

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, DECEMBER 21, 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 EMS Cadets for Dedicated Service**

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

WHEREAS, when Montgomery EMS was officially formed on June 1, 1972, it consisted of approximately 50 volunteer members who provided emergency medical services 24 hours a day, 7 days a week, 365 days a year; and

WHEREAS, the following Montgomery EMS Cadets have graduated to full members and are to be recognized for their contributions while cadets to this great organization:

Carina Davis
Nathaniel Jebaraj
Megan Kane
Anna Landis
Angela Qian
Sidharth Rao
Ashvik Vankayala

WHEREAS, these Cadets joined the Montgomery EMS as early as age 16; have completed the full, rigorous 210-hour EMT certification class and passed the State EMT test; volunteered with Montgomery EMS at least 20 hours a month; have assisted in squad fundraising activities and stood by to provide medical support for a multitude of community events; and have served the health and safety of residents through thousands of volunteer hours on 9-1-1 duty shifts.

NOW, THEREFORE, BE IT PROCLAIMED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey congratulates the 2023 Montgomery EMS Cadet Program graduates on all their accomplishments and expresses sincere gratitude and appreciation for their continued commitment to the citizens of Montgomery Township on this twenty -first day of December two-thousand twenty-three.

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

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 21st day of December 2023 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #23-1714 _____ 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 #23-12-331 – Authorizing the Issuance of 2024 Towing License – Mike’s Towing and Recovery**

WHEREAS, the Township has received a completed towing application for a heavy-duty towing license from Mike’s Towing & Recovery to provide towing services in 2024; 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 heavy-duty towing license to Mike’s Towing & Recovery.

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

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 heavy-duty towing license to Mike's Towing & Recovery for 2024.
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, 2024.
3. This resolution shall take effect immediately.

B. **RESOLUTION #23-12-332 – Authorizing the Issuance of 2024 Towing License – Dave's Heavy Towing**

WHEREAS, the Township has received a completed towing application for a heavy-duty and light-duty towing license from Dave's Heavy Towing to provide towing services in 2024; 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 heavy-duty and light-duty towing license to Dave's Heavy Towing.

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 heavy-duty license and a light-duty towing license to Dave's Heavy Towing for 2024.
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, 2024.
3. This resolution shall take effect immediately.

C. **RESOLUTION #23-12-333 - Authorizing the Issuance of 2024 Towing License – Rich's Off Road Towing**

WHEREAS, the Township has received a completed towing application for a light-duty towing license from Rich's Off Road Towing to provide towing services in 2024; 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 Rich's Off Road Towing.

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

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

1. The Township Clerk is hereby authorized to issue a light-duty towing license to Rich’s Off-Road Towing for 2024.
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, 2024.
3. This resolution shall take effect immediately.

MOTION to adopt Consent Agenda, **Resolutions #23-12-331 to #23-12-333** _____ Second _____

ROLL CALL VOTE:

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

10. **RESOLUTIONS**

A. **RESOLUTION #23-12-334 – Requesting an Additional Public, Educational and Governmental (PEG) Channel from Comcast of Central New Jersey**

WHEREAS, the Township of Montgomery (“Township”) granted consent for a municipal franchise to Comcast of Central New Jersey II (“Comcast”) to construct, connect, operate and maintain a cable television and communications system within the Township by Ordinance No. 18-1588; and

WHEREAS, local Public, Educational and Governmental Television (“PEG TV”) is an invaluable public service to our community, broadcasting local government meetings, school board meetings, coverage of important city/school-sponsored events, as well as other programming of interest to the community; and

WHEREAS, Comcast’s renewal certificate of approval from the State of New Jersey, Board of Public Utilities, and its municipal approval, requires Comcast to “provide two (2) public, educational, and governmental channels;” and

WHEREAS, the two (2) PEG TV channels are insufficient to fulfill the needs of the Township and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Mayor and Township Administrator are hereby authorized and directed to negotiate with Comcast of Central New Jersey II (“Comcast”) for the provision of a third public, educational and governmental channel for the benefit of the residents of the Township of Montgomery.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Clerk is directed to ensure that a copy of this resolution is provided to Comcast and the State of New Jersey, Board of Public Utilities.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

MOTION to adopt Resolution #23-12-334 _____ Second _____

ROLL CALL VOTE:

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

- B. **RESOLUTION #23-12-335 – Authorizing an Agreement for Sewer Capacity Reservation in the Stage II Sewage Treatment Plant for the Montgomery Promenade Development, Block 34001, Lots 46.01, 56, 57, 77, 78, 79, Phases 1 and 2 and Seven Existing Residential Lots, Block 34001, Lots 51, 52, 53, 54, 55, 81 and 82**

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 Sewer Capacity Reservation Agreement with TGA SJC MONTGOMERY PROMENADE OWNER LLC, f/k/a Princeton Promenade, LLC, related to sewer capacity in the Stage II Sewage Treatment Plant for the Montgomery Promenade Development Phases 1 and 2, Block 34001, Lots 46.01, 56, 57, 77, 78, 79, and for 7 existing residential lots along Route 518, Block 34001, Lots 51, 52, 53, 54, 55, 81, and 82, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

MOTION to adopt Resolution #23-12-335 _____ Second _____

ROLL CALL VOTE:

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

10. **RESOLUTIONS (CONT.)**

C. **RESOLUTION #23-12-336 – Authorizing the Settlement of the Tax Appeal Regarding Lot 42 in Block 31036**

WHEREAS, Jeffrey J. and Donna A. Bernardis are the owners of real property located at 77 High Ridge Road, otherwise designated as Lot 42 in Block 31036 on the official tax maps of Montgomery Township, and have taken appeals to the Tax Court of the State of New Jersey from the Assessed Value of said real property for the 2022 and 2023 Tax Years; and

WHEREAS, the Township’s assessment for the 2022 and 2023 Tax Years was:

Land:	\$ 436,700
Improvement:	<u>\$ 645,900</u>
Total:	\$ 1,082,600; and

WHEREAS, the Taxpayers have agreed to withdraw their challenge for the 2022 Tax Year; and

WHEREAS, as to the 2023 Tax Year, the Parties have agreed to adjust the Assessed Value as follows:

Land:	\$ 436,700
Improvement:	<u>\$ 543,300</u>
Total:	\$ 980,000

WHEREAS, the Township Tax Assessor has reviewed the figures proposed and has recommended the approval of these settlement terms; and

WHEREAS, the Township Committee has considered the matter and has determined that it is in the best interests of Montgomery Township to consent to the terms of settlement set forth herein.

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

1. The Total Assessment Value of the property located at 77 High Ridge Road for the 2023 Tax Year shall be:

Land:	\$ 436,700
Improvements:	<u>\$ 543,300</u>
Total:	\$ 980,000

2. The Township Tax Assessor is hereby directed to amend Township records accordingly.
3. The Taxpayer shall receive a Tax Refund in the amount to be calculated by the Township Tax Collector.
4. The Township Tax Appeal attorney is hereby authorized to withdraw the Township’s counterclaims filed in these tax appeal matters for each of the years in which Counterclaims were filed.
5. The Township Tax Collector is hereby authorized to effectuate the tax return granted herein and to make any other adjustments to same as necessary in his judgment.
6. This Resolution shall take effect immediately

10. **RESOLUTIONS (CONT.)**

MOTION to adopt Resolution #23-12-336 _____ Second _____

ROLL CALL VOTE:

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

D. **RESOLUTION #23-12-337 – Authorizing Award of Bid to Animal Control Solutions, LLC for Animal Control Services**

WHEREAS, the following bids for animal control services were received and publicly opened on November 17, 2023 at 10:30 a.m.:

Bidders	2024 Bid Amount	2025 Bid Amount
Animal Control Solutions, LLC	\$63,648.00	\$66,192.00
Advanced Animal Control, LLC	\$73,008.00	\$74,061.00

WHEREAS, it is the recommendation of the Purchasing Agent and Health Officer that Animal Control Solutions, LLC be awarded the bid via competitive contracting; and

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

WHEREAS, there exists funds in account #s: 03-212-56-000-081, and 01-201-27-330-200, which will fund this project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the contract for 2024 and 2025 Animal Control Services is hereby awarded to:

Animal Control Solutions, LLC
 2 Marshall Drive
 Flemington, NJ 08822

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

MOTION to adopt Resolution #23-12-337 _____ Second _____

10. **RESOLUTIONS (CONT.)**

ROLL CALL VOTE:

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

E. **RESOLUTION #23-12-338 – Authorizing the Township of Montgomery Through the Township of Montgomery Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Police Department to Request and Acquire Excess Department of Defense Equipment**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAS to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property, through the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Montgomery Township Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate from January 1, 2024 and terminating December 31, 2024.

BE IT FURTHER RESOLVED that the Township of Montgomery Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes based on the needs of the Montgomery Township Police Department without restriction.

10. RESOLUTIONS (CONT.)

BE IT FURTHER RESOLVED that the Montgomery Township Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, listed in the unredacted portion of the DEMIL inventory sheet, if it shall become available in the period of time for which this resolution authorizes.

BE IT FURTEHR RESOLVED that the Montgomery Township Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property.

BE IT FURTHER RESOLVED that the Montgomery Township Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization effective January 1, 2024 and terminating December 31, 2024.

MOTION to adopt Resolution #23-12-338 _____ Second _____

ROLL CALL VOTE:

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

F. RESOLUTION #23-12-339 – Authorizing 2023 Budget Transfers

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

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

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

10. RESOLUTIONS (CONT.)

TO:

Account Name	Amount
Tax Assessment – S&W	\$ 1,000.00
Recreation – S&W	\$ 2,500.00
Adult School – S&W	\$ 3,000.00
Accumulated Absences – O/E	\$75,000.00
	\$81,500.00

FROM:

Account Name	Amount
Streets & Roads – S&W	\$41,500.00
Group Health Benefits – O/E	\$40,000.00
	\$ 81,500.00

MOTION to adopt Resolution #23-12-339 _____ Second _____

ROLL CALL VOTE:

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

G. RESOLUTION #23-12-340 – Authorizing the Settlement of the Tax Appeal Regarding Lot 34.04 in Block 16001

WHEREAS, Jagadish and Archana L. Gangavalli are the owners of real property located at 28 Dorland Farm Court, otherwise designated as Lot 34.04 in Block 16001 on the official tax maps of Montgomery Township, and have taken appeals to the Tax Court of the State of New Jersey from the Assessed Value of said real property for the 2019 and 2020 Tax Years; and

WHEREAS, the Township's assessment for the 2019 and 2020 Tax Years was:

Land:	\$ 297,000
Improvement:	\$ 741,200
Total:	\$ 1,038,200

; and

WHEREAS, the Taxpayers have agreed to withdraw their 2019 and 2020 Complaints; and

WHEREAS, the Parties have agreed to adjust the Assessed Value of the subject property to nine hundred seventy thousand (\$970,000) dollars; and

10. RESOLUTIONS (CONT.)

WHEREAS, the Parties have further agreed not to file appeals to the County Board of Taxation and/or the State of New Jersey Tax Court other than to put into effect the terms of the settlement set forth in this Stipulation of Settlement; and

WHEREAS, the Taxpayers have waived their rights under the Freeze Act (N.J.S.A. 54:51A-8 et. seq.)

WHEREAS, the Township Tax Assessor and Real Property Appraisal Consultant have reviewed the adjusted Assessment Value proposed and has recommended the approval of these settlement terms; and

WHEREAS, the Township Committee has considered the matter and has determined that it is in the best interests of Montgomery Township to consent to the terms of settlement set forth herein.

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

1. The Township accepts the Taxpayer's withdrawal of the 2019 and 2020 Tax Year challenges.
2. The Township authorizes the Tax Assessor to adjust its records for the 2024 Tax Year such that the Assessed Value of the subject property is set at nine hundred seventy thousand (\$970,000) dollars.
3. The Township Tax Appeal Attorney is hereby authorized to withdraw the Township's counterclaims filed in these tax appeal matters for each of the years in which Counterclaims were filed.
4. The Township Tax Collector is hereby authorized to effectuate the settlement granted herein and to make any other adjustments to same as necessary in his judgment.
5. This Resolution shall take effect immediately or as otherwise provided by law.

MOTION to adopt Resolution #23-12-340 _____ 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 December 7, 2023 _____ Second _____ Favor _____
 _____ Opposed _____ Abstain

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

MOTION to approve the Executive Meeting Minutes of November 9, 2023 _____ Second _____ Favor
 _____ Opposed _____ Abstain

MOTION to approve the Executive Meeting Minutes of December 7, 2023 _____ Second _____ Favor
 _____ Opposed _____ Abstain

12. **RESOLUTION #23-12-341 - 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 #23-12-341 _____ Second _____

ROLL CALL VOTE:

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

13. **CORRESPONDENCE**

14. **NEW BUSINESS**

- Proposed 2024 Township Committee Meeting Dates

15. **TOWNSHIP COMMITTEE REPORTS**

16. **ADMINISTRATOR'S REPORT**

17. **FUTURE AGENDA ITEMS**

- January 4, 2024 Reorganization Meeting

18. **EXECUTIVE SESSION**

There are no matters for Executive Session.

19. **ADJOURNMENT**

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____