# AGENDA FOR MONTGOMERY TOWNSHIP COMMITTEE March 16, 2023 6:00 p.m.

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

ROLL CALL - Keenan ( ), Singh ( ), Barragan ( ), Todd ( ), Ahn ( )

ALSO PRESENT - Rubenstein Quiroga ( ), Savron ( ), Kukla ( ) Ochei ( )

<u>MAYOR'S STATEMENT</u> - 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.

#### 1. 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:
  - Personnel Township Clerk Interview
- 3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. No appointments shall be made except by action of the Township Committee in a public session.

Motion	Second	Favor	Opposed	Abstain

### 1-1. MOTION TO REOPEN THE MEETING IN PUBLIC SESSION

Motion	Second	Favor	Opposed	Abstain

### SALUTE TO THE FLAG

### 2. RECOGNIZING MARVIN SCHULDINER

WHEREAS, a community derives its strength from people who endeavor to help others and contribute to the public good; and

WHEREAS, Marvin Schuldiner has worked diligently on behalf of Montgomery Township residents during his years of service; and

WHEREAS, Committeeperson Schuldiner left public office in December of 2022, having served Montgomery Township in the following capacities:

Deputy Mayor - 2020, 2021
Board of Fire Prevention - 2021, 2022
Budget and Finance Committee - 2019, 2020
Economic Development Commission - 2021, 2022
Planning Board Member - 2019, 2022, 2021, 2022
Township Committee Member - 2019, 2020, 2021, 2022
Transportation Advisory Committee - 2019, 2020, 2021, 2022
Somerset County Community Development Commission - 2020

WHEREAS, during his years of service, Marvin faithfully performed the duties and obligations of the office, and has given his utmost to the residents of Montgomery.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Montgomery Township Committee on behalf of the people of Montgomery, express our deepest appreciation to the Honorable Marvin Schuldiner for outstanding service to our community, and extend a fond farewell and warmest wishes for the future on this 16th day of March 2023.

### 3. STOUTSBURG SOURLAND AFRICAN AMERICAN MUSEUM PRESENTATION

- 4. OPERATION IRAQI FREEDOM 20TH ANNIVERSARY
- 5. **POLICE REPORT** Lt. Andrew Perry
- 6. **INFORMATION TECHNOLOGY PRESENTATION** Jack Ferrara

### 7. PUBLIC COMMENT

Each speaker will have a maximum of five (5) minutes to speak and should limit comments to matters pertaining to the Township. 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. Groups are asked to select a spokesperson to speak on their behalf.

8. <u>CONSENT AGENDA</u> - 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 #23-3-86 - REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #20-00009 in the amount of \$12,141.78; and

BE IT RESOLVED that a refund in the amount of \$12,141.78 be given to Evolve Bank & Trust, 6070 Poplar Avenue, Suite 200, Memphis, TN 38119 for the Redemption of Tax Sale Certificate #20-00009 on Block 7016 Lot 4.

Tax Lien Redemption

Certificate Amount	\$ 1,377.12
Subsequent Charges	\$ 6,549.06
Interest	\$ 1,423.06
Redemption Penalty	\$ 27.54
Recording Fees	\$ 53.00
Other Fees	\$ 12.00
PREMIUM	\$ 2,700.00
TOTAL	\$ 12,141.78

### B. RESOLUTION #23-3-87 - AUTHORIZING GUARANTEE EXTENSIONS FOR THE COMPLETION OF IMPROVEMENTS OF 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:

New Completion Date 2 High Ridge Rd, Block 31003, Lot 31 - TCO Guarantee 09/08/2023 147 Windsor Rd, Block 4026, Lot 2 - Restoration Guarantee Cummings, Block 20001, Lot 21 - Performance Guarantee 04/13/2024 04/16/2024 24 Sunnyside Ln, Block 31001, Lot 11.08 - Driveway 04/23/2024 25 Sunnyside Ln, Block 31001, Lot 11.08 - Landscaping 04/23/2023 Montgomery Place - Pike Run Plaza Area 2 - Performance Montgomery Place - Pike Run Plaza Area 2 - Safety & Stabilization 04/25/2024 04/25/2024 Bloomberg Business Park - Attended 101 Parking Area - Performance 05/10/2024 05/13/2024 Waldorf School of Princeton, Phases 1 & 2 - Bldg. Addition & Pathway

### C. RESOLUTION #23-3-88 - DECLARING CERTAIN PERSONAL PROPERTY AS SALVAGE FOR SCRAP

WHEREAS, Montgomery Township desires to declare Parks & Recreation Department equipment as salvage for scrap.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee does hereby dispose of the following:

Philips TV (model 27PS55 S321)

### D. RESOLUTION 23-3-89 - AUTHORIZATION TO EXECUTE TEMPORARY SIDEWALK WORK AREA AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION AND ACCEPT SETTLEMENT TERMS

WHEREAS, the Township is the fee owner of a certain real property, a portion of which is encumbered by New Jersey Department of Environmental Protection Green Acres ("Green Acres") restrictions, identified as Block 15001 Lot 31 located at the southwest corner of Route 206 and Dutchtown-Harlingen Road ("Property"); and

WHEREAS, the New Jersey Department of Transportation ("NJDOT") proposes to replace the existing curb ramp at the intersection with a new ramp that complies with current ADA standards under NJDOT Project #STGBP-FLEX-D00S(632) ("Project"); and

WHEREAS, NJDOT has presented a Temporary Sidewalk Work Area Agreement and terms of restoration; and

WHEREAS, the ramp replacement will occur within NJDOT's existing right-of-way, but approximately 139 square feet of temporary workspace is required to complete the Project within the portions of the Property encumbered by Green Acres restrictions; and

WHEREAS, NJDOT has offered compensation for this temporary workspace of \$500.00 to the Township which was considered to be a reasonable fair value by the Tax Assessor for the temporary work; and

WHEREAS, Green Acres regulations (N.J.A.C. 7:36-26) require that funds received be deposited into the Township's Open Space Trust Fund.

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

- 1. The Mayor, Township Administrator, Township Clerk, Township Engineer and Township Attorney are authorized to execute a Temporary Sidewalk Work Area Agreement and any other pertinent documents with NJDOT subject to review and approval of the Township Engineer and Township Attorney as to form and content.
- 2. The Township accepts the financial terms mutually agreed upon between the parties.
- 3. Any compensation to the Township for disturbance to the Green Acres restricted portions of the Property will be deposited into the Township's Open Space Trust Fund.

### E. RESOLUTION #23-3-90 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT AND USE OF TOWNSHIP TENT - Montgomery-Rocky Hill Run with Rotary and Fun Fest

WHEREAS, Montgomery-Rocky Hill Rotary has requested approval of the Township Committee to conduct a Run With Rotary and Fun Fest on April 30, 2023 at Skillman Park; and

WHEREAS, Montgomery-Rocky Hill Rotary has requested the use of the Township tent.

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 considerations.
- d. The organizers will obtain the required health certificates from the Township Health Department.
- e. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

BE IT FURTHER RESOLVED that the Montgomery Township Committee hereby approves the use of the Township tent as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township.

#### F. RESOLUTION #23-3-91 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Hell of Hunterdon

WHEREAS, Kermesse Sport has requested approval of the Township Committee to conduct a Hell of Hunterdon Recreational Bicycle Ride event on March 26, 2023 at the Princeton Elks Lodge; and

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 considerations.
- $\boldsymbol{d}.$  The organizers will obtain the required health certificates from the Township Health Department.
- e. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

### G. RESOLUTION #23-3-92 - APPROVAL OF OUTDOOR ASSEMBLY PERMITS - Princeton Show Jumping

BE IT RESOLVED by the Montgomery Township Committee as follows:

- 1. Princeton Show Jumping has requested approval of the Township Committee to conduct Equestrian Events at 246 Burnt Hill Road, Skillman, NJ 08558 on April 19-23, April 26-30, May 10-14, and May 17-21, from 8:00 a.m. to 5:00 p.m. daily.
- 2. 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.
  - b. These events shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
  - c. Approval of these events is pending clearance by the Zoning Officer, Police Department, Health Department, Construction Department and Fire Prevention Department as stated below:
  - d. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
  - e. The organizers will obtain the required health certificates from the Township Health Department, if applicable.
  - f. The organizers will obtain the required tent permits from the Township Fire Prevention Department.

### H. MAYORAL APPOINTMENT WITH CONSENT OF TOWNSHIP COMMITTEE - Appropriate Authority

BE IT RESOLVED that Mayor Keenan, or her designee from the membership of the Township Committee, and Deputy Mayor Singh are appointed as the Appropriate Authority and Committeeman Barragan is appointed as Alternate.

	L VOTE:					
	COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT	$\neg$
	Ahn					
	Todd					
	Barragan					
	Singh					
	Keenan					
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BE IT FU	RTHER RESOLVED, that t by the Agreement, in the	he Townsl	hip Con		norizes a pa	ayment to Dobco,
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COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
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## 11. RESOLUTION #23-3-95 - AUTHORIZING THE PURCHASE OF CROWDSTRIKE FALCON COMPLETE ENDPOINT PROTECTION PROPRIETARY COMPUTER SOFTWARE -

WHEREAS, Public Contract Law 40A:11-4 requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(dd) the Township of Montgomery is authorized by law to undertake the purchase of goods or services for the support or maintenance of proprietary computer hardware and software; and

WHEREAS, IT Director, Jack Ferrara, has secured a quote in the total amount of \$47,527.37 which would cover the proprietary software, application, support, and license fees as per the GovConnection, Inc. quote dated February 27, 2023; and

WHEREAS, it is the Chief Financial Officer has certified that there are available funds for this purchase in account numbers 01-201-20-140-262 and 07-201-55-544-262.

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 purchase of proprietary proprietary software, application, support, and license fees. for a total cost of FORTY SEVEN THOUSAND FIVE HUNDRED TWENTY SEVEN DOLLARS AND THIRTY SEVEN CENTS (\$47,527.37) payable from Accounts 01-201-20-140-262 and 07-201-55-544-262 is hereby authorized.
- 2. The Mayor and Township Clerk are hereby authorized and directed to execute documents necessary to effectuate such purchase, and said officers, together with all other officers, professionals and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
- 3. This award is subject to the Contractor's compliance with the requirements of P.L. 1975, c.127 (N.J.S.A. 10:5-31 et seq.) and the regulations thereunder regarding affirmative action.
- 4. The foregoing award is further subject to the certification of availability of funds by the appropriate officers of the Township.
- 5. This Resolution shall take effect as herein provided.

Motion	 Second	

### ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

### 12. RESOLUTION #23-3-96 - AUTHORIZING THE SALE OF A PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, N.J.S.A. 33:1-12.14 provides that no new Plenary Retail Consumption License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one for each 3,000 of its population as shown on the last preceding Federal Census; and

WHEREAS, the 2020 Federal Census determined that the population of the Township of Montgomery ("Township") exceeds 23,690 persons; and

WHEREAS, pursuant to N.J.S.A. 33:1-1 et seq. and Chapter VI of the Code of the Township of Montgomery (1984), the Township is authorized to issue a new Plenary Retail Consumption license; and

WHEREAS, it is in the interests of the Township to permit the issuance of an additional Plenary Retail Consumption license.

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

- 1. The Township hereby determines that it will sell at public sale one Plenary Retail Consumption License for the sale of alcoholic beverages, in accordance with the procedures set forth in N.J.S.A. 33:1-19.3 et seq.
- 2. The Township Clerk shall publish a notice of the public sale and an invitation to bid in the official newspaper of the Township at least two times, the notices to be published at least one week apart, the second of which shall be published at least thirty days prior to the date after which no further applications shall be accepted. Nothing herein shall preclude the Township Clerk from publishing additional newspaper or alternative notices, provided the publication requirements set forth above are satisfied.
- 3. The following conditions shall apply to the award and issuance of each license:
  - a. Each license shall be used in conjunction with a restaurant, which is defined by the Alcoholic Beverage Control Act, N.J.S.A. 33:1-1(t) as "an establishment regularly and principally used for the purposes of providing meals to the public, having an adequate kitchen and dining room equipped for preparing, cooking and serving of food for its customers and in which no other business, except such as incidental to such establishment, is conducted." Said restaurant shall have seating for a minimum of one hundred (100) persons.

- b. The premises on which the licensee operates may be (1) an existing restaurant, (2) an existing building in which such use is a permitted use, or (3) a site which has or may receive preliminary and final site plan approval (within the time period required for license issuance set forth in paragraph 10 below) from the Township Planning Board. Pursuant to N.J.A.C. 13:2-2.1, proposed building plans should be included for sites that have or may receive preliminary and final site plan approval but are not yet constructed.
- c. The premises on which the licensee operates must comply with all Township zoning regulations and New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- d. The minimum bid that shall be considered for the license shall be \$425,000.00.
- e. Prospective bidders must be pre-qualified at least five business days prior to the opening of bids, and only the bids of qualified bidders will be opened.
- f. To pre-qualify, a prospective bidder must submit the following to the Township Clerk at the Township Municipal Building at 100 Community Drive, Skillman, New Jersey 08558 on or before 10:00 a.m. on May 2, 2023:
  - (1) A full and complete twelve-page Alcoholic Beverage Control Application form.
  - (2) A separate certification of proof of compliance by the applicant that it meets any and all conditions or requirements contained in this resolution, including that the license will be used in conjunction with a restaurant having seating for a minimum of one hundred (100) persons, and knows of no other reason why he or she would be disqualified from having an interest in a Retail Liquor License in the State of New Jersey under the standards set forth in the Alcoholic Beverage Control Act and the rules and regulations promulgated thereunder.
  - (3) The remittance of a deposit in the amount of \$42,500.00 (10% of minimum bid amount) by certified check, made payable to the "Township of Montgomery."
  - (4) A separately sealed opaque envelope containing the bid amount, the outside of which shall state "2023 Retail Consumption Liquor License Bid" and the name of the bidder.
- 4. On May 2, 2023, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified for bidding in compliance with the Alcoholic Beverage Control Act, and the rules and regulations promulgated thereunder, Township ordinances, the conditions set forth in the published notices, and other applicable law. A list of such pre-qualified bidders shall be posted on the public announcements bulletin board in the Township Municipal Building 100 Community Drive, Skillman, New Jersey 08558.
- 5. The Township Clerk shall open the bids of the pre-qualified bidders at 10:00 a.m. on May 9, 2023 at the Township Municipal Building, 100 Community Drive, Skillman, New Jersey 08558. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid and the name of each bidder.
- 6. The Township Committee, by written resolution, adopted at the public meeting on May 18, 2023 shall award the license to the highest bidder, if the Township does not reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following:
  - a. Payment of the balance of the bid for the license by certified check made payable to the "Township of Montgomery" within five days of the date of the resolution of the Township Committee awarding the license. Failure to make timely payment of the balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the next highest qualified bidder or take no further action.
  - b. Payment by the successful bidder of the New Jersey State License Application Fee.
  - c. Payment of the Annual Municipal Retail License Fee.
  - d. Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license.
  - e. Receipt of favorable State and/or federal criminal background checks for each prospective licensee.
  - f. Compliance with publication, hearing and resolution requirements under N.J.A.C. 13:2-2.1 et seq.
- 7. The deposit of all unsuccessful bidder(s) shall be returned within ten days of the date of the award of the license(s).
- 8. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.
- 9. The sale may be postponed or cancelled at any time prior to the opening of the bids.
- 10. If the license has not been issued pursuant to this resolution by December 18, 2023, no license shall thereafter be issued without further resolution by the Township Committee, determining to issue a new license.
- 11. The successful bidder shall comply with all other provisions of N.J.A.C.13:2-2.1 et seq., including, but not limited to, publication of notice of application.

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OLL CALL						
	COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT	
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		YES	NO	ABSTAIN	ABSENT	
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	Ahn Todd	YES	NO	ABSTAIN	ABSENT	
	Ahn Todd Barragan	YES	NO	ABSTAIN	ABSENT	
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### 15.

13.

14.

Motion\_\_\_\_\_ Second\_\_\_\_ Favor\_\_\_\_ Opposed\_\_\_\_ Abstain\_\_

#### 16. 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:

- That these bills are hereby authorized for payment; and 1.
- 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		Secon	cond			
ROLL CALL VO	<u>TE</u> :						
	COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT		
	Ahn						
	Todd						
	Barragan						
	Singh						
	Keenan						
OMINISTRATOR'S REF	y Drive Communication	s lower					
MMITTEE REPORTS							

ADJOURNMENT at \_\_\_\_\_ p.m. Motion\_\_\_\_ Second\_\_\_ Favor\_\_\_Opposed\_\_\_\_\_