

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 1, 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
Committeemember Schuldiner was absent

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. **VETERANS DAY CEREMONY**

Veterans Committee Chair, Dimitra Bairaktaris, explained that due to inclement weather the Veterans Day ceremony at the Veterans Memorial was cancelled. The Committee requested that the event be held this evening at the Municipal Building.

Lower Middle School Principal Lisa Romano introduced the following fifth graders chosen to participate and their poems and letters of tribute honoring all veterans:

Anika Riedlinger, Adi Gupta, Mia Quinn, Addison Olszyk, Amelia Pontoriero, Gabrielle Kamenir, Clementine Oppong, Marina DeAndrade, Emery Klein, Mannat Grewal, Charli Rosso, Diya Mangan

Ms. Bairaktaris and Committeeman Barragan presented each student with the Unit Patch of the 173rd Airborne Brigade, the Unit Committeeman Barragan served with in the Army. He explained the meaning of the patch. The symbolism of the wing is how the Unit is deployed in battle through air and the bayonet symbolizes the mission of victory in combat.

Committeeman Barragan recognized Dimitra for all her hard work and commitment to the Veterans Committee.

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

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

- 5-1. Deputy Mayor Singh moved the appointment of Pedro Escarate to Probationary Police Officer. The motion was seconded Committeeperson Barragan and carried on the following;

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Schuldiner

- 5-2. Mayor Keenan administered the Oath of Office to Police Officer Pedro Escarate.

6. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Alexander Santamarena**

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

- 6-1. Deputy Mayor Singh moved the appointment of Alexander Santamarena to Probationary Police Officer. The motion was seconded Committeeperson Barragan and carried on the following;

ROLL CALL - Ayes - Todd, Barragan, Singh, Keenan
Nays - None
Absent - Schuldiner

- 6-2. Mayor Keenan administered the Oath of Office to Police Officer Alexander Santamarena.

7. **BEST PRACTICES DISCUSSION**

Lori Savron, Township Administrator, updated the Committee on this year's States Best Practices Inventory. The Best Practices assesses each municipality's compliance with various laws and evaluates implementation of fiscal and operational best practices. Inventory answers provide an additional means of evaluating a municipality's performance. A negative score can impact a municipality's annual State Aid. Each municipality must receive a minimum score of 23 on the Inventory in order to receive its full Final State Aid payment. Once again, Montgomery scored extremely well. Out of a possible 36.50 maximum points, Montgomery scored 35 points.

8. **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.

- 8-1. Marianne Sanders, 32 Harlingen Road, provided positive comments in regards to the celebration of Diwali earlier this year. She asked that the Township officially recognize Christmas in the same way.
- 8-2. Jeffrey Grant, 6 Livingston Drive, congratulated the new Probationary Officers and welcomed new Committeeperson Todd. He continued to question Mayor Keenan's practices. The Committee asked Mr. Grant to limit his comments to Township Business and requested a five (5) minute recess and left the dais.
- 8-3. The Committee returned to the dais.
- 8-4. Chris Newman, Springhill Road, congratulated Mayor Keenan on her reelection. She also congratulated Committeeperson Barragan and welcomed new Committeeperson Todd.
- 8-5. There being no further comment, Mayor Keenan closed Public Comment.

9. **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, Treose, 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.

- 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
Absent - Schuldiner

- 10. **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:

<u>Development</u>	<u>New Completion Date</u>
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.

10-1. 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
Absent - Schuldiner

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

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.

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
Absent - Schuldiner

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

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.

- 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
Absent - Schuldiner

13. **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. Mayor Keenan opened the hearing to the public. There being no comment, Deputy Mayor Singh moved that the public hearing be closed. The motion was seconded by Committeeperson Barragan and carried unanimously.

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.

- 13-1. 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
Absent - Schuldiner

14. **APPROVAL OF MINUTES**

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

15. **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.

- 15-1. 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
Absent - Schuldiner

16. **COMMITTEE CORRESPONDENCE**

Mayor Keenan reported that she received a few emails in regards to the handicap door being ADA compliant. She stated that it is currently being worked on and is in the progress of being completed.

The Committee received a petition from over 30 people discussing the intersection of Route 518 and Route 601.

17. **COMMITTEE REPORTS**

- 17-1. Committeeperson Barragan gave an update on the following:

Open Space Committee

- Open Space met yesterday after having to reschedule, they will have another meeting before the next Township meeting and he will provide a more detailed report then.

Veterans Memorial Committee

- Discussion on plans for next year. They are looking to do something with the schools.

Budget and Finance Committee

- Discussion on process for next year. Scheduled to meet next week to start plans for 2023.

17-2. Committeeperson Singh gave an update on the following:

Board of Health

- There are COVID clinics scheduled for December 9 and December 16.
- A Lifeline Suicide Prevention and Response Initiative is scheduled for December 14.
- The Township received ten thousand dollars in Opioid Funding. More information will be available in 2023.

Municipal Alliance

- A virtual documentary entitled Like is scheduled for December 8th
- Hosted a video presentation recently on Marijuana - Know the Facts.
- Information session on the Youth Advisory Board on November 8. They are currently accepting applications, which are available on the website.
- A virtual documentary entitled Upstanders was held on November 15.
- Panel discussion on Resilience was held on November 15.

17-3. Mayor Keenan gave an update on the following:

Municipal Complex Green Initiative

- The first meeting of this new subcommittee was held this week.
- Discussion on future plans for the building and a vision statement for the committee. Mayor Keenan also expressed her gratitude to Lauren Wasilauski for her help.

Environmental Commission

- Held a meeting recently. An update will be provided at the next Township meeting.

18. **ADMINISTRATOR'S REPORT**

18-1. **Green Flash Farm**

Administrator Savron gave an update to the Right to Farm Case. The hearing is postponed to January 23 due to proper notice not being given to the Township.

18-2. **Automatic Door Access**

Work began this week for the main entrance and the library entrance. Administrator Savron stated this is an accessibility enhancement project and wanted to reiterate that the current doors and building are compliant with the New Jersey Barrier Free Code.

18-3. **Somerset County Transportation Plan**

There is an ongoing survey in regards to future transportation in Montgomery. The County is closing commentary on December 19. The survey is available on the website as well as posted on social media.

18-4. **New Hires**

The grant funded Infectious Disease Preparedness Generalist position has been filled by Ryan Campbell. He recently completed his Masters in Public Health at the University of Pittsburgh.

Assistant Township Engineer position has been filled by Justin Streleckis. He is a licensed professional Engineer and a resident of Montgomery.

18-5. **Landmarks Commission**

The Landmarks Commission is doing a sight visit to Opie's Mill in Mill Pond Park. It was affected by Hurricane Ida and the Commission is taking a tour to see what they can do in regards to saving the mill from the damage it received.

19. **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.

- 19-1. Deputy Mayor Singh moved to close the meeting to the public. The motion was seconded by Committeeperson Barragan and carried unanimously.
- 19-2. Deputy Mayor Singh moved to reopen the meeting to the public. The motion was seconded by Committeeperson Barragan and carried on the following:

ADJOURNMENT was at 8:50 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