

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 2, 2021
7:00 p.m.

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

TOWNSHIP COMMITTEE: Present - Mayor Keenan, Deputy Mayor Schuldiner,
Committeemembers Huang, Bell and Singh

ADMINISTRATOR - Donator Nieman

TOWNSHIP ATTORNEY - Wendy Rubinstein

ASSISTANT CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

2. Mayor Keenan stated the following: "Although this meeting is the regularly scheduled meeting of the Montgomery Township Committee, due to the State of Emergency that exists as a result of the COVID-19 Coronavirus crisis, and in accordance with Executive Order No. 104 issued by Governor Murphy on Monday, March 16, 2020 limiting public gatherings, this meeting is being held virtually by webcast and simulcast on Comcast Cable Channel 29".

3. Committeeperson Shelly Bell led the salute to the flag.

4. **MUNICIPAL BUILDING UPDATE**

Township Administrator Donato Nieman introduced speakers Somerset County Executive Colleen Mahr, Somerset County Attorney Joe DeMarco, Somerset County Assistant Engineer Adam Slosky, Henry Ossi from DMR, and Michael Tartaglia from Epic to give an overview of the status, finances, and work completed to date. Mr. Tartaglia reviewed the schedule of milestones in the original contract and items completed. Mr. Henri Ossi gave a financial recap of all change orders updated as of October 31st. The contract award was in the amount of \$25,475,000.00 Change orders written to date are \$26,116,395.00 representing an amount of \$641,395.00 in change orders. He gave a breakdown of the items that were incurred such as security, surveillance and asphalt which were going to be bid separately, but were added in later. He said that there are some potential items that have yet to be added to the project that are being contemplated. Committeeperson Huang asked for an explanation of the items that were added in. Mr. Ossi explained that it is not uncommon for such things to occur as they provide the infrastructure for security, surveillance, and computers that are normally the preference of the end user. Mr. Ossi answered that the asphalt portion of the project came about when the paving of the new parking area was discussed. It was decided that it wouldn't be prudent to have a roadway in disrepair entering a new parking lot. Mayor Keenan asked Chief Financial Officer if everything is still in line with the estimates for the interior of the building. Mr. Pitts replied that there are no anticipated additions. Committeeperson Singh asked if plans for a park is still being discussed. Mr. Nieman answered that is has not been sidelined. Recreation Director Karen Zimmerman, members of Recreation Committee and staff are continuing to work on the project to find an appropriate location that is handicap accessible and in close proximity to the new building. Committeeperson Bell said she organized a meeting regarding funding for the park with Somerset County Principal Planner of Open Space Preservation, Planning Director Lori Savron, and Open Space Coordinator Lauren Wasilauski, to pursue a Recreation Grant that is currently being discussed.

5. **MUNICIPAL BUILDING EXTERIOR SIGNAGE**

Committeepersons Kent Huang and Neena Singh shared four screen shot renderings of the signs that will be located on Headquarters Drive and Route 206. Committeeperson Huang advised the Committee that feedback will be needed so a final decision could be made by the next meeting for the purpose of fabrication before the building is opened. The first sign is two sided and will be located on the west side of Route 206 facing north and south and will provide motorists information on upcoming events, meetings and other additional information. The second sign will be located on Headquarters Drive. Items also discussed were color, and upkeep. Utilization of the existing sign bases will be used at a cost savings. Captain James Gill advised that a sign should be placed on Route 206 in the direction of Orchard Road to alert motorists of the Police Department's location so as to avoid confusion and the possible occurrence of illegal left hand turns.

6. **OFFICE OF EMERGENCY MANAGEMENT PROCEDURE**

Township Attorney Wendy Rubenstein and Captain James Gill gave an overview of the four phases of the Emergency Management Plan to include mitigation, preparedness, response, and recovery, sub plans and annexes that involve all types of departments depending on the emergency with the Emergency Management Coordinator involved in all the four phases. Ms. Rubenstein stated that Montgomery Township does have a plan and it is due for renewal. Mr. Nieman said that meetings are usually conducted prior to a significant event to ascertain which departments will be most impacted. Ms. Rubenstein went on to explain the chain of command for each department, and the four distinct groups; Executive, Operation, Communication, and Administrative.

She said with the implementation of the new building, changes to include the division of certain roles, renaming of titles, and revision of current ordinances, communication should be elevated. Ms. Rubenstein recommended training for all newly elected officials within the first year of election into office. She also advised the annex of communications should be updated, as there is no clear path of communication to the Township Committee, as well as new ways of communicating information such as Nixel to the public as utilized during the pandemic.

7. **COVID-19 UPDATE - Devangi Patel**

Health Officer Devangi Patel updated the Committee on the prioritization of vaccination clinics for five to eleven-year old children. Clinics will be held Friday, Saturday and Sunday. Weekly clinics are also being held for boosters as well. She stated the COVID-19 Weekly Activity report arrived and our region is back in the high category due to the colder weather and holiday indoor gatherings. She urged everyone get vaccinated as the Omicron variant had shown to effect those individuals that are unvaccinated.

8. **PUBLIC COMMENT**

- 8-1. Sadaf Jaffer, 61 Harvard Circle, commented on the naming of the new Municipal Building and the idea of adding other amenities such as library signage. She commended the Health Department for their work in getting everyone vaccinated and suggested an information session be held for parents on vaccination of children five to eleven.
- 8-2. Jeffrey Grant, 6 Livingston Drive, commented on the October 24 Township Committee Meeting regarding comments made by Deputy Mayor Marvin Schuldiner.
- 8-3. Suman Rao, 115 Colfax Road, representing the Bedens Brook Homeowners Association requested a speed limit sign be placed in the cul-de-sac, and asked about the procedure to implement a Neighborhood Watch Program. Deputy Mayor Schuldiner answered that he will have the speed limit sign discussion placed on the next Transportation Advisory Committee meeting's agenda. Captain Gill replied that he will forward the Neighborhood Watch request to Lieutenant Thomas Frascella and Sergeant Andrew Perry.
- 8-4. Marilyn Blazovsky, 14-D Andover Circle, commented on her approval of the new Township website, and efficacy of the E-blasts.
- 8-5. Benjamin Wine, Esq., 2 University Plaza Drive, Hackensack, representing the contract purchaser for Block 28005, Lot 57, which is on tonight's agenda. He said his client would like to have open communication and a collaborative effort going forward.
- 8-6. Susan Rodgers, 8 Ichabod Crane Lane, commented on COVID-19 and cannabis legalization. Health Officer Devangi Patel said she will look into her comments and get back to her.
- 8-7. Township Clerk Donna Kukla read correspondence from the following;
- Candy Willis regarding the Landmarks Commission Cemetery Subcommittee's request for the removal of a tree on the Christopher Hoagland Burying Ground.
 - Elizabeth Palius asked for the resumption of in person Township Committee Meetings.
 - Jessie Havens commended the Township Committee on the decision to preserve historic sites such as family burial grounds and the implementation of the proposed ordinance.

9. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committee person may request that an item be removed for separate consideration.

A. **RESOLUTION #21-12-269 - REFUND OVERPAID 2017 & 2021 TAXES**

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

<u>Name</u>	<u>Block/Lot</u>	<u>Yr.</u>	<u>Amount</u>
Advanced Title & Abstract	37002/4.13	2017	\$ 544.06
Bernard B & Annie Lee	37002/1.157	2021	\$ 2,271.51
Core Logic	37002/5.13	2021	\$ 2,735.48
Brian & Ayesha Hamilton	28008/7	2021	\$14,247.63
AFRM Title & Abstract, LLC	28008/14	2021	\$ 4,385.25
Haribabu Bandaru & Yyotsna Yenuga	4028/6	2021	\$ 2,093.65
Lauren & Amy Mason	18022/32	2021	\$ 125.00
Core Logic	4025/2	2021	\$ 4,176.94
Raymond G & Kathleen M Curry	17007/4	2021	\$ 5,632.54

B. **RESOLUTION #21-12-270 - REFUND OVERPAID 2021 SEWER TAX**

BE IT RESOLVED that a refund in the amount of \$2,104.80 be given to Core Logic, P.O. Box 9202, Coppell, TX 75019 Attn: Refund Department for the overpayment of 2021 sewer tax on Block 34022 Lot 30.

C. **RESOLUTION #21-12-271 - REDEMPTION OF TAX SALE CERTIFICATE #2019-0012**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #2019-0012 in the amount of \$6,370.51.

BE IT RESOLVED that a refund in the amount of \$6,370.51 be given to Trystone Capital Assets, LLC, 1608 Route 88, Suite 330, Brick, NJ 08724 for the redemption of Tax Sale Certificate #2019-0012 on Block 37002 Lot 1.059.

Tax Lien Redemption

Certificate Amount	\$ 578.45
Subsequent Charges	\$ 1,114.96
Interest Amount	\$ 300.03
Redemption Fee	\$ 12.07
Recording Fee	\$ 53.00
Search Fee	\$ 12.00
PREMIUM	\$ 4,300.00
TOTAL	\$ 6,370.51

D. **RESOLUTION #21-12-272 - REDEMPTION OF TAX SALE CERTIFICATE #21-0004**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #21-0004 in the amount of \$124,701.08;

BE IT RESOLVED that a refund in the amount of \$124,701.08 be given to US Bank Cust For Pro Cap 8, US Bank Corp Trust - TLSG, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #21-0004 on Block 6001 Lot 37. Redeemed within 10 days of sale.

Tax Lien Redemption

Certificate Amount	\$ 3,501.08
PREMIUM	\$ 121,200.00
TOTAL	\$ 124,701.08

E. **RESOLUTION #21-12-273 - REAPPOINTMENT OF RISK MANAGEMENT CONSULTANT - Acrisure**

WHEREAS, the Township of Montgomery has resolved to join the Mid Jersey Municipal Joint Insurance Fund ("MidJIF") following a detailed analysis; and

WHEREAS, the Bylaws of MidJIF allow for an entity to designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS, the Bylaws indicate that MidJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee.

NOW THEREFORE, BE IT RESOLVED that the Township of Montgomery does hereby reappoint Acrisure as its Risk Management Consultant in accordance with the Fund's Bylaws.

F. **RESOLUTION #21-12-274 - DECLARING CERTAIN GENERAL EQUIPMENT AS SALVAGE FOR DISPOSAL**

WHEREAS, The Montgomery Township Police Director desires to declare certain property as salvage to be disposed of.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee does hereby authorize the disposal of the following items:

K55 Radar Unit/Computation unit & two antennas
K55 Radar Computation Unit - ser# K55266003843
K55 Radar Antennae - ser# K55097005186
K55 Radar Antennae - ser# K55097005185
Sony Digital Video recorder
Canon L2 8mm video recorder
Polaroid camera
Safariland M&P 9mm (4.25-inch barrel) 9mm holsters non-weapon mounted light
Safariland M&P 9mm (4.25-inch barrel) holsters paddle non-weapon mounted light
JVC Super VHS recorder

G. **RESOLUTION #21-12-275 - AUTHORIZING EXECUTION OF THE SOMERSET COUNTY COMMODITY RESALE AGREEMENT ID#201SCCRS - 2021-2026**

WHEREAS, Resolution #17-12-268 adopted on December 12, 2017, authorized the execution of a Public Works Commodities and Services through Cooperative Joint Services Agreement with Somerset County; and

WHEREAS, Somerset County wishes to replace the previous agreement on file due to modifications in accordance with the rules and regulations set for by the State of New Jersey Department of Community Affairs, Division of Local Government Services; and

WHEREAS, said agreement shall be in effect from the date of its execution by both parties and shall continue in effect for a period not to exceed five (5) years, unless sooner terminated by either party.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Mayor and Clerk are hereby authorized to execute the modified agreement.

H. **RESOLUTION #21-12-276 - AUTHORIZING THE ISSUANCE OF 2022 TOWING LICENSE**

WHEREAS, the Township has received a completed towing application for a heavy duty towing license from Mike's Towing & Recovery 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 Mike's Towing & Recovery.

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

1. The Township Clerk is hereby authorized to issue a heavy-duty license to Mike's Towing & Recovery 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.

I. **RESOLUTION #21-12-277 - GRANTING TAX EXEMPTION FOR A TOTALLY DISABLED VETERAN**

WHEREAS, Demitra Bairaktaris, who resides at and is the owner of certain real estate in the Township of Montgomery, County of Somerset, State of New Jersey known as Block 11001, Lot 33.12 located at 86 Viburnum Drive, Skillman, was deemed a 100%, totally and permanently disabled veteran in accordance with the provisions of N.J.S.A 54:4-3.30; and

WHEREAS, Demitra Bairaktaris made the appropriate claim for tax exemption thru the Somerset County Assessor's Office as a 100% totally and permanently disabled veteran and was approved effective February 22, 2021; and

WHEREAS, the Department of Veterans Affairs has confirmed this information.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery that the property known as 86 Viburnum Drive, Skillman, New Jersey is hereby designated as a tax-exempt property and therefore all property taxes on said property from February 22, 2021 forward are hereby cancelled.

BE IT FURTHER RESOLVED that a properly executed copy of this resolution be forwarded to the Tax Collector, CFO, and Tax Assessor for their records.

J. **RESOLUTION #21-12-278 - AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE (CASH) FOR 650 RIVER ROAD, BLOCK 8001 LOT 6**

WHEREAS, the improvements for the above referenced project pertaining to the Temporary Certificate of Occupancy Guarantee have been completed by the property owner, Paul Fernandes; and

WHEREAS, the completed improvements are acceptable to the Engineering Department and the Certificate of Occupancy has been authorized; and

WHEREAS, the Township Engineer has recommended that the Township Committee consider the release of the \$10,022.64 TCO Guarantee.

No improvements will be accepted by the Township and no maintenance guarantee is required for this project.

K. **RESOLUTION #21-12-279 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FP0023452 FOR COUNTRY CLUB MEADOWS WET PONDS 5A AND 5B**

WHEREAS, the improvements for the above referenced project have been completed by the developer, Country Club Meadows, LLC. The completed improvements are acceptable to the Engineering Department and the Township Engineer has recommended that the Township Committee consider the release of the Performance Guarantee.

It is recommended that the release include the following conditions:

1. Country Club Meadows, LLC shall post a 2-year maintenance guarantee in the amount of 15% of the original Performance Guarantee amount of \$ 863,758.80 which is:

15% Maintenance Guarantee = \$ 129,563.82

2. Country Club Meadows, LLC shall post adequate escrow funds.

No improvements will be accepted by the Township. The developer shall maintain wet pond 5A on Block 6001 Lot 1 (Belle Mead Plaza, also known as the Grove), wet pond 5B on Block 5023 Lot 2.01 (formerly Lot 2, Pike Run Plaza, also known as Montgomery Place), and the storm sewer pipe crossing Belle Mead-Griggstown Road which connects pond 5A to 5B.

L. **RESOLUTION #21-12-280 - AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FP0024161 FOR COUNTRY CLUB MEADOWS COVERT DRIVE AND MUNICIPAL BUILDING LOT PEDESTRIAN BRIDGE, PATHWAY AND PARK IMPROVEMENTS**

WHEREAS, the above referenced project was inspected in anticipation of the maintenance guarantee expiration. All punch list work is complete and no apparent deficiencies were found during inspections conducted by the Engineering Department.

WHEREAS, the Township Engineer has recommended that the Township Committee consider the release of the posted Maintenance Guarantee #FP0024161.

M. **RESOLUTION #21-12-281 - AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FP0024307 FOR COUNTRY CLUB MEADOWS BELLE MEAD PLAZA, BLOCK 6001 LOT 1 (ALSO KNOWN AS THE GROVE AT MONTGOMERY)**

WHEREAS, the above referenced project was inspected in anticipation of the maintenance guarantee expiration. All punch list work is complete. No apparent deficiencies were found during inspections conducted by the Engineering Department.

WHEREAS, the Township Engineer has recommended that the Township Committee consider the release of the posted Maintenance Guarantee #FP0024307.

N. **RESOLUTION #21-12-282 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE (PORTION OF #45BCSIE4377) FOR PIRHL APARTMENTS AT MONTGOMERY CROSSING**

WHEREAS, the improvements for the above referenced project pertaining to the Performance Guarantee have been completed by the developer, PIRHL Acquisition, LLC and the completed improvements are acceptable to Engineering Department; and

WHEREAS, Gail Smith, Township Engineer, in her memo of November 18, 2021 has recommended that the Township Committee consider the release of the Performance Guarantee and all conditions listed on the memo must be completed; and

WHEREAS, both the Performance Guarantee as well as the Safety Stabilization Guarantee are part of the same guarantee number listed above. The Safety and Stabilization Guarantee release was authorized by Resolution 21-8-219; however, the developer has not posted the required Maintenance Guarantee. All or portions of bond #45BCSIE4377 shall remain in place until the appropriate Maintenance Guarantees are posted.

It is recommended that the release include the following conditions:

1. PIRHL Acquisition, LLC shall post a 2-year maintenance guarantee in the amount of 15% of the original estimated installed cost of the improvements which are being released pursuant to Township Code Section 6-9.2d2.(e), which is:

Maintenance Guarantee = \$21,735.00

2. PIRHL Acquisition, LLC shall post adequate escrow funds.

WHEREAS, upon satisfactory completion of these conditions, it is recommended that the Township accept the following as referenced in the Township Engineer's November 18, 2021 memo:

Rights-of-Way public improvements, sanitary sewerage structures, easements.

WHEREAS, the following improvements will not be accepted by the Township:

Roads and Rights-of-Way public improvements - no roads or rights-of-ways are being accepted as part of this project. The parking lot for the apartment building shall be maintained by the property owner.

Stormwater Management Facilities - all Stormwater Management Facilities including the detention basin, drainage swale, and porous pavement shall be privately maintained.

Storm sewer collection lines - off site and on-site drainage collection lines shall be privately maintained, including but not limited to the collection line crossing Hartwick Drive.

Sanitary Sewers - Sanitary sewerage improvements.

Private Easements / Easements to other entities - Including but not limited to Storm Sewer, Drainage, Sight, Access, and Utility easements.

Common areas - shall be maintained by the property owner.

Driveways - all driveways and driveway aprons that egress into roads and rights-of-ways belonging to the Township. These shall be maintained by the property owner.

Public Utilities - shall be owned and maintained by the appropriate utility company or the property owner, as applicable.

Other Improvements - any other improvements not listed herein shall not be accepted by the Township.

O. **RESOLUTION #21-12-283 - AUTHORIZING THE EXECUTION OF A SANITARY SEWER EASEMENT AGREEMENT WITH COUNTRY CLUB MEADOWS, LLC AND HMH CARRIER CLINIC, INC.**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a sanitary sewer easement agreement with Country Club Meadows, LLC and HMH Carrier Clinic, Inc

P. **RESOLUTION #21-12-284 - AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR INFRASTRUCTURE UPGRADE AND CAPACITY IN THE PIKE BROOK WASTEWATER TREATMENT PLANT TO SERVICE HACKENSACK MERIDIAN HEALTH - CARRIER CLINIC, BLOCK 2001, LOT 2**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement with Hackensack Meridian Health - Carrier Clinic for infrastructure upgrade and capacity in the Pike Brook Wastewater Treatment Plant.

9-1. Deputy Mayor Schuldiner moved to adopt CONSENT AGENDA. The motion was seconded by Committeeperson Bell carried on the following;

ROLL CALL - Ayes - Singh, Bell, Huang, Schuldiner, Keenan
Nays - None
Abstain - Schuldiner (Item N), Keenan (Item I)

10. **RESOLUTION #21-12-285 - APPROVING THE APPRAISAL AND OFFER TO ACQUIRE A PORTION OF CERTAIN PROPERTY INTERESTS THEREIN LOCATED WITHIN THE TOWNSHIP OF MONTGOMERY IDENTIFIED ON THE TAX MAPS AS BLOCK 28010 , LOT 57 FOR ROADWAY IMPROVEMENTS**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Montgomery ("Township") is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township has the power to acquire any real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40:56-1, et seq., the powers granted pursuant to N.J.S.A. 40:56-7 and the Eminent Domain Act, N.J.S.A. 20:3-1 et seq., the Township is empowered to acquire real property interests for the construction of public roadways; and

WHEREAS, Montgomery Township's Master Plan Land Use Plan Traffic Circulation Plan Element amendment, adopted May 12, 2003, recommended a number of new roadways to help alleviate traffic congestion at the Route 206/Route 518 Intersection and related Route 206 corridor improvements; and

WHEREAS, in order to complete the construction of a recommended roadway (the "Project"), the Township must utilize its power to acquire permanent and temporary property interests over a portion of Block 28010 (formerly Block 28005), Lot 57 (the "Property"), said property interests described in greater detail within the November 19, 2021, appraisal report of Peter E. Sockler, MAI, CRE, FRICS, of Sockler Realty Services Group, Inc., attached hereto as Exhibit A; and

WHEREAS, by Ordinance 2021-1658, the Township determined that it is in the public interest and for a public purpose and use to acquire the property interests over a portion of the Property and has authorized the acquisition of same through voluntary purchase and sale or by condemnation; and

WHEREAS, the Township Committee of the Township of Montgomery has reviewed the appraisal report attached hereto as Exhibit A, appraising the acquisition of the property interests in the amount of \$32,000.00; and

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

1. The Township Committee hereby approves the November 19, 2021, appraisal report attached hereto as Exhibit A and the of \$32,000.00 valuation.
2. The Township Committee hereby authorizes and ratifies any action taken by Township Administrator and/or Township Counsel, DeCotiis, FitzPatrick, Cole & Giblin, LLP, in serving the owner of the Property with an offer letter in the full amount of the appraised value and negotiating a voluntary purchase and sale or commencing a condemnation action should efforts to achieve a voluntary purchase and sale be unsuccessful.

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

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

11. **ORDINANCE #21-1671** - LDO - Electric Vehicle Supply/Service Equipment - Public Hearing

- A. Title: AN ORDINANCE AMENDING CHAPTER 16, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY BY ADOPTING 16-5.21 ENTITLED "ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES"
- B. The Township Clerk read the report from Planning Board.
- C. Mayor Keenan opened the hearing to the public. There being no comment, Deputy Mayor Schuldiner moved that the public hearing be closed. The motion was seconded by Committeeperson Huang and carried unanimously.
- D. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 2nd day of December 2021 and that notice thereof be published in an official newspaper as required by law.

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

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

12. **ORDINANCE #21-1673** - Landmarks Preservation Grant Program - Public Comment

- A. Title: AN ORDINANCE AMENDING § 2-29 LANDMARKS PRESERVATION GRANT PROGRAM, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY
- B. Mayor Keenan opened the hearing to the public.
- B-1. Liz Palius, Landmarks Committee member thanked the Committee for the ordinance which will provide preservation funds for the historic cemeteries.
- C. Deputy Mayor Schuldiner motioned to close public hearing. The motion was seconded by Mayor Keenan and carried unanimously.
- D. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 2nd day of December 2021 and that notice thereof be published in an official newspaper as required by law.

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

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

13. **ORDINANCE #21-1674** - Recreation Facility Rental Fees - Introduction

- 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. 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 December 16th, 2021 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

14. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for November 4th stand approved.

14-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Huang and carried unanimously.

15. **PAYMENT OF BILLS - Posted**

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

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

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

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

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

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

16. **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, and Block 27001, Lot 19.01 and 19.02 - Wismer, Block 37003, Lot 7, Trap Rock) for open space, conservation, recreation;
 - Advice of Counsel with regard to Brecknell Way appraisal;
 - Advice of Counsel with regard to Trap Rock (Block 38001, Lot 1 and 9);
 - Update on Police hiring process.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Agreements and acquisition of land shall only be authorized by the Township Committee in a public session. It is possible at the conclusion of the closed session; the Township Committee will reconvene in open session for the purpose of taking action on some of the matters discussed in closed session.

16-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Huang and carried unanimously.

17-1. **MOTION TO REOPEN THE MEETING IN PUBLIC SESSION**

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

18. **RESOLUTION #21-12-286 - APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION SEQUENCE AND REDEVELOPMENT AGREEMENT FOR MONTGOMERY CROSSING, CORRESPONDING ESCROW AGREEMENT AND CORRESPONDING EXCESS CONDEMNATION COSTS RECAPTURE AGREEMENT**

WHEREAS, on June 2, 2018, the Township Planning Board adopted the memorialized resolution granting the three related companies: SHARBELL PLAINSBORO, INC., a New Jersey Corporation; SHARBELL CRANBURY, INC., a New Jersey Corporation; and SHARBELL BUILDING COMPANY, a New Jersey Limited Liability Company, all with offices One Union Street, Suite 208, Robbinsville, New Jersey 08691 (hereinafter collectively the "Developer") preliminary and final major subdivision and preliminary and final major site plan approval with bulk variances and design exceptions for the development of the property known at that time as Block 28005, Lot 66, (the "Property"), submitted as PB-01-18; and,

WHEREAS, the Township and the Developers entered into the December 6, 2018, Redevelopment Agreement setting forth the full details of the conditions of approval and obligations of the Developer and the Township, including the construction by the Developer of certain public roads on the Property and adjacent thereto, to be dedicated to the Township, consistent with the Township Master Plan Traffic Circulation Plan Element dated March 15, 2005, as amended and updated; and,

WHEREAS, a portion of the proposed intermediate loop road identified as Road A on the PB-01-18 submissions, is situated on an adjacent property known as Block 28010 (Formerly Block 28005), Lot 57, on the Township Tax Map; and,

WHEREAS, the Developer has attempted in good faith, but has been unable to acquire the Road A Property Interests from the owner of Block 28010, Lots 57 and 58 by voluntary purchase and sale agreement; and,

WHEREAS, by Ordinance 2021-1658, the Township determined that it is in the public interest and for a public purpose and use to acquire the property interests over a portion of the Block 28010, Lot 57 and has authorized the acquisition of same through voluntary purchase and sale or by condemnation; and

WHEREAS, the Developer is obligated, at its sole initial cost and expense, to construct the public improvements that were committed to as part of the resolution of approval for PB-01-18 and the December 6, 2018, Redevelopment Agreement, inclusive of Road A subject to partial reimbursement of Excess Condemnation Costs by Township, through a cost sharing agreement which the Township agrees to implement; and,

WHEREAS, it is necessary to amend the December 6, 2018, Redevelopment Agreement, to further specify the rights and obligations of the Parties, with respect to the acquisition of Road A property interests from the owner of Block 28010, Lots 57 and 58.

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

1. The Mayor and/or the Township Administrator are hereby authorized and directed to execute the First Amendment to the Construction Sequence and Redevelopment Agreement for Montgomery Crossing in a form substantially similar to the form attached hereto, as well as the corresponding Excess Condemnation Costs Recapture Agreement and Escrow Agreement that are attached to the First Amendment as Exhibits E and F, respectively.
2. The Mayor and/or the Township Administrator are hereby authorized and directed to execute any and all ancillary documents and agreements necessary to effectuate the purpose and intent of this Resolution.
3. This Resolution shall take effect immediately upon adoption.

18-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Huang and carried on the following:

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

19. **ORDINANCE #21-1675 - Authorizing Trap Rock Dedication - Introduction**

- 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. 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 December 16th, 2021 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

19-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Mayor Keenan and carried on the following;

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

20. **NEW & UNFINISHED BUSINESS**

• **Township Meetings**

Mayor Keenan reported that the plan is to begin in person meetings in January subject to the advisement of the Health Department and Administrator Nieman.

• **Shade Tree Committee**

The Shade Tree presentation is planned for the second week of January 2022.

21. **COMMITTEE REPORTS**

21-1. Committeeperson Singh gave an update on the following;

Board of Health - November 10

- Discussions of ongoing vaccination clinics and continued support of the volunteers.

21-2. Committeeperson Bell gave an update on the following;

Employee Acknowledgements

- Committeeperson Bell congratulated Township Engineer Gail Smith on her award of New Jersey Municipal Township Engineer of the Year and Assistant Township Engineer Mark Herrmann, and Open Space Coordinator Lauren Wasilauski for their contributions to the Skillman Road Pathway Project.

Recreation Committee - November 9

- The Annual Holiday Light Spectacular is being held this year. Registration to participate must be received by December 3rd, and judging will take place from December 10 through the 19th with the winner being chosen on December 21st.

New Jersey League of Municipalities Conference - November 17

- Attended workshops and seminars and garnered information on working together for the betterment of Montgomery Township.

Youth Leadership Council - November 8

- Accepting applications from December 2nd through the 18th to join Montgomery Youth Leadership Ad-Hoc Committee. This opportunity gives young people the opportunity to learn about local government.

21-3. Committeeperson Huang gave an update on the following;

Open Space Committee - November 10

- A second quote is being obtained to repair a detached railing on the path from Bronson Way to the Red Fox Run neighborhood. This was damaged during Ida.
- Discussions regarding the Parks/Recreation/Open Space departmental reorganization was introduced at the November 4th Township Committee meeting.
- Discussions on improving signage for pathways in order to assist pedestrians identify their location and the routes available from the point of location. The information was based on feedback from a pedestrian utilizing the pathways of the Cherry Brook Preserve.
- Orchard Road Update - DOT grant for the road work and sidewalk along Orchard Road from 206 to the new Municipal Complex and also connecting the Bridgepoint Road sidewalk to 206. Currently reviewing a concept plan for the sidewalk portion of the project.
- Discussion on a proposed pathway at the Spring Hill/Folusiak properties and a plan of action in developing that pathway.
- Updates were provided by OSC Partners (Stoutsbury Sourland African American Museum, Wildlife Committee, Sourland Conservancy), Recreation and Open Space Master Plan, and acquisitions.

Montgomery Veterans Memorial Committee - November 16

- Hosted the Veterans Day Ceremony on November 11th. It was an excellent program honoring our Veterans. It was well run and well attended. Thank you to our Veterans for their service and thank you for all those who attended to honor our Veterans.
- An after action review of the Veterans Day Ceremony
- Miscellaneous topics of discussion/update were the Purple Heart Initiative, and the Veterans Memorial signage on Route 206 and 2022 budget requests.

21-4. Deputy Mayor Schuldiner gave an update on the following;

Planning Board - November 15

- The Board reported the Electric Vehicle ordinance was in compliance with the Master Plan.

21.5 Mayor Keenan gave an update on the following;

Tree Lighting Ceremony - December 7

- Everyone is invited to attend the Tree Lighting Ceremony at the Otto Kaufman Center on December 7th at 7:00 p.m.

Domain Name - Request for Volunteers

- Reminder to all members of the Township staff and Committee to switch over to the new domain name of montomerynj.gov.
- Requested community members to serve on Montgomery's boards and committees by submitting the Volunteer form on the website.

Recreation Grants

- Attended a meeting with Committeeperson Bell and Planning Director Lori Savron with Somerset County to discuss Recreation funding and potential grants for COVID-19, pathways and community gardens.

New Jersey League of Municipalities Conference - November 17

- Accepted the Silver Certification Award from Sustainable New Jersey.

22. ADMINISTRATOR’S REPORT

Awards

- Congratulated Township Engineer Gail Smith on her award as the New Jersey's Municipal Township Engineer of the Year Award, and the first female in the history of the award.
- Congratulated Superintendent Art Villano who was awarded the Build a Better Mouse Trap Award by the New Jersey Department of Transportation.

ADJOURNMENT was at 10:46 p.m. on a motion by Deputy Mayor Schuldiner. The motion was seconded by Committeeperson Singh and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk