

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 21, 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, Deputy Mayor Bell, Committeemembers Schuldiner, Singh & Barragan

ADMINISTRATOR - Lori Savron

TOWNSHIP ATTORNEY - Wendy Rubinstein-Quiroga

TOWNSHIP CLERK - Donna Kukla

2. Mayor Keenan stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Mayor Keenan led the salute to the flag.

4. **EAGLE SCOUT PROCLAMATION** - Andrew Devine and Rohan Shah

WHEREAS, the prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Andrew Devine and Rohan Shah; and

WHEREAS, the standards established for this honor are high and very difficult to achieve; and

WHEREAS, those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED that with great pride, the Montgomery Township Committee congratulates Andrew Devine and Rohan Shah on this remarkable achievement and extends its sincere wishes for their continued success.

- 4-1. Eagle Scout Rohan Shah gave an overview of his Eagle Scout Project. The Native Plant Exclosure is located in Skillman at the Rock Mill Preserve. The purpose was to educate visitors on the importance of protecting the various species of vegetation, while educating visitors on damage that deer create.
- 4-2. Eagle Scout Andrew Devine created two heavy duty bungee "Buddy Benches" for Orchard Hill Elementary School. The purpose was to refurbish the existing bench, and encourage students to congregate, establish friendships and provide mental health wellness.
- 4-3. Committeeperson Singh commented that she is a parent of an Eagle Scout. She acknowledged their efforts, and congratulated them on obtaining the rank of Eagle Scout.

5. **RESOLUTION HONORING EMS CADETS**

WHEREAS, a community possesses no greater treasure than the dedicated service of its volunteers; and

WHEREAS, when Montgomery EMS was officially formed on June 1, 1972, it consisted of approximately 50 volunteer members who provided emergency medical services 24 hours a day, 7 days a week, 365 days a year; and

WHEREAS, the following Montgomery EMS Cadets have graduated to full members and are to be recognized for their contributions while cadets to this great organization:

Elaine Dundi	Elizabeth Henderson	Rohan Roa
Maya Mehta	Zain Mughal	Sanya Solanki
Claire Stockton		

WHEREAS, these Cadets joined the Montgomery EMS as early as age 16; have completed the full, rigorous 210 hour EMT certification class and passed the State EMT test; volunteered with Montgomery EMS at least 20 hours a month; have assisted in squad fundraising activities and stood by to provide medical support for a multitude of community events; and have served the health and safety of residents through thousands of volunteer hours on 9-1-1 duty shifts.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee congratulates the 2022 Montgomery EMS Cadet Program graduates on all their accomplishments and expresses deep gratitude for their continued commitment to the citizens of Montgomery Township on this 21st day of July 2022.

- 5-1. Captain Ron Gerschel recognized the Cadets honored at the evening's Committee meeting, acknowledged the obstacles they endured over the Covid-19 Pandemic, and thanked them for their perseverance. He also thanked the Committee for their support.

6. **COVID-19 REPORT**

Township Administrator Lori Savron read a report in the absence of Health Officer Devangi Patel. The current CDC level is high for Somerset County. The recommendation is for masking while indoors, adherence of vaccination schedules, and continued testing if symptomatic. Curbside Covid-19 Testing is available through Carbon Health at Montgomery Township's main offices Monday through Friday, 11:00 am to 6:00 pm. The Health Department will continue to host vaccination clinics throughout the summer.

6-1. Committeeperson Barragan reminded parents that the pediatric vaccination is available and there are many options available.

7. **2021 ANNUAL AUDIT REPORT PRESENTATION**

Audit Manager Paul Frieda of Suplee Clooney provided the Committee with a brief explanation of his firm's background, requirements, description and summary of this year's audit. Montgomery Township received a clean opinion, and is in accordance with State requirements. There were no recommendations.

7-1. Committeeperson Barragan said he did not observe any comments in the report, and asked if the Township was effective in all of its controls. Mr. Frieda replied that it is an indicator of the Township being properly operated.

8. **RESOLUTION #22-7-167 REVIEW OF ANNUAL AUDIT REPORT OF 2021**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Montgomery, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

BE IT FURTHER RESOLVED that the Montgomery Township Committee has reviewed and approves the Corrective Action Plan as filed.

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, Singh, Schuldiner, Bell, Keenan
Nays - None

9. **PUBLIC COMMENT**

9-1. Susan Rogers, 8 Ichabod Crane Lane, thanked the Committee for restoration of in-person meetings. She expressed her opinion on the detail of minutes, and asked for explanation why there isn't a video on the Township's website for May 5th, and the reason as to why the June 23rd meeting was not televised.

Ms. Rogers also requested a reply as to the need to purchase additional vehicles for the Police Department, and correlated her beliefs regarding Cannabis and the operation of them.

- 9-2. Mayor Keenan responded that an audio function broke down and the May 5th meeting was unable to be restored. The June 23rd meeting was to be held virtually. The meeting was cancelled unexpectedly as the provider's software crashed. The Township and service provider attempted to restore service for over an hour with no avail, and the Committee unanimously made the decision to cancel the June 23rd meeting.
- 9-3. Township Attorney Wendy Rubinstein-Quiroga gave an explanation on the State's requirement regarding minutes. She stated statute requires the conveyance of actions taken by the governing body, and are not a transcript of each word said. The Township Clerk's level of minutes currently supersedes that requirement. While the studies provided to the Committee by Ms. Roger's are welcomed, the Committee does not have the capability to review the factualness in the forum provided, and time duration of 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 #22-7-168 REFUND OVERPAID 2022 SEWER**

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

<u>Name</u>	<u>Year</u>	<u>Block/Lot</u>	<u>Amount</u>
Sanjeev & Mamta Mehta	2022	28003/98	\$768.50
Bala Niak	2022	6001/4	\$635.52
A Absolute Escrow Settlement	2022	7007/42	\$305.00

B. **RESOLUTION #22-7-169 REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #21-00019 in the amount of \$1,788.79.

BE IT RESOLVED that a refund in the amount of \$1,788.79 be given to Evolve Bank & Trust, 6070 Poplar Avenue, Suite 200, Memphis, TN 38119 for the Redemption of Tax Sale Certificate #21-00019 on Block 37004 Lot 6.35.

Tax Lien Redemption

Certificate Amount	\$	415.48
Redemption Penalty	\$	8.31
Recording Fees	\$	53.00
Other Fees	\$	12.00
PREMIUM	\$	1,300.00
TOTAL	\$	1,788.79

C. **RESOLUTION #22-7-170 AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE VILLAGE WALK AT MONTGOMERY - PHASE 1A BUILDING C-D**

WHEREAS, the developer, Village Shoppes at Montgomery, LLC, has completed the work pertaining to the Temporary Certificate of Occupancy Guarantee and the work is acceptable to the Engineering Department and the Certificate of Occupancy has been authorized; and

WHEREAS, Mark Herrmann, Township Engineer is recommending that the Township Committee consider the release of the \$44,652.96 TCO Guarantee.

The Township **will not accept any improvements** and no maintenance guarantee is required as part of this guarantee release.

Inspection escrow account PB-04-18 is in use for the Village Walk project so the account must remain open at this time.

D. **RESOLUTION #22-7-171 AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE 165 WILLOW ROAD**

WHEREAS, he developer, Habitat for Humanity, has completed the work pertaining to the Temporary Certificate of Occupancy Guarantee and the work is acceptable to the Engineering Department and the Certificate of Occupancy has been authorized; and

WHEREAS, Mark Herrmann, Township Engineer, is recommending that the Township Committee consider the release of the \$7,440.00 TCO Guarantee.

The Township **will not accept any improvements** and no maintenance guarantee is required as part of this guarantee release.

Inspection escrow account ENG-01-21 must remain open at this time as a separate Performance Guarantee is still in place for this project.

E. **RESOLUTION #22-7-172 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>
Princeton Airport Hanger #4, Phase 1 - Performance	08/04/2023
Village Walk at Montgomery - Montgomery Shopping Center Pump Station Upgrade - Performance	08/06/2023
Village Walk at Montgomery Phase 1A - Performance	08/06/2023
Village Walk at Montgomery Phase 1A - Safety & Stabilization	08/06/2023
Montgomery Crossing Phase 2 - Landscaping Buffer	08/26/2023
Montgomery Crossing Phase 2 - Performance	08/31/2023
2 High Ridge Road, Block 31003, Lot 31 - TCO	03/08/2023
Bloomberg Business Park Solar Collector Project (2020) Safety & Stabilization	09/09/2023
Bloomberg Business Park Solar Collector Project (2020) Landscaping Buffer	09/09/2023
Bloomberg Business Park Solar Collector Project (2020) - TCO	09/09/2023
Staats Farm road Development - Performance	09/14/2023
Montgomery Ridge (JER Herring) Residential Parcel & Landscaping	10/01/2023
Fiveeighteen Associates Parking Lot Expansion - Safety & Stabilization	10/05/2023
Hackensack Meridian Health Carrier Clinic Security Fence Safety & Stabilization	10/07/2023
Hackensack Meridian Health Carrier Clinic Security Fence Landscaping Buffer	10/07/2023

10-1. Deputy Mayor Bell moved to adopt CONSENT AGENDA. The motion was seconded by Committeeperson Schuldiner and carried on the following:

ROLL CALL - Ayes - Barragan, Singh, Schuldiner, Bell, Keenan
Abstain - Schuldiner (Items A & E)
Nays - None

11. **ORDINANCE #22-1688 - Amendment to Site Inclusionary Zone 3 - Introduction**

- A. Title: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTIONS 16-3.3 REGARDING THE ZONING MAP, AND 16.4.14 ENTITLED "SITE SPECIFIC INCLUSIONARY ZONES FOR COAH QUALIFIED AFFORDABLE HOUSING" TO AMEND SITE SPECIFIC INCLUSIONARY ZONE 3
- 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 September 1, 2022 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

11-1. 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, Singh, Schuldiner, Bell, Keenan
Nays - None

12. **APPROVAL OF MINUTES**

As there are were no corrections, the Regular Session minutes for July 7, 2022 stand approved as printed.

13. **PAYMENT OF BILLS - Posted**

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

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

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

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

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

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

14. **NEW & UNFINISHED BUSINESS**

Committee Summer Meeting Schedule

14.1 Due to vacation schedules, the Committee unanimously came to the decision to cancel the August 4th and 18th meetings, and rescheduled the meeting to August 11th.

15. **ADMINISTRATOR'S REPORT**

15-1. Summer Camp

Administrator Savron reported Summer Camp is off to a great start with 1,430 registered participants with a wide range of programs. Outdoor activities will be limited due to the recent excessive heat wave.

15-2. Excessive Heat/Water Consumption

The Otto Kaufman Community Center, and the new Library have been delegated as cooling centers for residents in need of relief. Due to the lack of rainfall New Jersey American Water has asked residents to conserve water by limiting use of sprinklers. A suggestion that residents with odd house numbers water on odd numbered days and even home numbers on even days.

15-3. Tax Bills

Third Quarter Tax Bills will be slightly delayed with the anticipation of mailing in mid-August.

15-4. New Building Update

Work continues with the onboarding of the Police Department. An approximate date of mid-August or early-September arrival is anticipated. The shipment of building materials have caused the delay. Mayor Keenan asked about the arrival schedule of window treatments for the Meeting Chamber. Ms. Savron responded that the contractor for the window treatments has reached out to legal counsel for the procurement of materials previously that were ordered and manufactured

16. **COMMITTEE REPORTS**

16-1. Committeeperson Singh gave an update on the following:

Somerset Patriots "Montgomery Night"

- A reminder to residents of "Montgomery Night" hosted by the Somerset Patriots. There is no cost to utilize the portal for residents to purchase tickets. The discount price for tickets is \$7.50. Game time is 7:00 p.m. on August 5th. Information is available on Montgomery's Recreation website.

Municipal Alliance/Youth Leadership - June 13

- The Committee discussed the summer months being a difficult time for young individuals due to the lack of structure, free time for risky behavior causing stress that can exacerbate existing mental health conditions. Outreach information is available on the Township website through the Health Department.

Sunset Yoga - June 22

- The Recreation and Municipal Alliance sponsored a Sunset Yoga event that was well received, with hopes to hold more of this type of event in the future.

Board of Health - June 8

- Discussion on the recent outbreak of Monkey Pox. Residents with questions can contact the Health Department at (908) 359-8211 extension 2235 to speak with Public Health Nurse Katie Williams.

16-2. Committeeperson Schuldiner gave an update on the following:

Planning Board - June 27 & July 11

- The board memorialized a resolution and formalized future meetings to be held at the new Municipal Building. Continuation of previous discussion on redevelopment studies to ascertain if each parcel met the criteria.

Economic Development Commission - June 28

- Restaurant Week is scheduled to be held September 15th through the 25th.
- Farm Crawl dates were discussed. Additional information to follow.

16-3. Committeeperson Barragan gave an update on the following:

Veterans Memorial Committee

- Summer meetings were postponed and will resume in September.

16-4. Deputy Mayor Bell gave an update on the following:

Inclusion & Equity

- A request has been made with a representative from the Department of Criminal Justice to schedule a presentation on Bias Incidents. Additional information to follow.

Youth Leadership Council - June 12

- A summer event is being planned for August, and "Coffee with a Cop" is scheduled is also being discussed to give residents the ability to meet and have conversation with Montgomery Police Officers.

17. **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:
 - Police Personnel - Sergeant Interviews
 - Investigation of possible violations of law at Block 29002, Lots 49 and 50 (Gamatech)
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public.

17-1. Deputy Mayor Bell moved to close the meeting to the public. The motion was seconded by Committeeperson Schuldiner and carried unanimously.

17-2. Deputy Mayor Bell moved to reopen the meeting to the public. The motion was seconded by Committeeperson Singh and carried unanimously.

ADJOURNMENT was at 9:56 p.m. on a motion by Committeeperson Barragan. The motion was seconded by Committeeperson Schuldiner and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk