

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, SEPTEMBER 21, 2023
7:00 P.M.**

1. **MEETING CALLED TO ORDER**

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

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

3. **NOTICE OF MEETING** – In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided on January 5, 2023, to the Courier News and the Star Ledger, posted on the municipal bulletin board, and filed with the Township Clerk.

4. **SALUTE TO THE FLAG**

5. **PROCLAMATION – RECOGNIZING MONTGOMERY TOWNSHIP POLICE OFFICERS FOR DEDICATED COMMUNITY SERVICE**

WHEREAS, to effectively protect the residents of Montgomery Township, the Police Department must ensure that strong relationships are based on mutual understanding and trust is built; and

WHEREAS, there has been an increase in burglaries specifically targeting the private residences and businesses of Asian Americans in Montgomery Township and throughout New Jersey; and

WHEREAS, on August 15, 2023 Montgomery Township Police Department in conjunction with the Somerset County Prosecutors Office; Montgomery Business Association; and Montgomery Township Committeeperson, Dennis Ahn, held a Community Information Sharing Session with the Asian American business owners of Montgomery Township; and

WHEREAS, Montgomery Township Police Department Members Lieutenant Andrew Perry, Detective Sergeant Brian Hofacker, Detective Joseph Ceccato, and Detective Adam Verducci, as well as members of the Somerset County Prosecutors Office presented information to the community on how to protect their property and themselves; and

WHEREAS, local business owner and Montgomery Township resident, Ming Zhang “Sushi John”, kindly offered his business, Ya Ya Noodles, as a meeting location for the event.

NOW, THEREFORE, BE IT PROCLAIMED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby recognizes the outstanding efforts of Lieutenant Andrew Perry, Detective Sergeant, Brian Hofacker, Detective Joseph Ceccato and Detective Adam Verducci for dedication to the community and in helping build the bond between law enforcement, local residents and business owners of Montgomery Township.

6. **PROCLAMATION – RECOGNIZING MONTGOMERY TOWNSHIP POLICE OFFICERS FOR EFFORTS LEADING TO THE ARREST OF SUSPECTS IN LOCAL BURGLARIES**

WHEREAS, the Montgomery Township Police Department works persistently and tirelessly protecting life and property, preserving the peace, and preventing crime; and

WHEREAS, during the daytime hours of May 9, 2023, Officer Connor Chapkowski, Detective Sergeant Brian Hofacker, Sergeant Ryan Gray, Sergeant Daniel Balinski, Detective Chris Bleistine, Detective Joseph Ceccato, Officer James Ward, Officer Chris Parlow and Officer Delio Coutinho responded to the report of an active residential burglary in the Skillman section of Montgomery Township; and

WHEREAS, upon arriving to the scene Officer Chapkowski conducted a motor vehicle stop and quickly took two suspects into custody with the assistance of Detective Sergeant Hofacker, Sergeant Balinski, and Officer Ward; and

WHEREAS, after receiving a description from responding Officers, Sergeant Gray and Officer Coutinho found and took into custody a third suspect who had walked away from the scene; and

WHEREAS, Officer Chapkowski, Officer Ward, Officer Coutinho, and Detective Ceccato searched the interior of the residence to ensure there were no other suspects; and

WHEREAS, the quick response and actions of the responding Officers led to the arrest of three suspects involved in a residential burglary in our community.

NOW, THEREFORE, BE IT PROCLAIMED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby recognizes the outstanding performance of Officer Connor Chapkowski, Detective Sergeant Brian Hofacker, Sergeant Ryan Gray, Sergeant Daniel Balinski, Detective Chris Bleistine, Detective Joseph Ceccato, Officer James Ward, Officer Chris Parlow, and Officer Delio Coutinho for their quick actions and courageous response, which resulted in the successful and safe arrest of three burglary suspects.

7. **POLICE CAPTAIN REPORT**

8. **PRESENTATION – EAGLE SCOUT SERVICE PROJECT**

9. **FLOODWALL AND PLANT UPGRADE CONSTRUCTION PROJECT UPDATE**

10. **PRESENTATION - SEWER CONSOLIDATION PLAN**

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

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

A. **ORDINANCE #23-1705 – An Ordinance of the Township of Montgomery, County of Somerset, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Township in Emergency Access and Utility Easement Rights Located on Lots 46 and 77, Block 34001**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published according to law with a public hearing and a vote scheduled for the meeting of October 5, 2023.

MOTION to introduce Ordinance #23-1705 _____ Second _____

ROLL CALL VOTE:

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

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

There are no ordinances for final adoption.

14. **CONSENT AGENDA** – All matters listed on the consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

A. **RESOLUTION #23-9-252 – Authorizing Refund of Overpaid 2023 Taxes (Block 12001, Lot 20)**

BE IT RESOLVED that a refund in the amount of \$401.12 be given to Jeffrey Fenton, 22 Big Spring Road, Califon, NJ 07830 for the overpayment of 2023 taxes on Block 12001, Lot 20, QFARM.

B. **RESOLUTION #23-9-253 – Authorizing Overpaid 2023 Taxes**

BE IT RESOLVED that a refund in the amount of \$81,542.86 be given to Core Logic Refunds Department, P.O. Box 9202, Coppell, TX 75019 for the overpayment of 2023 taxes on the properties listed below:

Block	Lot	Quarter	Property Location	Amount
4020	56	2023/3 RD	110 Scarborough Road	\$6,339.06
5008	8	2023/3 rd	17 Goldenrod Drive	\$3,690.77
5010	2	2023/3 rd	3 Hudnut Land	\$3,498.59
7019	61.14	2023/3 rd	32 Hills Drive	\$6,112.67
13001	12	2023/3 rd	211 Dutchtown-Zion Road	\$2,457.00
16002	9.06	2023/3 rd	12 Riley Court	\$5,955.65
16002	9.09	2023/3 rd	33 Galway Road	\$6,598.68

14. CONSENT AGENDA (cont.)

19001	8.05	2023/3 rd	40 Aster Court	\$6,247.80
21009	23	2023/3 rd	47 Durham Road	\$5,385.22
28003	12.01	2023/3 rd	21 Portland Drive	\$ 277.02
28003	201	2023/3 rd	15 Milford Place	\$3,990.61
28008	40	2023/3 rd	63 Village Drive	\$3,818.26
30002	102	2023/3 rd	6 Colonial Court	\$5,490.71
31001	107	2023/3 rd	2 Flanders Valley Court	\$5,121.64
31002	5	2023/3 rd	12 Colfax Road	\$7,335.50
34022	16	2023/3 rd	20 Cambridge Court	\$3,657.26
37002	1.035	2023/3 rd	26-E Chicopee Drive	\$2,404.54
37002	1.183	2023/3 rd	46-H Haverhill Court	\$2,464.20
37003	6.783	2023/3 rd	803 McKinley Court	\$ 697.68

(Condo)

C. RESOLUTION #23-9-254 – Authorizing Refund of Overpaid 2023 Taxes (Block 4001, Lot 44.16)

BE IT RESOLVED that a refund in the amount of \$1,063.31 be given to First American Title Insurance Company, 1100 Superior Avenue, Suite 20, Cleveland, OH 44144 for the overpayment of taxes on Block 4001, Lot 44.16.

D. RESOLUTION #23-9-255 – Authorizing Refund of Overpaid 2023 Taxes (Block 30001, Lot 42)

BE IT RESOLVED that a refund in the amount of \$6,831.15 be given to Lereta, LLC, Attn: Central Refunds, 901 Corporate Center Drive, Pomona, CA, 91768 for the overpayment of 2023 taxes on Block 30001, Lot 42.

E. RESOLUTION #23-9-256 - Authorizing the Cancellation of 2023 Taxes (Block 11002, Lot 38)

BE IT RESOLVED that 2023 taxes in the amount of \$1,213.55 for Block 11002, Lot 38 (Rock Mill Run be hereby cancelled. Block 11002, Lot 38 is owned by the Township of Montgomery and therefore is tax exempt.

F. RESOLUTION #23-9-257 - Authorizing Release of Performance Guarantee 2004-035, Research Park Office Building and Sitework – Bituminous Pathways (Block 35001, Lots 10, 11, 12, 14 and 15)

WHEREAS, the Developer, S&S Investments, LLC for the Research Park New Office Building and Site Improvements project will not be proceeding with the project and the guaranteed improvements pertaining to bituminous pathways will not be completed; and

WHEREAS, Township Engineer, Mark Herrmann, recommends that the Township Committee consider the release of the performance guarantee for the bituminous pathways portion of the site work.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the performance guarantee in the amount of \$10,750.00 plus any accrued interest be released to S&S Investments.

14. CONSENT AGENDA (cont.)

G. RESOLUTION #23-9-258 – Authorizing Release of Performance Guarantee 2004-036, Research Park New Office Building and Site Improvements (Block 35001, Lots 10, 11, 12, 14 and 15)

WHEREAS, the Developer, S&S Investments, LLC for the Research Park New Office Building and Site Improvements project will not be proceeding with the project and the guaranteed improvements will not be completed; and

WHEREAS, Township Engineer, Mark Herrmann, recommends that the Township Committee consider the release of the performance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the performance guarantee in the amount of \$338,137.00 plus any accrued interest be released to S&S Investments.

H. RESOLUTION #23-9-259 – Authorizing Release of Performance Guarantee for Road Opening Moratorium Relief – 165 Willow Road (Block 7002, Lot 5)

WHEREAS, Township Engineer, Mark Herrmann, has recommended the release of a cash performance guarantee to Raritan Valley Habitat for Humanity, Inc., because all work has been satisfactorily completed with respect to utility openings on Willow Road.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the cash performance guarantee in the amount of \$3,321.00 be released to Raritan Valley Habitat for Humanity.

I. RESOLUTION #23-9-260 – Authorizing Guarantee Extensions for the Completion of Improvements - Various Projects

WHEREAS, the period for the completion of improvements on the following projects have recently expired or will expire soon. The developers for the projects below are working on completing the guaranteed improvements or are working on punch lists.

WHEREAS, Mark Herrmann, Township Engineer, has recommended that the Township Committee consider extending the time for completion of bonded improvements as follows:

<u>Development</u>		<u>New Completion Date</u>
Fiveighteen Associates, LLC Parking Lot	Expansion Safety and Stabilization Guarantee	10/05/2024
Rollins-Western Real Estate Holdings	Performance Guarantee	11/07/2024

14. **CONSENT AGENDA (cont.)**

J. **RESOLUTION #23-9-261 – Authorizing Outdoor Assembly Permit – Car Show**

WHEREAS, Bret Zheng has requested approval of the Township Committee to conduct a Car Show event on September 24, 2023, 12:00 p.m. to 5:00 p.m. at the Princeton Airport.

BE IT RESOLVED that the Township Committee has considered the application and hereby grants the same subject to the following conditions:

- a. This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
- b. This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
- c. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety conditions and shall employ two (2) Private-Duty police officers at the event.
- d. The organizers will obtain the required fire permit from Township Fire Marshal, Roy Mondri.
- e. The organizers will obtain the required health certificates from the Township Health Department.

MOTION to adopt Consent Agenda, **Resolutions #23-9-252 through #23-9-261** _____ Second _____

15. **RESOLUTIONS**

A. **RESOLUTION #23-9-262 – Authorizing Shared Services Agreement for Uniform Construction Code Inspection and Support Staff Services Between the Townships of Montgomery, Franklin, Branchburg and Hillsborough**

WHEREAS, N.J.S.A. 40A:65-1 et seq., Uniform Shared Services and Consolidation Act, permits municipalities to enter into contracts for the purposes of sharing services; and

WHEREAS, from time to time the Townships of Montgomery, Franklin, Branchburg and Hillsborough have a need for additional Uniform Construction Code inspectors and support staff; and

WHEREAS, the Townships of Montgomery, Franklin, Branchburg and Hillsborough deem it to be in their best interests to enter into a Shared Services Agreement to provide for the sharing of services of Uniform Construction Code inspectors and support staff.

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

WHEREAS, Account #01-201-22-195-100 will fund this service.

15. **RESOLUTIONS (cont.)**

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Shared Services Agreement between the Townships of Montgomery, Franklin, Branchburg and Hillsborough for Uniform Construction Code inspection and support staff services is hereby approved and the Mayor and Clerk are authorized to sign the same.

BE IT FURTHER RESOLVED that the agreement shall take effect upon the adoption of concurrent resolutions by all parties to the agreement.

MOTION to adopt Resolution #23-9-262 _____ Second _____

ROLL CALL VOTE:

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

B. RESOLUTION #23-9-263 – Authorizing Shared Services Agreement for Uniform Construction Code Inspection and Support Staff Services Between the Township of Montgomery and Princeton

WHEREAS, N.J.S.A. 40A:65-1 et seq., Uniform Shared Services and Consolidation Act, permits municipalities to enter into contracts for the purposes of sharing services; and

WHEREAS, from time to time the Township of Montgomery and Municipality of Princeton have a need for additional Uniform Construction Code inspectors and support staff; and

WHEREAS, the Township of Montgomery and the Municipality of Princeton deem it to be in their best interests to enter into a Shared Services Agreement to provide for the sharing of services of Uniform Construction Code inspectors and support staff.

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

WHEREAS, Account #01-201-22-195-100 will fund this service.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Shared Services Agreement between the Township of Montgomery and the Municipality of Princeton for Uniform Construction Code inspection and support staff services is hereby approved and the Mayor and Clerk are authorized to sign the same.

BE IT FURTHER RESOLVED that the agreement shall take effect upon the adoption of concurrent resolutions by all parties to the agreement.

15. **RESOLUTIONS (cont.)**

MOTION to adopt Resolution #23-9-263 _____ Second _____

ROLL CALL VOTE:

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

C. RESOLUTION #23-9-264 – Authorizing Award of BID for Mechanical Repair Services for Township Wastewater Treatment Facilities

WHEREAS, the following bids for Mechanical Repair Services for Montgomery Township Wastewater Treatment Facilities were received and publicly opened on September 13, 2023:

<u>BIDDER</u>	<u>YEAR ONE</u>	<u>YEAR TWO</u>
Municipal Maintenance Company		
On-Site Rate –		
Regular	\$100.00/hour	\$100.00/hour
Overtime	\$125.00/hour	\$125.00/hour
Weekends & Holidays	\$125.00/hour	\$125.00/hour
Shop Rate –		
Regular	\$55.00/hour	\$55.00/hour
Overtime	\$60.00/hour	\$60.00/hour
Weekends & Holidays	\$60.00/hour	\$60.00/hour
Discount for Parts		10%

WHEREAS, it is the recommendation of the Purchasing Agent and Chief Sewer Plant Operator that Municipal Maintenance Company be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, the term of the contract is two (2) years with three (3) one-year options to renew; and

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

WHEREAS, Account #08-215-55-901-1700A will fund this service.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the contract for Mechanical Repair Services is hereby awarded to Municipal Maintenance Company, 1352 Taylors Lane, Cinnaminson, New Jersey 08077 in an amount not to exceed \$200,000.00.

15. **RESOLUTIONS (cont.)**

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

MOTION to adopt Resolution #23-9-264 _____ Second _____

ROLL CALL VOTE:

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

D. RESOLUTION #23-9-265 - Authorizing Purchase of a Mean Green Evo 74-Inch Electric Zero Turn Mower through Educational Services Commission of New Jersey (ESCNJ) for the Department of Parks and Recreation

WHEREAS, exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State CO-OP per N.J.S.A. 40A:11-11; and

WHEREAS, the Township of Montgomery has determined the following cooperative pricing system identifier ESCNJ #65MCESCCPS – Bid #ESCNJ 22/23-12 has provided the Township with the most competitive price for this item; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Numbers 04-215-55-901-1699J; and

WHEREAS, the purchase price is \$47,420.97.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the purchase of a Mean Green Evo 74-inch Electric Zero Turn Mower for the Department of Parks and Recreation, at a not to exceed amount of \$47,420.97, be authorized through the utilization of the Educational Services Commission of New Jersey (ESCNJ) to:

Kenvil Power Equipment
 926 US Highway 46
 Kenvil, NJ 07847

MOTION to adopt Resolution #23-9-265 _____ Second _____

ROLL CALL VOTE:

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

16. **APPROVAL OF MINUTES**

MOTION to approve the Regular Meeting Minutes of September 7, 2023 _____ Second _____ Favor _____
 _____ Opposed _____ Abstain _____

MOTION to approve the Executive Session Meeting Minutes of September 7, 2023 as to form only _____
 Second _____ Favor _____ Opposed _____ Abstain _____

17. **RESOLUTION #23-9-266 - PAYMENT OF BILLS – Posted**

WHEREAS, the Township Committee of the Township of Montgomery has received bills to be paid as listed;
 and

WHEREAS, the Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

MOTION to adopt Resolution #23-9-266 _____ Second _____

ROLL CALL VOTE:

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

18. **CORRESPONDENCE**

19. **NEW BUSINESS**

20. **TOWNSHIP COMMITTEE REPORTS**

21. **ADMINISTRATOR’S REPORT**

22. **FUTURE AGENDA ITEMS**

- Status of Development 2023

23. **RESOLUTION #23-9-267 - Executive Session**

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session are as follows:
 - Potential Acquisition of Property for Open Space, Conservation, Recreation and/or Municipal Purposes
 1. Block 8001 Lots 7.01 & 8 (“Staats”);
 2. Block 11001 Lot 12 (“Weber”);
 3. Block 11002 Lot 36 (“Harcarik”);
 4. Block 12001 Lot 15 (“Irish”)
 - Anticipated/Pending Litigation:
 1. Country Club Meadows v. Township of Montgomery
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of property and settlement of litigation shall only be approved by the Township Committee in a public session.
4. The Township Committee will return to Regular Session and may take further action.
5. This Resolution shall take effect immediately.

MOTION to adopt Resolution #23-9-267 _____ Second _____

ROLL CALL VOTE:

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

MOTION to close Executive Session and open Regular Session ____ Second ____ Favor ____ Opposed ____

24. **ADJOURNMENT**

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____