

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
December 1, 2022  
7:00 p.m.

It is the Township Committee's intention to conclude this meeting no later than 11:00 p.m.

**ROLL CALL** - Keenan ( ), Singh ( ), Schuldiner ( ), Barragan ( ), Todd ( )

**ALSO PRESENT** - Rubenstein-Quiroga ( ), Savron ( ), Kukla ( )

**MAYOR'S STATEMENT** - 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.

**SALUTE TO THE FLAG**

1. **VETERANS DAY CEREMONY**

2. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Pedro Escarate**

BE IT RESOLVED that Pedro Escarate is hereby appointed Probationary Police Officer effective December 2, 2022

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

2-1. **SWEARING IN OF PROBATIONARY POLICE OFFICER PEDRO ESCARATE**

3. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Alexander Santamorena**

BE IT RESOLVED that Alexander Santamorena is hereby appointed Probationary Police Officer effective December 2, 2022

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

3-1. **SWEARING IN OF PROBATIONARY POLICE OFFICER ALEXANDER SANTAMORENA**

4. **BEST PRACTICES DISCUSSION**

5. **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. **RESOLUTION #12-12- 241 - PROPRIETARY DESIGNATION FOR THE MEMBRANE REPLACEMENT SUPPLY EQUIPMENT AT PIKE BROOK WASTEWATER TREATMENT PLANT BID**

WHEREAS, the Township of Montgomery has a need to replace membrane equipment at the Pike Brook Wastewater Treatment Plant (WTP); and

WHEREAS, the Township utilizes a membrane filtration system that has a number of modules that make up the filtration unit; and

WHEREAS, the modular nature of these units makes it extremely difficult, if not impossible, to use any other equipment in the system interfaces and design as constructed, designed, and provided by Zenon Environmental Corporation; and

WHEREAS, Zenon Environmental Corporation, 4636 Somerton Road, Trevose, PA 19053 is the design and manufacturing provider of the filtration components at the Pike Brook WTP; and

WHEREAS, the New Jersey Administrative Code, as a supplement and direction for the New Jersey Local Public Contracts Law of N.J.A.C. 5:34-9.1, defines proprietary as "Specialized nature" and means the purpose to which the goods or services will be used has such unique characteristics only the goods or services of a single vendor are capable of meeting the contracting unit's needs"; and

WHEREAS, the use of a good or service other than the proprietary one will undermine the functionality or operational performance of existing facilities; and

WHEREAS, the filtration at the Pike Brook WTP is necessary for the conduct of its affairs, meaning the public need for the proprietary designation is of such a compelling nature the value to the public that is gained by the proprietary designation overshadows the public benefit of permitting "brand name or equivalent" and the benefits of such competition; and

WHEREAS, the Township of Montgomery has a substantial investment in facilities, training, replacement parts, or complimentary items that warrants reliance on a specific manufacturer or vendor to maintain the value of the investment; and

WHEREAS, in accordance with N.J.A.C. 5:34-9.1(b), the Governing Body of the Township of Montgomery prior to advertising for the receipt of bids that includes proprietary goods or services, has received the resolution of proprietary bid and recommended by the Qualified Purchasing Agent; and

WHEREAS, this resolution shall become part of any bid for replacement of filtration equipment at the Pike Brook WTP.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Montgomery that the proprietary designation for the bid of membrane filtrations equipment and accessories is deemed to be in accordance with N.J.A.C. 5:34-9.1 and will become a part of any future bid for replacement of the system at the Pike Brook Wastewater Treatment Plant.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

7. **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 #22-12-242 - REFUND OVERPAID TAXES**

BE IT RESOLVED that a refund for the overpayment of taxes be given to the following:

<u>Name</u>	<u>Year</u>	<u>Block/Lot</u>	<u>Amount</u>
Digant & Maanan Kumar	2022	5013/5	\$ 3,194.58
Mark & Elisheba Stevens	2022	22024/7	\$ 4,325.23
Jocelyn Burchfield	2022	31009/90	\$ 3,131.52
Core Logic c/o Centralized Refunds	2022	28009/2	\$ 2,113.15
Core Logic c/o Centralized Refunds	2022	5013/5	\$ 3,194.58
Pickus & Landsberg	2022	18001/18.01	\$ 1,757.25

**B. RESOLUTION #22-12-243 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Somerset County ARP Grant - Senior Center Water Main Project**

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:

Somerset County ARP Grant - Senior Center Water Main Project \$500,000

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.

**C. RESOLUTION #22-12-244 - AUTHORIZING THE ISSUANCE OF 2023 TOWING LICENSES**

WHEREAS, the Township has received a completed towing applications for a light duty towing license and two (2) heavy duty towing licenses from TJS Automotive Services, Inc. dba Dave's Heavy Towing/Value Towing and Mike's Towing and Recovery to provide towing services in 2023; and

WHEREAS, the Police Department has reviewed said applications and conducted appropriate investigations 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 investigations, approved said applications, and recommended the issuance of a light-duty towing license and a heavy-duty towing license to Dave's Heavy Towing and a heavy-duty towing license to Mike's Towing and Recovery.

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 Dave's Heavy Towing for 2023.
2. The Township Clerk is hereby authorized to issue a heavy-duty license to Mike's Towing and Recovery for 2023.
3. 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.
4. This resolution shall take effect immediately.

D. **RESOLUTION 22-12-245 - AUTHORIZING EXTENSION DEPOSIT AGREEMENT - NEW JERSEY AMERICAN WATER COMPANY, INC. - OTTO KAUFMAN COMMUNITY CENTER**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an Extension Deposit Agreement with New Jersey American Water Company, Inc., to extend water service to the Otto Kaufman Community Center at Block 14001, Lot 38, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

E. **RESOLUTION 22-12-246 - AUTHORIZING GUARANTEE EXTENSIONS FOR THE COMPLETION OF IMPROVEMENTS VARIOUS PROJECTS**

WHEREAS, Mark Herrmann, Township Engineer, has certified on November 23, 2022 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

Development	New Completion Date
56 Hillside Terrace Landscaping Guarantee	May 5, 2023
Tapestry at Montgomery Temporary Trailer Restoration	December 31, 2023
Gibraltar Rock of Belle Mead Process Basin	January 11, 2024

F. **RESOLUTION #22-12-247 - RENEWAL OF MEMBERSHIP IN THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Township of Montgomery is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2023, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Township of Montgomery agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2023, and ending January 1, 2026, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Administrator and/or CFO shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

8-1. Motion to adopt **CONSENT AGENDA** \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

9. **RESOLUTION 22-12-248 - AUTHORIZING SETTLEMENT OF LITIGATION IN GREENHOUSE VS. MONTGOMERY TOWNSHIP MATTER**

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WHEREAS, on or about April 1, 2019, plaintiff, Daniel Greenhouse ("Plaintiff"), instituted an action in the Superior Court of New Jersey entitled *Daniel Greenhouse vs. Township of Montgomery*, Docket No. SOM-L-424-19, challenging the Township's extension of an agricultural lease on certain municipally owned open space property designated as Lots 5 and 5.01 in Block 29001 on the Montgomery Township Tax Map; and

WHEREAS, by Opinion and Order entered by the court on March 31, 2020, the court entered judgment in favor of the Township; and

WHEREAS, Plaintiff appealed the court's March 31, 2020 Order, and by decision entered on September 9, 2022, the Appellate Division vacated the trial court's March 31, 2020 Order and remanded the matter back to the trial court for further proceedings; and

WHEREAS, following the remand, Plaintiff and the Township (collectively, the "Parties") have worked collaboratively to address and amicably resolve the matters pending between them, and now desire to enter into a Consent Order of Settlement and Dismissal to resolve the pending litigation; and

WHEREAS, settlement of the litigation presents an opportunity to resolve the various matters pending between the Parties, will result in cost savings and other benefits to the Parties, serve not only the interests of the Parties, but also the interests of the general public as well.

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

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor, Township Clerk and Township's Special Litigation Counsel are hereby authorized and directed to sign on behalf of the Township the above-referenced Consent Order of Settlement and Dismissal, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by Special Litigation Counsel in consultation with the Township Administrator.
3. The Mayor, Township Administrator, Township Clerk, Township Open Space and Stewardship Director, Township Attorney, Special Litigation Counsel, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents and undertake any and all acts necessary to effectuate the above-referenced settlement.
4. This Resolution shall take effect immediately.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

10. **RESOLUTION #22-12-249 - APPROVAL OF LIQUID SLUDGE DISPOSAL AGREEMENT WITH STONY BROOK REGIONAL SEWERAGE AUTHORITY**

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WHEREAS, Resolution #17-11-248 adopted on November 2, 2017 authorized a five (5) year contract between Montgomery Township and the Stony Brook Regional Sewerage Authority, hereinafter "SBRSA", for the disposal, excluding transportation, of liquid sludge; and

WHEREAS, Montgomery Township seeks to enter into another two (2) year contract with the ability to extend to (5) years with SBRSA; and

WHEREAS, there exists the following accounts which will fund this service at a total not to exceed amount of \$180,000.00 per year:

07-201-55-542-271 (Skillman Village) - \$25,000.00  
 07-201-55-543-271 (Stage 2) - \$50,000.00  
 07-201-55-546-271 (Pike Brook) - \$80,000.00  
 07-201-55-547-271 (Cherry Valley) - \$25,000.00

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 Administrator is hereby authorized to execute a Liquid Sludge Disposal agreement with the Stony Brook Regional Sewerage Authority for a two (2) year term beginning January 1, 2023 through and including December 31, 2024.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

11. **ORDINANCE #22-1692** - Acquisition of Block 11002, Lot 38, 47 Rock Mill Run Road -  
Public Hearing

A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY PROVIDING FOR THE ACQUISITION OF BLOCK 11002, LOT 38 LOCATED AT 47 ROCK MILL RUN ROAD IN THE TOWNSHIP OF MONTGOMERY

B. Public Hearing. Motion to close \_\_\_\_\_ Second \_\_\_\_\_ Favor \_\_\_\_\_ Opposed \_\_\_\_\_

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be adopted this 1st day of December, 2022 and that a notice thereof be published in an official newspaper as required by law.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

12. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes of October 6, 2022 stand approved.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**13. 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.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Todd				
Barragan				
Schuldiner				
Singh				
Keenan				

**COMMITTEE CORRESPONDENCE****NEW & UNFINISHED BUSINESS****COMMITTEE REPORTS****ADMINISTRATOR'S REPORT****UPCOMING MEETINGS**

- December 10 - Special Work Session - Goal Setting for 2023

14. **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 subject to be discussed in this session is as follows:
  - Advice of Counsel with regard to PBA litigation;
  - Advice of Counsel with regard to potential litigation/mediation update - Dobco;
  - Advice of Counsel with regard to potential litigation of vacant property;
  - Personnel matter.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Agreements shall not be authorized except by action of the Township Committee in a public session.

Motion\_\_\_\_\_ Second\_\_\_\_\_ Favor\_\_\_\_\_ Opposed\_\_\_\_\_ Abstain\_\_\_\_\_

14-1. **MOTION TO REOPEN THE MEETING TO THE PUBLIC**

Motion\_\_\_\_\_ Second\_\_\_\_\_ Favor\_\_\_\_\_ Opposed\_\_\_\_\_ Abstain\_\_\_\_\_

**ADJOURNMENT** at \_\_\_\_\_ p.m. Motion\_\_\_\_\_ Second\_\_\_\_\_ Favor\_\_\_\_\_ Opposed\_\_\_\_\_