

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 23, 2022
7:00 p.m.

1. Montgomery Township Committee met at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Present - Mayor Keenan, Committeemembers Schuldiner and Barragan
Absent - Deputy Mayor Bell

ADMINISTRATOR - Donato Nieman

TOWNSHIP ATTORNEY - Wendy Rubinstein

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. Administrator Nieman led the salute to the flag.

4. **HONORING TOWNSHIP ADMINISTRATOR DONATO NIEMAN**

WHEREAS, after 23 1/2 years of dedicated service to the Township of Montgomery, Donato Nieman, Montgomery Township Administrator will be retiring from his official Township duties on June 30, 2022; and

WHEREAS, Donato Nieman has served the residents of Montgomery Township in the following capacities during his tenure:

Township Administrator
Interim Police Director - 2001
Board of Fire Prevention - 1999-2022
Joint Insurance Fund - 1999 - 2022
Central Jersey Health Insurance Fund - 2015-2021
Somerset County Community Development Commission - 1999-2022
Sewer Committee - 1999 - 2022
NPDC Task Force - 1999-2003
Open Space Acquisition Team - 2000-2001
Affirmation Action Compliance Officer - 2003 - 2004
Elder Affairs Committee - 2003
Cable TV/IT Technology Committee/- 2001 - 2007
Transportation Advisory Committee - 2006-2022
Communications Committee - 2020
One Montgomery - 2022
Environmental Commission - 2017-2022
Sustainable Montgomery - 2009-2022
Budget and Finance Advisory Committee - 2009-2022
Police Advisory Committee - 1999
Central Jersey Transportation Forum - 2015-2022
Millstone Valley Scenic Byway - 2015 - 2022
Municipal Energy Team - 2009
Shared Municipal Court Subcommittee - 2011
School Budget Review Sub-Committee - 2010
Somerset County Prosecutor's Task Force - 2011
Somerset Count Multi-Jurisdictional Hazard Mitigation Committee - 2017
Americans with Disabilities Compliance Coordinator - 2012
Stormwater Pollution Prevention Team - 2019 - 2022

WHEREAS, he has exercised strong and effective civic leadership as an active member of the New Jersey Municipal Managers Association; and

WHEREAS, in addition to his community service, Donato's professionalism was instrumental in all aspects of the oversight and completion of the construction of Montgomery's new Municipal Complex.

WHEREAS, during his years of service he faithfully performed the duties and obligations thrust upon him, and beyond these duties he has given his utmost to the Township of Montgomery, and all of its citizens have benefited by his experience, knowledge and commitment.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby recognizes these contributions with sincere gratitude and appreciation and extends to Donato Nieman best wishes for a healthful, happy well-deserved retirement on this 23rd day of June 2022.

4-1. Administrator Donato Nieman expressed his deep gratitude, and was humbled and honored for the acknowledgement. He stated that nothing he had accomplished could have been done without the support of Montgomery's tremendous Municipal staff, as well as the various committees that have served over the years. Montgomery Township is one of the most stable and well governed municipalities that he has worked for.

5. **HONORING RECREATION DIRECTOR KAREN ZIMMERMAN**

WHEREAS, quality public service demands intelligence, skill, energy and commitment to advancing the public good; and

WHEREAS, Karen Zimmerman has demonstrated all of these characteristics and more, working diligently on behalf of Montgomery Township residents during her years as Montgomery Township Recreation Director; and

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WHEREAS, after 27 years of dedicated service to the citizens of Montgomery Township, Karen will be retiring on June 30, 2022; and

WHEREAS, Karen was named 2006 Professional of the Year by the New Jersey Recreation and Parks Association and Citizen of the Year by the Princeton Elks for 2020-2021; and

WHEREAS, Karen has made it her mission to provide Montgomery's residents with outstanding recreational programs with numerous classes, adult and children activities, summer camps, movie nights, concerts, and family events; and

WHEREAS, organizing a massive event such as the Montgomery Fireworks takes patience, dedication, skill and careful planning and Karen does it like no other.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby recognizes these contributions with sincere gratitude and appreciation and extends to Karen Zimmerman best wishes for a healthful, happy well-deserved retirement on this 23rd day of June 2022.

6. **APPOINTMENT OF TOWNSHIP ADMINISTRATOR - Lori Savron**

BE IT RESOLVED that Lori Savron is hereby appointed Township Administrator, effective July 1 and expiring December 31, 2022.

6-1. Newly appointed Township Administrator Savron thanked the Committee, former Committeeperson Huang. Assistant Administrator Michael Pitts, and especially Administrator Nieman for his guidance and instruction. Mr. Savron said she looks forward in continuing to work with all the committees, commissions, volunteers, and all its employees who have been supportive of her over the years. Montgomery is fortunate to have excellent employees that are service minded, and work together to serve the community.

6-2. Committeeperson Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Singh and carried on the following:

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

7. **GIRL SCOUT SILVER AWARD PROJECT PRESENTATION**

Girl Scouts from Cadets Troop 60525 Angelina Bush, and Katelyn Ni shared a slide show presentation of their Silver Award Kid-Friendly Nature Signs to be placed in Hobler Park. The girls would create four easy to read nature signs targeted for ages 9 through 12 providing information regarding native plants and animals such as Kestrels, Monarchs, Owls, Vultures and Milkweed along the walking trail. Ms. Bush and Ms. Ni completed 50 hours each visiting multiple parks and collaborating with Open Space Coordinator Lauren Wasilauski and Graphic Artist Michelle Baker to design signs that will be aluminum, 18 x 24, and installed on 6' channel posts. Completion of the project is expected by the middle of July. Ms. Bush and Ms. Ni requested approval of the project and \$200.00 to cover the remaining cost for installation.

7-1. Open Space Coordinator Lauren Wasilauski said Ms. Bush and Ms. Ni worked closely with Michelle Baker and herself to come up with the layout for the signs and topics. The Open Space Committee is supportive of the project and will assist in the location of the signs.

7-2. Deputy Mayor Shelly Bell moved the project be approved and cover the cost of installation. The motion was seconded by Committeeperson Schuldiner and carried unanimously.

8. **COVID-19 REPORT**

Health Officer Devangi Patel urged everyone to continue taking proper precautions, have test kits available, and test if you may think you have been exposed. Test kits are available on the USPS.com website, up to eight kits per month, or your healthcare provider. Testing will be moved to the new Municipal Building on June 24th located at the west entrance from 11:00 am to 6:00 pm Monday through Friday. Proper signage will be provided. She thanked the Elks for hosting testing the last four months. The Moderna vaccine for ages 6 months to 5 years has been approved.

8-1. Mayor Keenan asked Ms. Patel if there would be signs redirecting people for testing from the Princeton Elks to the new Municipal Building. Ms. Patel said the Health Department would be working with the Elks on the proper signage on that issue.

8-2. Committeeperson Barragan asked if there is scheduling for the second and third doses of the pediatric vaccine. Ms. Patel answered the Moderna vaccine is a two dose vaccine, and scheduling would occur after the first vaccination. Parents will be reminded of the next vaccination schedule in the series.

9. **PUBLIC COMMENT**

To make a public comment, participants may comment by utilizing the "Raise Your Hand" feature in Zoom. For members of the public participating by phone, you may "Raise Your Hand" by dialing *9

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9-1. As there were no Public Comment, Mayor Keenan closed Public Comment.

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 #22-6-147b - REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #21-00017 in the amount of \$4,836.62; BE IT RESOLVED That a refund in the amount of \$4,836.62be given to Evolve Bank & Trust, 6070 Poplar Avenue, Suite 200, Memphis, TN 38119 for the Redemption of Tax Sale Certificate #21-00017 on Block 37002 Lot 5.37.

Tax Lien Redemption	
Certificate Amount	\$ 1,894.23
Redemption Penalty	\$ 18.08
Interest	\$ 59.31
Recording Fees	\$ 53.00
Other Fees	\$ 12.00
PREMIUM	\$ 2,800.00
TOTAL	\$ 4,836.62

B. **RESOLUTION #22-6-148 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2022-2023 Municipal Alliance**

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 item is now available as a revenue form the County of Somerset:

2022-2023 Municipal Alliance	\$6,934.50
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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 #22-6-149 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2022 Central Jersey Health Insurance - Wellness Grant**

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 Central Jersey Health Insurance Fund;

2022 Wellness Grant	\$9,460.00
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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.

D. **RESOLUTION #22-6-150 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2022 Clean Communities Grant**

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

CONSENT AGENDA Contd.

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 State of New Jersey:

2022 Clean Communities Grant	\$63,747.81
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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.

E. **RESOLUTION #22-6-151 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2023 Health Capacity Grant**

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 State of New Jersey;

FY 2023 Health Capacity Grant	\$274,735
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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.

F. **RESOLUTION #22-6-152 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MONTGOMERY ROAD IMPROVEMENTS PROJECT**

WHEREAS the Township of Montgomery wishes to apply for Municipal Aid funding from the New Jersey Department of Transportation for improvements related to pavement rehabilitation, signage, striping, and miscellaneous construction on a portion of Montgomery Road.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2023-Montgomery Road Improvements-00319** to the New Jersey Department of Transportation on behalf of the Township of Montgomery.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Montgomery and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

G. **RESOLUTION #22-6-153 - AUTHORIZING RIGHT OF ENTRY AGREEMENT WITH RPM FOR BLOCK 20001 LOT 10.05**

BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute a right of entry agreement with RPM Development, LLC for soil borings and utility investigation at the new municipal building property, Block 20001 Lot 10.05, subject to approval by the Township Attorney, Township Engineer, and Somerset County.

H. **RESOLUTION #22-6-154 - TO AUTHORIZE RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 21-R-44, 41 HERITAGE WAY, BLOCK 21003 LOT 19**

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Denise Bonnaig because all work has been satisfactorily completed with respect to Street Opening Permit 21-R-44 at Block 21003, Lot 19 (41 Heritage Way).

CONSENT AGENDA Contd.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$375.00 be released to Denise Bonnaig, 41 Heritage Way, Belle Mead, NJ 08502.

I. **RESOLUTION #22-6-155 - TO AUTHORIZE RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 21-R-55, 36 SKILLMAN ROAD, BLOCK 16002 LOT 4**

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to James and Mary Zapalac because all work has been satisfactorily completed with respect to Street Opening Permit 21-R-55 at Block 16002, Lot 2 (36 Skillman Road).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$735.00 be released to James and Mary Zapalac, 36 Skillman Road, Skillman, NJ 08558.

J. **RESOLUTION #22-6-156 - AUTHORIZING THE FIRST AMENDMENT TO THE MUNICIPAL SERVICES AGREEMENT WITH HILLSIDE AT MONTGOMERY HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, N.J.S.A. 40:67-23.2 et seq., requires the Township of Montgomery to enter into municipal services agreements with qualified private communities with regard to the provision of certain municipal services, such as lighting of streets and snow removal, in the same fashion as provided on public roads and streets; and

WHEREAS, Resolution #16-3-82 adopted on March 17, 2016 approved a Municipal Services Agreement with authorized Hillside at Montgomery Homeowners Association, Inc., a qualified private community; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Township Committee approves a first amendment to the Municipal Services Agreement with Hillside at Montgomery Homeowners Association, Inc.; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized and directed to execute the same.

7-1. Deputy Mayor Bell moved to adopt CONSENT AGENDA. The motion was seconded by Committeeperson Schuldiner and carried on the following:

ROLL CALL - Ayes - Barragan, Schuldiner, Bell, Keenan
Absent - Singh
Abstain - Schuldiner (Item J)
Nays - None

8. **RESOLUTION #22-6-157 - AUTHORIZING RENEWAL OF 2022-2023 PLENARY RETAIL CONSUMPTION LICENSES, PLENARY RETAIL DISTRIBUTION LICENSES, AND CLUB LICENSES**

WHEREAS, applications have been received for three (3) Plenary Retail Consumption Licenses, two (2) Plenary Retail Distribution Licenses, and three (3) Club Licenses; and

WHEREAS, these applications have been made to the State of New Jersey, Division of Alcoholic Beverage Control and filing fees have been paid to the Township and to the State of New Jersey, Division of Alcoholic Beverage Control; and

WHEREAS, the Health Officer, the Police Director and Fire Inspector have inspected the applicants' property and have approved them as per reports filed with the Township Clerk; and

WHEREAS, no objections have been filed with the Township Clerk; and

WHEREAS, said applications have been examined by the Township Clerk and the Township Clerk finds that:

- The applicants electronically submitted application forms to the State of New Jersey, Division of ABC and are complete in all respects.
- The applicants are qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the Township Clerk is hereby instructed to issue the following Alcoholic Beverage Control Licenses for the year 2022-2023:

PLENARY RETAIL CONSUMPTION

1813-33-002-017	AJA Montgomery, LLC
1813-33-003-005	Princeton Innkeepers, Inc.
1813-33-013-001	Clubcorp NV I, LLC

PLENARY RETAIL DISTRIBUTION

1813-44-001-010	AKP Spirit, Inc.
1813-44-010-003	M Wine and Liquor NJ, Inc.

CLUB LICENSES

1813-31-004-001	Bedens Brook Club
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1813-31-005-001	Princeton BPO Elks 2129
1813-31-006-001	Montgomery Tennis Patrons Associates

- 8-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

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

9. **RESOLUTION #22-6-158 - AWARD OF BID - Janitorial Services**

WHEREAS, on May 24, 2022, the Township of Montgomery ("Township") held a public bid opening for the award of a contract for the Janitorial Services at Montgomery Township Municipal Offices, Police Department, Otto Kaufmann Community Center, and Public Works Facility ("Project"); and

WHEREAS, on June 9, 2022, the Township rejected all bids and directed the Purchasing Agent to re-bid the Janitorial Services at Montgomery Township Municipal Offices, Police Department, Otto Kaufmann Community Center, and Public Works Facility because the Required Document Checklist was incorrect and needed revision; and

WHEREAS, on June 22, 2022, the Township held a public bid opening for the award of a contract for the Janitorial Services at Montgomery Township Municipal Offices, Police Department, Otto Kaufmann Community Center, and Public Works Facility ("Project"); and

WHEREAS, bids were received from the following: Atalian Global Services; ACB Services, Inc; and Jan-Pro of Central NJ; and

WHEREAS, Section 1.C.(2). of the instructions to bidder required all bids to be submitted with the Required Document Checklist; and

WHEREAS, the lowest numerical bid was submitted by Atalian Global Services ("Atalian"), however Atalian failed to include in its bid submission to the Township the Required Document Checklist from the current bid as required and also sought to make changes to the Bid Specifications; and

WHEREAS, the second lowest numerical bidder was submitted by ACB Services, Inc ("ACB"), in the total amount of one hundred fifty-eight thousand eight hundred dollars (\$158,800.00); and

WHEREAS, the Township has determined that Atalian failed to comply with the requirements of the bid specifications and ACB is the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Montgomery that in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the Township hereby rejects the bid submitted by Atalian Global Services as materially defective, non-conforming and nonresponsive for the failure to fully comply with the requirements of the Bid Specification by failing to provide in its bid submission to the Township the Required Document Checklist and for altering the terms of the Bid Specifications in its response document; and

BE IT FURTHER RESOLVED, that in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., the Township hereby awards the contract to ACB Services Inc, 37 Schoolhouse Road, Cream Ridge, NJ 08514 for the Janitorial Services at Montgomery Township Municipal Offices, Police Department, Otto Kaufmann Community Center, and Public Works Facility Project in the total amount of one hundred fifty-eight thousand eight hundred dollars (\$158,800.00); and

BE IT FURTHER RESOLVED, that the Township Administrator is authorized to execute the contract with ACB Services, Inc. totaling \$158,800.00) on behalf of the Township.

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

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

10. **RESOLUTION #22-6-159 - OPPOSING A-1294/S-2103 AND URGING THAT SUCH LEGISLATION NOT ADVANCE FURTHER**

WHEREAS, local officials, because of their peculiar knowledge of local conditions, are in the best position to determine land use and zoning regulations; and

WHEREAS, this peculiar knowledge is used to develop a Municipal Master Plan, which is adopted with the goal of promoting the health, safety, and welfare of the public, and only after careful and thoughtful consideration by local officials for its compatibility and consistency with other state, county and regional plans, such as the State Development and Redevelopment Plan, the Coastal Area Facility Review Act, the Highlands Water Protection and Planning Act, the Pinelands Protection Act, the County Solid Waste Management Plan and Water Quality Management Plan; and

WHEREAS, the Municipal Master Plan guides the determination to designate land use and zoning districts, which help effectuate the careful development plans and goals outlined within the Master Plan; and

Item #10 Contd.

WHEREAS, the Municipal Land Use Law lays out a comprehensive system allowing for and detailing the process in which applicants for development may seek to deviate from these careful and deliberate land use and zoning regulations through the municipal planning board’s review of a variance; and

WHEREAS, consideration of a land use variance is done by local officials, taking into account the variety of circumstances including the proposed deviation’s impacts on the goals of the Master Plan; and

WHEREAS, the Local Redevelopment and Housing Law provides municipalities with substantial tools to support the redevelopment of blighted sites, including the creation of site specific redevelopment plans and numerous financial incentives; and

WHEREAS, legislation, A-1294/S-2103, has been introduced that would preempt local control over land use and zoning regulations, allowing certain qualifying office park and retail center properties to be permitted, as of right, to redevelop as a mixed-use development, not requiring a use variance; and

WHEREAS, A-1294/S-2103 requires a planning board approve an application for development to convert and eligible property to a mixed-used development unless the application causes “substantial detriment to the public good” and “substantially impair[s] the intent and purposes of the zone plan and zoning ordinance”, a vague standard that may be difficult if not impossible to overcome; and

WHEREAS, A-1294/S-2103 may interfere with municipalities implementing alternative visions for the redevelopment of office park and retail center properties, including as industrial sites, parkland, or sites for needed infrastructure; and

WHEREAS, A-1294/S-2103 would interfere with existing and potential Redevelopment Plans that were specifically developed to address office park and retail center properties; and

WHEREAS, A-1294/S-2103 does not take into account conditions such as flooding and future climate risk that may impact the suitability of a site for mixed-use development; and

WHEREAS, this top-down approach, eliminating local land use planning regulations undermines the recognized benefits of municipal land use regulation, without providing the appropriate review for deviation as outlined within the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Montgomery in the County of Somerset opposes this legislation, and urges our representatives to not advance further A-1294/S-2103; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Assemblyman Roy Freiman, Assemblywoman Sadaf F. Jaffer, Senator Andrew Zwicker, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

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

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

11. **RESOLUTION #22-6-160 - PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$18,776,000 IN PRINCIPAL AMOUNT**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY (with not less than a majority of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Montgomery, in the County of Somerset, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$18,776,000.

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided and the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

AMOUNT TO BE ISSUED	BOND ORDINANCE NUMBER	DESCRIPTION OF IMPROVEMENT AND DATE OF ADOPTION OF BOND ORDINANCE	PERIOD OF USEFULNESS
\$9,499,660	17-1562	Acquisition of land for open space, recreation, conservation and other municipal purposes, finally adopted 12/7/2017	40 years

AMOUNT TO BE ISSUED	BOND ORDINANCE NUMBER	DESCRIPTION OF IMPROVEMENT AND DATE OF ADOPTION OF BOND ORDINANCE	PERIOD OF USEFULNESS
\$2,800,590	18-1576	Various capital improvements, finally adopted 5/3/2018	10.44 years
\$2,515,000	19-1611	Various capital improvements, finally adopted 5/2/2019	9.11 years
\$1,918,400	20-1639	Various capital improvements, finally adopted 7/2/2020	13.48 years
\$2,042,500	21-1660	Various capital improvements, finally adopted 6/17/2021	9.53 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

- a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 25.42 years.
- b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.
- c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.
- b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

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

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

12. **RESOLUTION #22-6-161 - PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF SEWER UTILITY BONDS OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,592,000 IN PRINCIPAL AMOUNT**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY (with not less than a majority of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Montgomery, in the County of Somerset, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Sewer Utility Bonds in the principal amount of \$3,592,000.

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided and the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

AMOUNT TO BE ISSUED	BOND ORDINANCE NUMBER	DESCRIPTION OF IMPROVEMENT AND DATE OF ADOPTION OF BOND ORDINANCE	PERIOD OF USEFULNESS
\$642,000	18-1575	Various sewer utility improvements, finally adopted 5/3/2018	25.54 years
\$1,050,000	19-1610	Various sewer utility improvements, finally adopted 5/2/2019	11.62 years

AMOUNT TO BE ISSUED	BOND ORDINANCE NUMBER	DESCRIPTION OF IMPROVEMENT AND DATE OF ADOPTION OF BOND ORDINANCE	PERIOD OF USEFULNESS
\$1,150,000	20-1638	Improvement of sewer utility system, finally adopted 7/2/2020	14 years
\$750,000	22-1685	Improvement of sewer utility facilities, finally adopted 6/23/2022	40 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 20.79 years.

b. The Bonds of the combined issue shall be designated "Sewer Utility Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which a deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

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

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

13. **RESOLUTION #22-6-162 - DETERMINING THE FORM AND OTHER DETAILS OF \$22,368,000 GENERAL OBLIGATION BONDS CONSISTING OF \$18,776,000 GENERAL IMPROVEMENT BONDS AND \$3,592,000 SEWER UTILITY BONDS OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY AND PROVIDING FOR THEIR SALE**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY AS FOLLOWS:

Section 1. The \$18,776,000 General Improvement Bonds of the Township of Montgomery, in the County of Somerset (the "Township") referred to and described in the resolution adopted by the Township pursuant to the Local Bond Law of the State of New Jersey on June 23, 2022 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Montgomery, in the County of Somerset, New Jersey into a Single Issue of Bonds Aggregating \$18,776,000 in Principal Amount," shall be issued as General Improvement Bonds (the "General Improvement Bonds"). The General Improvement Bonds shall mature in the principal amounts on August 1 as follows:

Year	Principal Amount*	Year	Principal Amount*
2023	\$541,000	2035	\$850,000
2024	\$550,000	2036	\$885,000
2025	\$565,000	2037	\$925,000
2026	\$590,000	2038	\$960,000
2027	\$610,000	2039	\$995,000
2028	\$635,000	2040	\$1,025,000
2029	\$660,000	2041	\$1,035,000
2030	\$690,000	2042	\$1,040,000
2031	\$715,000	2043	\$1,045,000
2032	\$755,000	2044	\$1,050,000
2033	\$775,000	2045	\$1,075,000
2034	\$805,000		

*Subject to change as set forth in the Full Notice of Sale attached hereto

The General Improvement Bonds are subject to redemption prior to maturity in accordance with the terms of the Notice of Sale authorized herein. The General Improvement Bonds shall be twenty-three in number, with one certificate being issued for each year of maturity, and shall be numbered GI-1 to GI-23, inclusive.

Item #13 Contd.

Section 2. The \$3,592,000 Sewer Utility Bonds of the Township referred to and described in the resolution adopted by the Township pursuant to the Local Bond Law of the State of New Jersey on June 23, 2022 and entitled, "Resolution Providing for the Combination of Certain Issues of Sewer Utility Bonds of the Township of Montgomery, in the County of Somerset, New Jersey into a Single Issue of Bonds Aggregating \$3,592,000 in Principal Amount," shall be issued as Sewer Utility Bonds (the "Sewer Utility Bonds"). The Sewer Utility Bonds shall mature in the principal amounts on August 1 as follows:

Year	Principal Amount*	Year	Principal Amount*
2023	\$127,000	2033	\$180,000
2024	\$130,000	2034	\$185,000
2025	\$135,000	2035	\$190,000
2026	\$140,000	2036	\$200,000
2027	\$145,000	2037	\$205,000
2028	\$150,000	2038	\$215,000
2029	\$155,000	2039	\$225,000
2030	\$160,000	2040	\$230,000
2031	\$165,000	2041	\$240,000
2032	\$170,000	2042	\$245,000

*Subject to change as set forth in the Full Notice of Sale attached hereto

The Sewer Utility Bonds shall be subject to redemption prior to maturity in accordance with the terms of the Notice of Sale authorized herein. The Sewer Utility Bonds shall be twenty in number, with one certificate being issued for each year of maturity, and shall be numbered SU-1 to SU-20, inclusive.

Section 3. The General Improvement Bonds and the Sewer Utility Bonds collectively are sometimes referred to hereinafter as the "Bonds".

Section 4. The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds of each issue maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of any multiple of \$5,000 or any multiple thereof (except that those Bonds maturing in any year in an amount in excess of the largest principal amount not equaling a multiple of \$5,000 may be purchased in amounts of \$1,000 or any multiple thereof) through book-entries made on the books and records of The Depository Trust Company and its participants.

The Bonds will bear interest payable semiannually on the first day of February and August in each year until maturity or earlier redemption, commencing on February 1, 2023, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township or a duly authorized paying agent on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of each next preceding January 15 and July 15 (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:	Date of Delivery
Interest Payment Dates:	Each February 1 and August 1, until maturity or earlier redemption, commencing on February 1, 2023.

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to deliver and to market the Bonds in accordance with the requirements of The Depository Trust Company and the final terms of sale:

SAMPLE BOND FORM FOR INFORMATION
ONLY - DO NOT COMPLETE OR SIGN

REGISTERED NUMBER A. _____	REGISTERED \$ _____
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UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF SOMERSET

TOWNSHIP OF MONTGOMERY

B. _____ BOND

Item #13 Contd.

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
___/___/2022	08/01/20__	_____ %	_____

TOWNSHIP OF MONTGOMERY, in the County of Somerset, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of _____ DOLLARS (\$_____), and to pay interest on such sum from the Dated Date of this bond at the Rate of Interest Per Annum specified above semiannually on the first day of February and August in each year until maturity or earlier redemption as provided herein, commencing on February 1, 2023. Interest on this bond will be paid to the Securities Depository by the Township or a duly appointed paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the January 15 and July 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to August 1, 2033 are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after August 1, 2033 are redeemable at the option of the Township in whole or in part on any date on or after August 1, 2032 upon notice as required herein at par, plus in each case unpaid accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed bond registrar. However, as long as DTC (or any successor thereto) acts as Securities Depository for the bonds, notice of redemption may be sent to such Securities Depository by email or as otherwise permitted by the Securities Depository regulations. Any failure of the Securities Depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township. The bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with unpaid accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.

C. _____

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the TOWNSHIP OF MONTGOMERY, in the County of Somerset, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Township Clerk, and this bond to be dated the Dated Date as specified above.

Item #13 Contd.

[SEAL]
ATTEST:

TOWNSHIP OF MONTGOMERY

By: _____ (Facsimile)
Mayor

By: _____
Clerk

By: : _____ (Facsimile)
Chief Financial Officer

Section 6. In each of the \$18,776,000 General Improvement Bonds the following language should be inserted in the places indicated by the corresponding letter in the form of the Bonds.

A. GI-__.

B. GENERAL IMPROVEMENT

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted June 23, 2022 and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Montgomery, in the County of Somerset, New Jersey into a Single Issue of Bonds Aggregating \$18,776,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law (the "Authorization Proceedings").

Section 7. In each of the \$3,592,000 Sewer Utility Bonds the following language should be inserted in the places indicated by the corresponding letter in the form of the Bonds.

A. SU-__.

B. SEWER UTILITY

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Township adopted June 23, 2022 and entitled, "Resolution Providing for the Combination of Certain Issues of Sewer Utility Bonds of the Township of Montgomery, in the County of Somerset, New Jersey into a Single Issue of Bonds Aggregating \$3,592,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law (the "Authorization Proceedings").

Section 8. The Bonds shall be sold on July 20, 2022 by electronic open auction with the two minute extension rule upon the terms and the conditions set forth in and described in the Full Notice of Sale authorized below and set forth in Exhibit A attached hereto (the "Full Notice of Sale"). The Full Notice of Sale shall be posted in full on PFM Financial Advisors LLC's PFMAuction Website site ("PFMAuction") and in The Bond Buyer Online. The Chief Financial Officer is hereby directed to arrange for the publication of the Short Notice of Sale authorized below and set forth in Exhibit B attached hereto (the "Short Notice of Sale") and the Summary Notice of Sale authorized below and set forth in Exhibit C (the "Summary Notice of Sale"). The Notices of Sale shall be posted and published as required by law not less than seven days prior to the date of sale. The Full Notice of Sale shall be substantially in the form attached hereto as Exhibit A, the Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B, and the Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C, each with such additions, deletions and omissions as may be necessary for the Township to market the Bonds in accordance with the requirements of The Depository Trust Company and PFMAuction and as Bond Counsel shall recommend. The Short Notice of Sale shall be published in the Township's local newspaper, and the Summary Notice of Sale shall be published in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, and in The Bond Buyer Online.

Section 9. The Township hereby designates the Chief Financial Officer as the officer to sell and to award the Bonds and to act on behalf of the Township in accordance with the Notices of Sale authorized herein, and the Chief Financial Officer shall report in writing the results of the sale to this Township Committee as required by law.

Section 10. The Bonds shall have printed thereon or be accompanied with a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC ("Bond Counsel"), complete except for omission of its date.

Item #13 Contd.

Section 11. Bond Counsel is authorized to arrange for the printing of the Bonds, and PFM Financial Advisors LLC (the "Municipal Advisor") or Bond Counsel are authorized to arrange for the printing of the Official Statement to be prepared in connection with the sale of the Bonds and to arrange for the distribution of the preliminary Official Statements on behalf of the Township to those financial institutions that customarily submit bids for such Bonds. Suplee, Clooney & Co., the Auditor, the Municipal Advisor and Bond Counsel are authorized to prepare the Official Statement necessary in connection with the issuance of the Bonds, and the Mayor and the Chief Financial Officer of the Township are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds. The Municipal Advisor is are further authorized to arrange on behalf of the Township for a rating on the Bonds from S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service.

Section 12. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 13. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof (except that bonds maturing in any year in an amount that is not a multiple of \$5,000 may be issued in an amount that is a multiple of \$1,000). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 14. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each fiscal year, beginning September 30, 2022 for the fiscal year ending December 31, 2021, electronically to the Municipal Securities Rulemaking Board's ("MSRB") Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;

Item #13 Contd.

- (13) The consummation of a merger, consolidation or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Bonds, if material;
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township.

The term "Financial Obligation" as used in subparagraphs (b) (15) and (b) (16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

(c) Notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall not or no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 15. The Chief Financial Officer is authorized to invest the proceeds of the Bonds in investment obligations or deposits as permitted in accordance with New Jersey law.

Section 16. The Chief Financial Officer is authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the Bonds, including costs for the open electronic auction, publications, preparation and printing of the Official Statement, credit rating, municipal advisor services, legal services and other miscellaneous costs of issuing the Bonds.

Section 17. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including when applicable the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds.

Section 18. The Chief Financial Officer and other appropriate representatives of the Township are authorized to take all other actions on behalf of the Township necessary for the sale and the delivery of the Bonds in accordance with this resolution and the investment of the proceeds thereof in accordance with the requirements of law.

Section 19. The Bonds will not be designated as "bank qualified" within the meaning of Section 265 of the Code.

Section 20. This resolution shall take effect immediately.

Item #13 Cont.

13-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Barragan and carried on the following:

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

14. **ORDINANCE #22-1684 - BOND** - Amending Bond Ordinance 21-1661 - Stage II Wastewater Treatment Plant Flood Protection Project - TO BE CONTINUED TO JULY 7

A. Title: BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE #21-1661 FINALLY ADOPTED JUNE 17, 2021 OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY

15. **ORDINANCE #22-1685 - BOND** - \$750,000 Sewer Utility Self-Liquidating - Public Hearing

A. Title: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF SEWER UTILITY FACILITIES IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

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

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be adopted this 9th day of June 2022 and that a notice thereof be published in an official newspaper as required by law.

15-1. Committeeperson Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Singh and carried on the following:

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

16. **ORDINANCE #22-1686 - BOND** - \$2,263,000-\$2,149,850 Multipurpose Ordinance - TO BE CONTINUED TO JULY 7

A. Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$2,261,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,149,850 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

17. **ORDINANCE #22-1687** - Grant of Easement to Delaware and Raritan Canal Commission - Introduction

A. Title: AN ORDINANCE AUTHORIZING THE GRANTING OF CONSERVATION EASEMENTS TO THE DELAWARE AND RARITAN CANAL COMMISSION OF THE STATE OF NEW JERSEY OVER PORTIONS OF LOT 1 AND LOT 3.01, IN BLOCK 38001, BY THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY; STAGE II WASTE WATER TREATMENT PLANT.

B. 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 in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 7, 2022 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

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

18. **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.

Item #18 Contd.

17-1. Committeeperson Barragan moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

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

18. **NEW & UNFINISHED BUSINESS - Planet Network**

Mayor Keenan asked the Planet Network presentation be planned for the second meeting in July.

19. **ADMINISTRATOR'S REPORT**

19-1. Somerset Union Conservation District

The soil dumped on River Road was found not to be contaminated, and removal is scheduled. The Department of Environmental Protection has issued a notice of violation. The violation was returned with no response. The Attorney General's Office will utilize the information in the course of investigation.

19-2. New Municipal Building

The move into the building went well. Servicing of the community began June 23rd. The Library has been well received.

Mayor Keenan thanked IT Director Jack Ferrara and everyone for their efforts.

19-3. New Administrator - Lori Savron

Mr. Nieman congratulated Ms. Savron on her new assignment, thanked Montgomery's staff and governing body for all their support during his tenure.

19-4. Electronic Display Signage

Ms. Savron gave an over view of the Township's ordinance and regulations regarding displaying electronic flashing images on signs as it pertains to the new Municipal sign on Route 206. She asked that the Committee review and have an open discussion as to what will be displayed in the future.

20. **COMMITTEE REPORTS**

20-1. Deputy Mayor Bell gave an update on the following:

Youth Leadership Council - June 12

- Guest Speaker Administrator Donato Nieman discussed leadership.

Inclusion & Equity Committee - June 18

- Supported and volunteered for the Stoutsburg-Soarlands African American Museum's Freedom for Juneteenth Event, and True Farmstead Celebration.

Somerset County Black Caucus

- Attended and hosted a Juneteenth Event and Parade

Montgomery News Subfest Event

- Attended event with Committeeperson Barragan

Landmarks Commission - June 22

- D&R Canal Watch Organization is hosting its annual meeting, and the Director will be discussing ongoing and regional projects. The meeting will be open to the public.

21. **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:
 - Potential acquisition of property: Block 25001 Lot 4 (Normile), Block 37003 Lot 7 (Trap Rock), Block 11002 Lot 38 (Harcarik), Block 17008 Lot 1 (Martin)
 - Police Personnel
 - Advice of Counsel

Item #21 Contd.

3. It is unknown precisely when the matters discussed in this session will be disclosed to the public.

21-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried unanimously.

26-2. Deputy Mayor Bell moved to reopen the meeting to the public. The motion was seconded by Committeeperson Schuldiner and carried unanimously.

ADJOURNMENT was at 9:13 p.m. on a motion by Deputy Mayor Bell. The motion was seconded by Committeeperson Schuldiner and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk