closed Public Comment.

7. **PROCLAMATION FOR THE DECEMBER HOLIDAY SEASON**

WHEREAS, the principle of religious freedom is enshrined in the First Amendment to our nations Constitution and protected by Article I of the New Jersey State Constitution, and Montgomery is a multi-cultural and religiously diverse Township that is strengthened by the commingling of our belief systems; and

WHEREAS, few months present as many multicultural and religious celebrations as December; and

WHEREAS, December 8, Rohatsu or Bodhi Day, is a Buddhist holiday where individuals may choose to commemorate the event through intensive meditation, study of the Dharma, chanting of Buddhist texts (sutras), or performing kind acts towards other beings; and

WHEREAS, the Festival of Chanukah is being celebrated on December 18<sup>th</sup> to December 26, 2022, by the Jewish community through the lighting of the Menorah symbolizing the ideals of religious freedom and offering a beacon of hope to all those who are still subjected to spiritual oppression; and

WHEREAS, Yule, the Winter Solstice, is a cultural celebration that goes back thousands of years and is believed to have originally been celebrated by the Germanic peoples of Germany and Scandinavia and is one of the earliest holidays to celebrate Winter; and

WHEREAS, the spiritual meaning of Winter Solstice is to celebrate the longest and darkest night and to honor the slow return of the sunlight as the days get longer, bringing light to the darkness; and

WHEREAS, on December 25<sup>th</sup>, Christians around the world celebrate Christmas, as the birth of Jesus Christ considered the founder of Christianity as an annual religious and cultural celebration bringing families, friends and communities together with a message of peace; and

WHEREAS, Kwanzaa is a cultural holiday based on traditional African harvest festivals that is celebrated during December 26<sup>th</sup> to January 1<sup>st</sup>, that celebrates African heritage and identity and the values of unity, self-determination, collective work and responsibility, cooperative economics, purpose, creativity, and faith; and

WHEREAS, although the holiday season may look different from family to family, one similarity may remain despite the family or the holiday they celebrate: time spent with loved ones.

NOW THEREFORE, I, Mayor Devra Keenan, on behalf of the Montgomery Township Committee, County of Somerset and the State of New Jersey, do hereby recognize the cultural, religious and historical significance of the many celebrations this December, and that this December holiday season is an opportune time for all to acknowledge, celebrate and explore cultural and religious holidays and celebrations

BE IT FURTHER PROCLAIMED, that the Township of Montgomery recognizes the month of December 2022 as a "Month of Religious and Cultural Celebration" and calls upon its residents to take note of these celebrations and to participate fittingly in their observances together with members of the community.

8. **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 #22-12-250 - REDEMPTION OF TAX SALE CERTIFICATE #22000029**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #22000029 in the amount of \$418.18.

BE IT RESOLVED that a refund in the amount of \$418.18 be given to Northview Associates, LLC, P.O. Box 7315, East Brunswick, NJ 08816 for the redemption of Tax Sale Certificate #22000029 on Block 4001 Lot 15. Redeemed within 10 days of sale.

Tax Lien Redemption

Certificate Amount	\$ 418.18
TOTAL	\$ 418.18
- B. **RESOLUTION #22-12-251 - REDEMPTION OF TAX SALE CERTIFICATE #22000047**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #22000047 in the amount of \$15,084.90.

BE IT RESOLVED that a refund in the amount of \$15,084.90 be given to Christiana T C/F CE1/Firsttrust, P.O. Box 5021, Philadelphia, PA 19111 for the redemption of Tax Sale Certificate #22000047 on Block 37002 Lot 1.049. Redeemed within 10 days of sale.

Tax Lien Redemption

Certificate Amount	\$ 84.90
PREMIUM	\$15,000.00
TOTAL	\$15,084.90
- C. **RESOLUTION #22-12-252 - REDEMPTION OF TAX SALE CERTIFICATE #22000030**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #22000030 in the amount of \$2,552.84.

BE IT RESOLVED that a refund in the amount of \$2,552.84 be given to US Bank Cust For Pro Cap 8, US Bank Corp Trust - TLSG, 50 South 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #22000030 on Block 5008 Lot 53. Redeemed within 10 days of sale.

Tax Lien Redemption

Certificate Amount	\$ 452.84
PREMIUM	\$2,100.00
TOTAL	\$2,552.84

D. **RESOLUTION #22-12-253 - REFUND PREMIUM AS PER CONSENT ORDER AFTER FINAL JUDGMENT**

WHEREAS the Consent Order vacates the Final Judgment on Docket #F-002074-22 and requires the premium to be refunded to the defendant.

BE IT RESOLVED that a refund in the amount of \$25,700.00 is given to The Estate of Barbara Haines, c/o Lawrence Friscia, Esq., Friscia & Associates, LLC, 199 Wilson Avenue, Newark, NJ 07105 for the premium paid on Tax Sale Certificate #19-00015 on Block 37003 Lot 1.121.

E. **RESOLUTION #22-12-254 - REFUND OVERPAID TAX SALE CERTIFICATES**

BE IT RESOLVED that a refunds be given to the following for the overpayment on Tax Sale Certificates:

Trystone Capital Assets, LLC, P.O. Box 1030, Brick, NJ 08723

BLOCK	LOT	LOCATION	CERTIFICATE	AMOUNT
5026	9.06 CONDO	906 Taggart Drive	22000034	\$50.00

Bala Partners, LLC, 1 American Lane, Ste 220, Greenwich, CT, 06831

BLOCK	LOT	LOCATION	CERTIFICATE	AMOUNT
6003	13	86 Jamestown Road	22000036	\$50.00

Northview Associates LLC, P.O. Box 7315, East Brunswick, NJ 08816

BLOCK	LOT	LOCATION	CERTIFICATE	AMOUNT
4001	15	Rt 601	22000029	\$50.00

Christiana T C/F CEI/Firsttrust, P.O. Box 5021, Philadelphia, PA 19111-5021

BLOCK	LOT	LOCATION	CERTIFICATE	AMOUNT
5020	11.05 CONDO	1105 Rhoads Drive	22000033	\$50.00
14001	15	400 Skillman Road	22000037	\$50.00
28001	5.02	23 Orchard Road	22000040	\$50.00
37002	1.049	28-B Chicopee Drive	22000047	\$50.00

FIG 20, LLC FBO SEC PTY, P.O. Box 12225, Newark, NJ 07101

BLOCK	LOT	LOCATION	CERTIFICATE	AMOUNT
28003	58	75 Hartwick Drive	22000041	\$50.00
30003	42	7 Maidstone Court	22000043	\$50.00
34023	36	4 Stanford Place	22000045	\$50.00
37003	6.56	7 Jackson Avenue	22000053	\$50.00
37006	9	23 River Birch Circle	22000054	\$50.00

Evolve Bank & Trust, 6070 Poplar Avenue, Memphis, TN 38119

BLOCK	LOT	LOCATION	CERTIFICATE	AMOUNT
5018	5.22 CONDO	25 Hendrickson Drive	22000032	\$50.00
14001	31.01	910 Rt 601	22000038	\$50.00
22001	12	30 Hessian Road	22000039	\$50.00
28003	154	75 Hartwick Drive	22000041	\$50.00
37002	4.07	21 Manor Drive	22000048	\$50.00
37003	1.007	3-B Brookline Court	22000049	\$50.00
37003	1.013	2-C Brookline Court	22000050	\$50.00

US Bank Cust/PC8 Firsttrust Bank, US Bank Global Corp Trust Scvs, 50 South 16<sup>th</sup> Street Suite 2050, Philadelphia, PA 19102

BLOCK	LOT	LOCATION	CERTIFICATE	AMOUNT
5008	53	25 Hendrickson Drive	22000030	\$50.00
5012	1	23 Reid Avenue	22000031	\$50.00
6001	37	64 Harlingen Road	22000035	\$50.00
31001	74	78 John Blaw Drive	22000044	\$50.00
37001	4.21	401 Marten Road	22000046	\$50.00
37003	1.028	8-D Brookline Court	22000051	\$50.00
37003	6.55	5 Jackson Avenue	22000052	\$50.00

F. **RESOLUTION #22-12-255 - PURSUANT TO N.J.S.A. 40A:4-87** (Chapter 159, P.L. 1948) - Investors Foundation Grant - Accessible Playground

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 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 2022, in the amounts listed below, which items is now available as a revenue from Investors Foundation:

Investors Foundation Grant - Accessible Playground                      \$50,000

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.

G. **RESOLUTION #22-12-256 - PURSUANT TO N.J.S.A. 40A:4-87** (Chapter 159, P.L. 1948) -  
2022 Community Development Block Grant (CDBG)

---

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 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 2022, in the amounts listed below, which items is now available as a revenue from the County of Somerset:

2022 Community Development Block Grant	\$53,347.59
--	-------------

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.

H. **RESOLUTION #22-12-257 - AUTHORIZING USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF LABORATORY TESTING SERVICES**

---

WHEREAS, N.J.S.A. 40A:11-4.1(b) (e) permits competitive contracting to be utilized to procure Laboratory Testing for the Township's Sewage Treatment Plants that warrant a qualitative evaluation of specialized goods or service providers to determine the provider that is most advantageous, price and other factors considered; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that in order to use competitive contracting for the first time for a specified purpose, the governing body shall pass a resolution authorizing the use of competitive contracting for such purpose; and

WHEREAS, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a designated Authorized Agent who may be a purchasing agent pursuant to N.J.S.A. 40A:11-9, or by legal counsel of the contracting unit, or by the chief administrative officer of the contracting unit; and

WHEREAS, the Township Committee has determined that the procurement of Laboratory Testing services through the use of competitive contracting is in the best interest of the Township.

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

1. The aforesaid recitals are incorporated herein as if set forth at length; and
2. The Township Purchasing Agent is authorized to initiate competitive contracting for the solicitation of proposals for Laboratory Testing services and to publicly advertise and solicit bids for those services pursuant to and in accordance with the provisions of the Local Public Contracts Law.

I. **RESOLUTION #22-12-258 - DECLARING CERTAIN PERSONAL PROPERTY AS SALVAGE FOR SCRAP**

---

WHEREAS, Montgomery Township desires to declare Sewer Utility Equipment as salvage for scrap.

NOW THEREFORE, BE IT RESOLVED that the Montgomery Township Committee does hereby dispose of the following:

Franklin Miller Grinder Serial Number# 9133  
Out of Service Jetter Tubing and Fittings  
Flygt RAS Motor 460 Volt 3-Phase / Name Plate Data Illegible

J. **RESOLUTION #22-12-259 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 19-R-41 - 59 FAIRVIEW ROAD - BLOCK 14001, LOT 14**

---

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Silviu Nedelcu because all work has been satisfactorily completed with respect to Street Opening Permit 19-R-41 at Block 14001, Lot 14 (59 Fairview Road.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$720.00 be released to Silviu Nedelcu, 59 Fairview Road, Skillman, NJ 08558.

K. **RESOLUTION #22-12-260 - AUTHORIZING THE ISSUANCE OF 2023 TOWING LICENSE**

---

WHEREAS, the Township has received a completed towing application for a light duty towing license from Kovi Towing, LLC provide towing services in 2023; and

WHEREAS, the Police Department has reviewed said application and conducted an appropriate investigation pursuant to section 4A-2.2 of the Code of the Township of Montgomery (1984); and

WHEREAS, the Police Director has reviewed the results of said investigation, approved said application, and recommended the issuance of a light-duty towing license to Kovi Towing, LLC.

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

1. The Township Clerk is hereby authorized to issue a light-duty license and a heavy-duty license to Kovi Towing, LLC for 2023.
2. All towing licenses are subject to the provisions set forth in Chapter IV-A of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2023.
3. This resolution shall take effect immediately.

8-1. Deputy Mayor Singh moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

9. **RESOLUTION #22-12-261 - BUDGET TRANSFER RESOLUTION**

WHEREAS, there are unexpended balances in various 2022 appropriation accounts not required for the balance of 2022; and

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

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

FROM:

Account Name	Amount
Administration - S&W	\$ 5,000
Senior Center - O/E	\$10,000
Zoning - S&W	\$10,000
Tax Collector - S&W	\$ 5,000
Group Insurance - O/E	\$ 8,000

TO:

Police - S&W	\$15,000
Finance - S&W	\$13,000
Adult School - S&W	\$10,000

9-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

10. **RESOLUTION #22-12-262 - AWARD OF BID - Proprietary Membrane Replacement**

WHEREAS, the following bid for Proprietary Membrane Replacement was received and publicly opened on December 13, 2022:

**BIDDER**

ZENON Environmental Corporation d/b/a/ SUEZ Water Technologies & Solutions \$1,155,780.00

WHEREAS, it is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that ZENON Environmental Corporation d/b/a/ SUEZ Water Technologies & Solutions be awarded the bid, they being the proprietary bidder.

WHEREAS, there exists the following account #08-215-55-901-1320 which will fund this membrane replacement; 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 Proprietary Membrane Replacement in the amount of \$1,155,780.00 is awarded to ZENON Environmental Corporation d/b/a/ SUEZ Water Technologies & Solutions.

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

10-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

11. **RESOLUTION 22-12-263 - RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY PLANET NETWORKS, INC.**

---

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of '-another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED:

1) That the Township Committee of the Township of Montgomery does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
- c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.

- 11-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

12. **RESOLUTION #12-12-264 - A RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SOMERSET MUNICIPAL BANC PROGRAM**

WHEREAS, under the Somerset Municipal Banc Program (as defined herein), various municipalities, educational services commission and school districts within the County of Somerset (the "County") and the County (each a "Participant") submit a request (the "Application") to the Somerset County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Somerset Municipal Banc Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Somerset Municipal Banc Program may be referred to herein as the "Project"); and

WHEREAS, under the Somerset Municipal Banc Program, the Authority intends to enter into the hereinafter defined Authority Lease with TD Equipment Finance, Inc. (the "Lessor"); and

WHEREAS, under the Somerset Municipal Banc Program, the Lessor intends to provide funds to acquire three police vehicles over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"); and

WHEREAS, under the Authority Lease, the Authority shall make rental payments solely from amounts received by the Authority from the Participant under the hereinafter defined Participant Lease; and

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Participant will make rental payments that are general obligations of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Somerset Municipal Banc Program; and

WHEREAS, pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

WHEREAS, in order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Township of Montgomery as follows:

Section 1. That the Participant Lease, in the form presented at this meeting, is hereby approved, and the Township's Mayor, Administrator, Clerk, and Chief Financial Officer (each an "Authorized Participant Representative") are hereby authorized to execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on the Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the Police Equipment, and all related transactions contemplated by this resolution.

Section 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Equipment prior to the date that the Township incurs obligations under the Participant Lease. The Township reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township under the Participant Lease. The maximum principal amount of obligations expected to be issued for payment of the costs of the Equipment is \$158,775.68.

Section 4. A copy of the Participant Lease is available for review at the office of the Township Clerk during normal business hours.

Section 5. This resolution shall become effective immediately.

- 12-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

13. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes of October 26, 2022 stand approved.

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.

- 14-1. Deputy Mayor Singh moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

**ROLL CALL** - Ayes - Todd, Barragan, Singh, Keenan  
Nays - None

15. **ADMINISTRATOR'S REPORT**

- 15-1. Township Clerk Donna Kukla has extended her retirement date to April 30, 2023. Deputy Clerk Patti Gravatt has resigned as of January 3, 2023.

15-2. **Automatic Door Access**

The Accessibility Enhancement Project for the main entrance and library entrance is completed. Administrator Savron extended her gratitude to DPW for completing the project. She clarified again that the building is fully compliant with the New Jersey Barrier Free Code but the Committee felt having automatic push button doors would benefit the community, which is why they moved forward with this project.

15-3. **Community Drive Sign**

Lights have been added to the 100 Community Drive ground mounted sign and the work was completed in-house.

15-4. **Brecknell Way**

Administrator Savron received a call from Vince Pugliese, the owner of Village Shopper. The block that was backordered due to supply chain issues has arrived. The retaining wall is complete and they are now able to make progress on the northern side of Village Drive. Mr. Pugliese is working with the Township Engineer to come up with a plan to provide pedestrian access while the work is being completed.

15-5. **Transportation Advisory Committee**

The TAC Committee recently held a meeting and one of the residents, Doctor Raganazzi, had some concerns about the Griggstown Bridge and what could be done to make it safer. TAC is working on a study with Franklin Township and the County to find out what alternatives there might be. Both Mayor Keenan and Deputy Mayor Singh added to the traffic discussion in regards to both the bridge and other areas of conflict in the town.

16. **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 regard to Police Promotions
  - Advice of Counsel with regard to AFSCME negotiations;
  - Advice of Counsel with regard to potential litigation/mediation update - Dobco;
  - Advice of Counsel with regard to potential litigation of vacant property.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisitions of property and/or Settlement Agreements shall not be authorized except by action of the Township Committee in a public session.



- 16-1. Deputy Mayor Singh moved to close the meeting to the public. The motion was seconded by Committeeperson Barragan and carried unanimously.
- 16-2. Deputy Mayor Singh moved to reopen the meeting to the public. The motion was seconded by Committeeperson Barragan and carried unanimously.

**ADJOURNMENT** was at 9:20 p.m. on a motion by Deputy Mayor Singh. The motion was seconded by Committeeperson Barragan and carried unanimously.

Date of Approval:

\_\_\_\_\_  
Donna Kukla, Township Clerk