

AGENDA FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 16, 2021
7:00 p.m.

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

ROLL CALL - Keenan (), Schuldiner (), Huang (), Bell (), Singh ()

ALSO PRESENT - Rubinstein (), Nieman (), Melville (), Kukla ()

MAYOR'S STATEMENT - Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers. This meeting is being held virtually by webcast and simulcast on Comcast Cable Channel 29.

SALUTE TO THE FLAG

1. **THE 2021 ENVIRONMENTAL AWARDS**
2. **COVID-19 UPDATE - Devangi Patel**
3. **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

Members of the public may also submit comments in advance of any meeting by sending an email to: publiccomment@montgomerynj.gov or by written letterform, delivered to the Montgomery Township Municipal Building, 2261 Route 206, Belle Mead, New Jersey 08502. All advance comments must be received by 4:00 p.m. the day of the scheduled meeting and will be read by the Township Clerk during the public comment portion of the meeting.

We respectfully ask members of the public to limit your comments to approximately three (3) spoken minutes. 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.

4. **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 #21-12-287 - REFUND OVERPAID 2021 TAXES

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

<u>Name</u>	<u>Block/Lot</u>	<u>Amount</u>
Core Logic	30001/16.43	\$6,263.93
Xiaomin Feng	37002/5.13	\$2,735.48

B. RESOLUTION #21-12-288 - REFUND OVERPAID 2021 TAXES FOR DISABLED VETERAN STATUS

BE IT RESOLVED that a refund in the amount of \$24,952.43 be given to Dimitra Bairaktaris, 86 Viburnum Drive, Skillman, NJ 08558 for the overpayment of 2021 taxes on Block 11001 Lot 33.12. Property received 100% disabled veteran status beginning February 22, 2021.

C. RESOLUTION #21-12-289 - SUPPORTING THE SUBMISSION OF MONTGOMERY TOWNSHIP'S FARMLAND PRESERVATION PROGRAM MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM FY2023 PLANNING ROUND APPLICATION

WHEREAS, the Agriculture Retention and Development Act establishes the State Agriculture Development Committee (SADC) to implement the preservation of farmland through the retirement of development rights and the acquisition of agricultural easements; and

WHEREAS, over 1,300 acres of agricultural land have been preserved in Montgomery Township through the SADC Farmland Preservation Program; and

WHEREAS, the SADC enacted the Planning Incentive Grant (PIG) program in 1999 to enhance farmland preservation by providing grants to eligible counties and municipalities for easement acquisition; and

WHEREAS, N.J.S.A. 2:76-17A.6 requires municipalities to submit annual Farmland Preservation Program Municipal Planning Incentive Grant applications for each year's funding round to be eligible to receive funding for that round; and

WHEREAS, the Agricultural Advisory Committee reviewed and supported submission of the application at their October 11, 2021 meeting; and

WHEREAS, N.J.S.A. 2:76-17A.6(a)2iii(3) requires Municipal PIG applications be accompanied by a resolution of support by the Governing Body; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, Somerset County New Jersey that it endorses and supports the submission of the Municipal Planning Incentive Grant FY2023 Planning Round Application to the SADC.

D. RESOLUTION #21-12-290 - AUTHORIZING THE ISSUANCE OF 2022 TOWING LICENSE

WHEREAS, the Township has received a completed towing application for a light duty towing license from Kovi Towing LLC to provide towing services in 2022; and

WHEREAS, the Police Department has reviewed said application and conducted an appropriate investigation 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 investigation, approved said application, and recommended the issuance of a heavy-duty towing license to Kovi Towing LLC.

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 to Kovi Towing LLC for 2022.
2. 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, 2022.
3. This resolution shall take effect immediately.

4-1. Motion to adopt **CONSENT AGENDA** _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

5. **RESOLUTION #21-12-291 - 2021 YEAR END BUDGET TRANSFERS**

WHEREAS, there are unexpended balances in various 2021 appropriation accounts not required for the balance of 2021; and

WHEREAS, additional sums are required for the operating expenses of other Township accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Montgomery, County of Somerset, State of New Jersey that the following transfers be approved:

TO:

Administration - S&W	\$ 5,000
Clerk - S&W	\$ 5,000
GIS - S&W	\$ 500
Planning - S&W	\$ 11,500
Zoning - S&W	\$ 2,500
Finance - S&W	\$ 15,000
Police - S&W	\$ 15,000
Streets & Roads - S&W	\$ 30,000
Buildings & Grounds - OE	\$ 30,000
Vehicle Maintenance OE	\$ 50,000
Recreation - S&W	\$ 34,500
Adult - S&W	\$ 25,000
Adult - OE	\$ 33,000
Telephone - OE	\$ 5,000
Solid Waste - OE	\$ 35,000
	<u>\$297,000</u>

FROM:

Legal Service - OE	\$ 5,000
Clerk - OE	\$ 5,000
Data Processing - S&W	\$ 15,000
GIS - OE	\$ 500
Planning - OE	\$ 11,500
Zoning - OE	\$ 2,500
Police - OE	\$ 15,000
Streets & Roads - OE	\$ 60,000
Liability Insurance - OE	\$ 50,000
Group Insurance - OE	\$ 34,500
Deferred Compensation - OE	\$ 30,000
Senior Center - OE	\$ 33,000
Water - OE	\$ 5,000
Maintenance of Parks OE	<u>\$ 30,000</u>
	<u>\$297,000</u>

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

6. **RESOLUTION #21-12-292 - A RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SOMERSET MUNICIPAL BANC PROGRAM**

WHEREAS, under the Somerset Municipal Banc Program (as defined herein), various municipalities, educational services commission and school districts within the County of Somerset (the "County") and the County (each a "Participant") submit a request (the "Application") to the Somerset County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Somerset Municipal Banc Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Somerset Municipal Banc Program may be referred to herein as the "Project"); and

WHEREAS, under the Somerset Municipal Banc Program, the Authority intends to enter into the hereinafter defined Authority Lease with TD Equipment Finance, Inc. (the "Lessor"); and

WHEREAS, under the Somerset Municipal Banc Program, the Lessor intends to provide funds to acquire the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"); and

WHEREAS, under the Authority Lease, the Authority shall make rental payments solely from amounts received by the Authority from the Participant under the hereinafter defined Participant Lease; and

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Participant will make rental payments that are general obligations of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Somerset Municipal Banc Program; and

WHEREAS, pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

WHEREAS, in order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Montgomery as follows:

Section 1. That the Participant Lease, in the form presented at this meeting, is hereby approved, and the Township's Mayor, Administrator, Clerk, and Chief Financial Officer (each an "Authorized Participant Representative") are hereby authorized to execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on the Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the Police Equipment, and all related transactions contemplated by this resolution.

Section 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Equipment prior to the date that the Township incurs obligations under the Participant Lease. The Township reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township under the Participant Lease. The maximum principal amount of obligations expected to be issued for payment of the costs of the Equipment is \$160,042.48.

Section 4. A copy of the Participant Lease is available for review at the office of the Township Clerk during normal business hours.

Section 5. This resolution shall become effective immediately.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

7. **ORDINANCE #21-1674 - Recreation Facility Rental Fees - Public Hearing**

A. Title: AN ORDINANCE AMENDING CHAPTER 2, MISCELLANEOUS FEES, AND CHAPTER 9, PARKS AND RECREATIONAL AREAS OF THE MONTGOMERY TOWNSHIP PARKS AND RECREATIONAL AREAS

B. Public Hearing. Motion to close _____ Second _____ Favor _____ Opposed _____

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be adopted this 16th day of December 2021 and that a notice thereof be published in an official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

8. **ORDINANCE #21-1675 - Authorizing Trap Rock Dedication - Public Hearing**

A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FOR THE ACQUISITION OF REAL PROPERTY IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP OF MONTGOMERY AS BLOCK 38001, LOTS 1 AND 9

B. Public Hearing. Motion to close _____ Second _____ Favor _____ Opposed _____

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be adopted this 16th day of December 2021 and that a notice thereof be published in an official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

9. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for December 2 stand approved.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

10. **PAYMENT OF BILLS - Posted**

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

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

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

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

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

COMMITTEE CORRESPONDENCE

Keith Martin

NEW & UNFINISHED BUSINESS

Municipal Building Signage Survey
Cricket Fields

ADMINISTRATOR'S REPORT

11. **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 subjects to be discussed in this session are as follows:
 - Police Officer interviews;
 - Personnel matter;
 - Potential acquisition of property (Block 25001, Lot 4 - Normile, Block 27001, Lot 19.01 and 19.02 - Wismer, Block 37003, Lot 7, Trap Rock, Block 11002 Lot 38 - Harcarik) for open space, conservation, recreation.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Appointments, agreements, and acquisition of land shall only be authorized by the Township Committee in a public session.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

ADJOURNMENT at _____ p.m. Motion _____ Second _____ Favor _____ Opposed _____