

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, FEBRUARY 1, 2024
7:00 P.M.**

AGENDA TO THE EXTENT KNOWN

1. **MEETING CALLED TO ORDER**

2. **ROLL CALL** – Singh (), Barragan (), Keenan (), Taylor Todd (), Ahn ()

ALSO PRESENT – Rubinstein Quiroga (), Savron (), Fania (), Pitts ()

3. **NOTICE OF MEETING** – In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided on January 12, 2024 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 – BLACK HISTORY MONTH**

WHEREAS, during Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development; and

WHEREAS, in February 1926, Dr. Carter Godwin Woodson, noted Black scholar and son of former slaves, initiated Black History Week; and

WHEREAS, for many years the second week of February, chosen so as to coincide with the birthdays of Frederick Douglas and Abraham Lincoln, was celebrated by African Americans in the United States; and

WHEREAS, in 1976, as part of the nation's bicentennial, Black History Week was expanded and became established as Black History Month, and is now celebrated all over North America; and

WHEREAS, the observance of Black History Month calls our Nation's attention to the continued need to battle racism and to build a society that lives up to its democratic ideals; and

WHEREAS, the Stoutsburg Sourland African American Museum, located in Skillman is a place that instills the history of the unique culture, experiences, and contributions of the African American community of the Sourland Mountain region dating back to colonial times; and

WHEREAS, the Museum's purpose is to create awareness and educate the public about the African American residents who lived in this unique community and rose up from slavery to be men and women whose labor helped create one of the wealthiest areas in New Jersey.

NOW, THEREFORE, we the Montgomery Township Committee do hereby proclaim February 2024 as Black History Month in Montgomery Township and urge all citizens to celebrate our diverse heritage and culture.

6. **PRESENTATION – Finance Update – CFO, Michael Pitts**

7. **PUBLIC COMMENT** – Members of the public wishing to address the Township Committee on matters pertaining to the Township will be limited to three minutes per person. If comments are similar to those already stated, please indicate your support or opposition. Groups are asked to select a spokesperson.

8. **PUBLIC HEARING – All-Inclusive Playground**

MOTION to OPEN Public Hearing_____ Second_____ Favor_____ Opposed_____

MOTION to CLOSE Public Hearing_____ Second_____ Favor_____ Opposed_____

9. **RESOLUTION #24-2-65 - State of New Jersey Department of Environmental Protection
Green Acres Program Enabling Resolution for Supplemental Funding
Request – All-Inclusive Playground**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides grants and/or loans to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Montgomery desires to further the public interest by obtaining funding in the amount of \$750,000, in the form of a \$750,000 matching grant from the State to fund the following project(s): Montgomery Township All-Inclusive Playground at a cost of \$1,500,000; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the State for the above-named project.

NOW, THEREFORE, the Township Committee of the Township of Montgomery, County of Somerset, New Jersey resolves that:

1. Lori Savron or the successor to the office of the Township Administrator is hereby authorized to:
 - a. make application for such a loan and/or such a grant,
 - b. provide additional application information and furnish such documents as may be required, and
 - c. act as the authorized correspondent of the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$750,000;
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

9. **RESOLUTION #24-2-65 (Cont.)**

MOTION to adopt Resolution #24-2-65 _____ Second _____

ROLL CALL VOTE:

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

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

- A. **ORDINANCE #24-1716 – An Ordinance of the Township of Montgomery, Somerset County, New Jersey to Exceed the Municipal Budget Appropriation Limits Providing for a 3.5% "Cap" for the 2024 Budget and to Establish a Cap Bank Pursuant to N.J.S.A 40a:4-45.14a**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published according to law with a public hearing and a vote scheduled for the meeting of February 15, 2024.

MOTION to introduce Ordinance #24-1716 _____ Second _____

ROLL CALL VOTE:

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

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

- A. **ORDINANCE #24-1715 – An Ordinance of the Township of Montgomery in Somerset County, New Jersey Concerning Licenses for Towing and Storing of Motor Vehicles in Replacing Chapter 4A of The Code of the Township of Montgomery (1984)**

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

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 1st day of February, 2024 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #24-1715 _____ Second _____

ROLL CALL VOTE:

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

12. **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 #24-2-66 – Authorizing Redemption of Tax Sale Certificate #23-00052**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00052 in the amount of \$2,165.08.

BE IT RESOLVED that a refund in the amount of \$2,165.08 be given to Pro Cap 8, LLC, Pro Cap 8 FBO Firsttrust Bank, P.O. Box 774, Fort Washington, PA 19034-0774 for the Redemption of Tax Sale Certificate #23-00052 on Block 37003, Lot 1.139.

Tax Lien Redemption

Certificate Amount	\$ 680.18
Redemption Penalty	\$ 13.60
Subsequent Charges	\$ 851.77
Interest	\$ 7.53
Search Fees	\$ 12.00
PREMIUM	\$ 600.00
TOTAL	\$ 2,165.08

B. **RESOLUTION #24-2-67 – Authorizing Redemption of Tax Sale Certificate #23-00005**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00005 in the amount of \$3,263.59.

12. **CONSENT AGENDA (CONT.)**

BE IT RESOLVED that a refund in the amount of \$3,263.59 be given to C&E Tax Lien Fund I, Christiana TC/F CE1/Firsttrust, P.O. Box 5021, Philadelphia, PA 19111-5021 for the Redemption of Tax Sale Certificate #23-00005 on Block 5018, Lot 101.2 Condo.

Tax Lien Redemption

Certificate Amount	\$ 610.71
Redemption Penalty	\$ 12.21
Subsequent Charges	\$ 824.82
Interest	\$ 3.85
Search Fees	\$ 12.00
PREMIUM	\$ 1,800.00
TOTAL	\$ 3,263.59

C. **RESOLUTION #24-2-68 – Authorizing Redemption of Tax Sale Certificate #23-00033**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00033 in the amount of \$2,154.16.

BE IT RESOLVED that a refund in the amount of \$2,154.15 be given to Pro Cap 8, LLC, Pro Cap 8 FBO Firsttrust Bank, P.O. Box 774, Fort Washington, PA 19034-0774 for the Redemption of Tax Sale Certificate #23-00033 on Block 28001, Lot 5.81

Tax Lien Redemption

Certificate Amount	\$ 1,070.22
Redemption Penalty	\$ 21.40
Subsequent Charges	\$ 1,035.40
Interest	\$ 15.14
Search Fees	\$ 12.00
TOTAL	\$ 2,154.16

D. **RESOLUTION #24-2-69 – Authorizing 2024 Professional Services**

WHEREAS, there exists a need to acquire the following professional services for 2024 without a “fair and open process” as defined by P.L. 2004, c.19, the “Local Unit Pay-to-Play Law”:

- (1) Bond, General, Labor/Special Projects/Conflict Counsel Legal Services and Tax Appeal Litigation Support
- (2) Auditing Services
- (3) Administrative Agent Services for Affordable Housing
- (4) Communications Consulting Services
- (5) Health Benefits Consulting Services
- (6) Risk Management Consulting Services
- (7) Environmental and Traffic Engineering Services
- (8) Landscape Architect
- (9) Consulting Engineering Services

12. **CONSENT AGENDA (CONT.)**

WHEREAS, the Montgomery Township Purchasing Agent has determined and certified in writing that the value of the services over the course of the contracts is anticipated to exceed \$17,500.00; and

WHEREAS, New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of professional services contracts without competitive bidding; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for the aforesaid services in accordance with the amounts set forth in the 2024 Budget, with performance of said services after March 31, 2024 being subject to the Township's amendment of the 2024 Budget, and/or adoption of the final 2024 Budget.

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

- (1) The Mayor and Clerk are hereby authorized and directed to execute proper agreements for a not to exceed amount with the following:

Wendy Rubinstein Quiroga, Township Attorney and Tax Litigation/Appeals Attorney –
Weiner Law Group - \$340,000 – (Account #s 01-201-20-155, 07-201-20-155)

Gabrielle Canaie, Mark Tabakin, Township Labor Counsel – Weiner Law Group - \$35,000 –
(Account #s 01-201-20-155, 07-201-20-155)

Kevin VanHise, Special Projects/Conflict Counsel – Mason, Griffin & Pierson - \$25,000
(Account # 01-201-20-155)

Andrea Kahn, Bond Counsel - McManimon Scotland & Baumann, LLC – \$20,000
(Account # 01-201-20-155)

Robert Swisher, Township Auditor - Suplee Clooney & Company - \$61,500.00 –
(Account #s 07-201-55-544-247, 01-201-20-135)

CGP&H, LLC - Administrative Agent Services for Affordable Housing - \$20,1500
(Account # 01-201-20-155)

Fuerza Strategy Group – Communications Consulting Services - \$30,000
(Account # 01-201-20-100-290)

Steven Weiner, Health Benefits Consulting Services – 6% of annual assessment
(Account #01-201-23-220-612, 07-201-23-220-612)

Steven Weiner, Risk Management Consulting Services - \$45,000
(Account #01-201-23-210-234, 07-201-23-210-611)

James Cosgrove, Environmental Engineer – One Water Consulting - \$250,000
(Account # 08-215-55-901, 07-291-55)

Richard Bartolone - Landscape Architect - \$36,000
(Account # 01-201-20-165-251)

Rakesh Darji, Consulting Engineer – Environmental Resolutions - \$36,000
(Account # 01-201-20-165-251)

12. **CONSENT AGENDA (CONT.)**

- (2) These contracts are awarded for a period of one year, for the amounts set forth in each contract, and without competitive bidding as “Professional Services” under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) These contractors have completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township.
- (4) A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavit, and the executed Agreements shall be placed on file in the office of the Township Clerk.
- (5) A notice of this action shall be published once in the official newspaper as required by law.
- (6) Performance of services under the terms of these contracts, and payment for the services, after March 31, 2024 is subject to the amendment of the 2024 Temporary Budget and/or adoption of the final 2024 Budget, and certification of availability of funds by the Chief Financial Officer.

E. **RESOLUTION #24-2-70 – Authorizing the Execution of a Shared Services Agreement Pursuant to N.J.S.A. 40A:65-1 et. seq with the Township of Branchburg for Public Health Nursing**

WHEREAS, the governing bodies of the Township of Montgomery and the Township of Branchburg desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for public health nursing services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Branchburg Township, has been prepared and circulated for approval by the governing bodies of Montgomery and Branchburg.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with the Township of Branchburg for public health nursing services for a 2-year period, beginning January 1, 2024 and ending December 31, 2025.
 2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
 3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.
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12. **CONSENT AGENDA (CONT.)**

F. **RESOLUTION #24-2-71 - Authorizing the Execution of a Shared Services Agreement Pursuant to N.J.S.A. 40A:65-1 et. seq with the Township of Branchburg for Health Education Services**

WHEREAS, the governing bodies of the Township of Montgomery and the Township of Branchburg desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for health education services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Branchburg Township, has been prepared and circulated for approval by the governing bodies of Montgomery and Branchburg.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with the Township of Branchburg for health education services for a 2-year period, beginning January 1, 2024 and ending December 31, 2025.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

G. **RESOLUTION #24-2-72 – Authorizing Fireworks Display (Bedens Brook Club)**

BE IT RESOLVED that authorization is granted for the Bedens Brook Club to conduct a fireworks display on June 14, 2024 (rain-date – June 15, 2024) at 240 Rolling Hill Road, Skillman, NJ. Approvals of the Police Department and Fire Protection Inspector Roy Mondri have been received.

H. **RESOLUTION #24-2-73 – Authorizing 2024 Township Committee Appointments**

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the following appointments shall be made for their respective terms, effective January 1, 2024, as listed:

Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission (One-Year,
Expiring 12/31/2024)

Aliza Nadi, Citizen-At-Large Member

Local Emergency Management Council (One-Year, Expiring 12/31/2024)

Mark Hess, Facilities Director, Stonebridge at Montgomery

12. **CONSENT AGENDA (CONT.)**

I. **RESOLUTION #24-2-74 – Authorizing the Appointment of Assistant Chief Financial Officer/Deputy Tax Collector**

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that Olu Ochei is hereby appointed Assistant Chief Financial Officer/Deputy Tax Collector effective November 1, 2023.

J. **RESOLUTION #24-2-75 – Authorizing 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:

<u>Development</u>		<u>New Completion Date</u>
2 High Ridge (Block 31001, Lot 31)	TCO Guarantee	9/08/2024
147 Kildee Road (Block 15010, Lot 10)	Landscape Maintenance Guarantee	2/19/2025
Village Walk at Montgomery – Phase 2A	Performance Guarantee	3/14/2025
Village Walk at Montgomery – Phase 2A	Safety & Stabilization Guarantee	3/14/2025
Village Walk at Montgomery – Phase 2A	Landscape Buffer Guarantee	3/14/2025

MOTION to adopt Consent Agenda, **Resolutions #24-2-66 to #24-2-75** _____ Second _____

ROLL CALL VOTE:

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

13. **RESOLUTIONS**

A. **RESOLUTION #24-2-76 - Authorizing the Application to the NJ Clean Energy Program Community Energy Planning Grant Program**

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Montgomery Township strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

WHEREAS, Montgomery Township is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help Montgomery Township to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

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

1. The Township Committee of Montgomery Township has determined that Montgomery Township should apply for the aforementioned Community Energy Planning Grant program.
2. Montgomery Township will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting.
3. Lori Savron, or the successor to the office of Township Administrator, is authorized to complete the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

MOTION to adopt Resolution #24-2-76 _____ Second _____

ROLL CALL VOTE:

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

13. **RESOLUTIONS (CONT.)**

B. RESOLUTION #24-2-77 – State of New Jersey Department of Environmental Protection Green Acres Program Enabling Resolution for Supplemental Funding Request - Open Space Acquisition

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Montgomery has previously obtained a Green Acres loan of \$0 and/or a Green Acres grant of \$7,825,000.00 from the State to fund the following project(s): **1813-96-004 Open Space Acquisition 5**; and

WHEREAS, the Township of Montgomery desires to further the public interest by requesting an additional Green Acres loan of \$0 and/or an additional Green Acres grant of **\$2,809,302.95** to fund the project(s); and

WHEREAS, the State shall determine if the supplemental funding request is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Lori Savron, or the successor to the office of Township Administrator, is hereby authorized to:
 - (a) request such a loan and/or such a grant,
 - (b) provide additional information and furnish such documents as may be required, and
 - (c) act as the authorized correspondent of the above-named applicant; and
2. The applicant agrees to provide the local government/nonprofit share if a match is required.
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
4. This resolution shall take effect immediately.

MOTION to adopt Resolution #24-2-77 _____ Second _____

ROLL CALL VOTE:

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

13. **RESOLUTIONS (CONT.)**

C. **RESOLUTION #24-2-78 – Authorizing Submission of Application to 2024 Sustainable Jersey Grant**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Montgomery Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Montgomery Township has been a participating community in the Sustainable Jersey Program since its inception in 2009 and has been continuously certified since 2009, most recently re-certified at the silver certification level in 2021; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, Montgomery Township desires to apply for this grant to help fund the creation of a Watershed Improvement Plan in order to maintain compliance with the new Municipal Separate Storm Sewer System (MS4) Permit provisions, and allow Montgomery Township to undertake watershed level planning for stormwater management.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Montgomery Township, County of Somerset, State of New Jersey that an application to the aforementioned Grant is hereby authorized.

MOTION to adopt Resolution #24-2-78 _____ Second _____

ROLL CALL VOTE:

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

D. **RESOLUTION #24-2-79 – Authorizing the Extension of Contract for Fleet Management and Maintenance Services – First Vehicle Services**

WHEREAS, Resolution #22-2-72 adopted on February 17, 2022 awarded a Fleet Management and Maintenance Services contract for 12 months with 4 (four) one-year extension options to First Vehicle Services; and

13. **RESOLUTIONS (CONT.)**

WHEREAS, N.J.S.A. 40A:11-15 provides that the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, the contract will not exceed \$805,675 for the extended year, effective March 1, 2024 through February 28, 2025; and

WHEREAS, there exists account numbers 07-201-55-544-256 and 01-201-26-315-230 which will fund this service; 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 that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby approves the second of four (4) one-year extensions pursuant to the above-described terms.

MOTION to adopt Resolution #24-2-79 _____ Second _____

ROLL CALL VOTE:

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

E. **RESOLUTION #24-2-80 – Authorizing Execution of Construction Sequence Agreement – BPS Development**

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 Construction Sequence Agreement with BPS Development Company, LLC, with respect to the proposed Assisted Living and Memory Care Facility located on East Hartwick and Village Drive, Block 28003, Lot 211, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

MOTION to adopt Resolution #24-2-80 _____ Second _____

13. **RESOLUTIONS (CONT.)**

ROLL CALL VOTE:

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

F. RESOLUTION #24-2-81 – Authorizing the Settlement of the Tax Appeal Regarding Lot 6 in Block 31003

WHEREAS, Jennifer and Patrick Kenney are the owners of real property located at 141 Rolling Hill Road, otherwise designated as Lot 6 in Block 31003 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 2021, 2022 and 2023 Tax Years; and

WHEREAS, the Township's Assessed Value for the subject property for the 2021, 2022 and 2023 Tax Years was:

Land:	\$ 371,100
Improvement:	<u>\$ 767,000</u>
Total:	\$ 1,138,100

; and

WHEREAS, as to each of the challenged Tax Years, the Parties have agreed to adjust the Assessed Value as follows:

Land:	\$ 371,100
Improvement:	<u>\$ 717,000</u>
Total:	\$ 1,088,100

WHEREAS, the Township Tax Assessor has reviewed the figures proposed and has recommended the approval of these settlement terms as well as the withdrawal of the Township's Counterclaims filed in each of the subject years; 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:

13. **RESOLUTIONS (CONT.)**

1. The Total Assessment Value of the property located at 141 Rolling Hill Road for the 2021, 2022, and 2023 Tax Years shall be adjusted to:

Land:	\$ 371,100
Improvement:	\$ 717,000
Total:	\$ 1,088,100

2. The Township Tax Assessor is hereby directed to amend his records accordingly.
3. The Taxpayer shall receive a Tax Refund in the amount of four thousand nine hundred twenty dollars and fifty cents (\$4,920.50) either in cash or by credit against future real property taxes.
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 or as otherwise provided by law.

MOTION to adopt Resolution #24-2-81 _____ Second _____

ROLL CALL VOTE:

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

14. **APPROVAL OF MINUTES**

MOTION to approve the Regular Meeting Minutes of December 21, 2023 _____ Second _____ Favor _____
_____ Opposed _____ Abstain

MOTION to approve the Reorganization Meeting Minutes of January 4, 2024 _____ Second _____ Favor _____
_____ Opposed _____ Abstain

MOTION to approve the Regular Meeting Minutes of January 18, 2024 _____ Second _____ Favor _____
_____ Opposed _____ Abstain

MOTION to approve the Executive Session Meeting Minutes of January 18, 2024 _____ Second _____ Favor _____
_____ Opposed _____ Abstain

15. **RESOLUTION #24-2-82 - 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 #24-2-82_____ Second _____

ROLL CALL VOTE:

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

16. **CORRESPONDENCE**

- a. Resident email inquiring about a Community Garden in Montgomery

17. **NEW BUSINESS**

18. **TOWNSHIP COMMITTEE REPORTS**

19. **ADMINISTRATOR'S REPORT**

20. **FUTURE AGENDA ITEMS**

21. **RESOLUTION #24-2-83 – 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:
 - Anticipated/Pending Litigation:
 1. Country Club Meadows v. Township of Montgomery
 - Real Estate
 1. Municipal Property
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 #24-2-83_____ Second _____

ROLL CALL VOTE:

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

22. **ADJOURNMENT**

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____