

AGENDA FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
November 10, 2022
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 (), Singh (), Barragan ()

ALSO PRESENT - Edelstein (), Savron (), 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.

SALUTE TO THE FLAG

1. **NOMINATION AND ELECTION OF NEW TOWNSHIP COMMITTEE MEMBER**

Nomination of _____ by _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

1-1. **ADMINISTERING OF OATH OF OFFICE TO COMMITTEEPERSON**

2. **NOMINATION AND ELECTION OF DEPUTY MAYOR**

Nomination of _____ by _____ Second _____

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

2-1. **ADMINISTERING OF OATH OF OFFICE TO DEPUTY MAYOR**

3. **APPOINTMENT OF POLICE DIRECTOR/CAPTAIN - Silvio Bet**

BE IT RESOLVED that the Montgomery Township Committee hereby appoints Silvio Bet to the position of Police Director/Captain effective November 10, 2022.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

3-1. **SWEARING IN OF POLICE DIRECTOR/CAPTAIN SILVIO BET**

4. **RESOLUTION HONORING SHELLY BELL**

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

WHEREAS, Shelly L. Bell has worked diligently on behalf of Montgomery Township residents during her years of service to the Montgomery service; and

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

- Deputy Mayor - 2022
- Board of Health - 2021
- One Montgomery - 2020
- Shade Tree Committee - 2021
- Youth Advisory Council - 2021, 2022
- Planning Board Member - 2019, 2020
- Township Committee Member - 2021, 2022
- Inclusion and Equity Committee Liaison - 2021, 2022
- Recreation Committee, Township Committee Liaison - 2021
- Landmarks Commission, Township Committee Liaison - 2022
- Montgomery/Rocky Hill Municipal Alliance/Youth Services Liaison - 2021

WHEREAS, during her years of service, Shelly faithfully performed the duties and obligations of the office, and has given her utmost to the residents of Montgomery; and

WHEREAS, much of Shelly's focus has been on establishing and strengthening community relationships by establishing events such as Coffee with a Cop, celebrating Juneteenth, and for rallying support for Ukraine, and for the Asian community after the 2021 Atlanta Spa terrorist shootings; She also led the search and transition for our new Township Administrator; and

WHEREAS, Shelly L. Bell has set a standard for excellence in public service with her civility, humility, determination, dedication and sense of humor.

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 Shelly L. Bell for outstanding service to our community, and extend a fond farewell and warmest wishes for the future to Shelly on this 10th day of November 2022.

5. **PUBLIC COMMENT**

We respectfully ask members of the public to limit your comments to approximately five (5) 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.

6. **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 #22-11-231 - REFUND OVERPAID SEWER TAXES**

BE IT RESOLVED that a refund in the amount of \$1,170.39 be given to Zuojun and Xiaohong Zhang, 119 York Drive, Princeton, NJ 08540 for the overpayment of 2022 Sewer on Block 34001 Lot 42.17.

B. **RESOLUTION #22-11-232 - AUTHORIZING USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF AN AUTOMATED TELLER MACHINE (ATM)**

WHEREAS, N.J.S.A. 40A:11-4.1(b)(j) permits competitive contracting to be utilized to procure concession services for an Automated Teller Machine (ATM) that warrant a qualitative evaluation of specialized goods or service providers to determine the provider that is most advantageous, price and other factors considered; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that in order to use competitive contracting for the first time for a specified purpose, the governing body shall pass a resolution authorizing the use of competitive contracting for such purpose; and

WHEREAS, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a designated Authorized Agent who may be a purchasing agent pursuant to N.J.S.A. 40A:11-9, or by legal counsel of the contracting unit, or by the chief administrative officer of the contracting unit; and

WHEREAS, the Township Committee has determined that the procurement of an ATM through the use of competitive contracting is in the best interest of the Township.

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

1. The aforesaid recitals are incorporated herein as if set forth at length; and
2. The Township Purchasing Agent is authorized to initiate competitive contracting for the solicitation of proposals for an ATM and to publicly advertise and solicit bids for the ATM pursuant to and in accordance with the provisions of the Local Public Contracts Law.

C. **RESOLUTION #22-11-233 - AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO ACCEPT SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE**

WHEREAS, the Montgomery Township Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-1813 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Township of Montgomery will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2022 to June 30, 2023; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, Montgomery Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Committee accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Montgomery Township Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

D. **RESOLUTION #22-11-234 - SUPPORTING THE SUBMISSION OF MONTGOMERY TOWNSHIP'S FARMLAND PRESERVATION PROGRAM MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM FY2024 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 10, 2022 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.

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 FY2024 Planning Round Application to the SADC.

E. **RESOLUTION #22-11-235 - AUTHORIZING FIRST AMENDMENT TO CONSTRUCTION SEQUENCE AGREEMENT VILLAGE SHOPPES AT MONTGOMERY, LLC - VILLAGE WALK AT MONTGOMERY DEVELOPMENT**

BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute a First Amendment to a construction sequence agreement with Village Shoppes at Montgomery, LLC with respect to the Village Walk at Montgomery Development, Block 28007, Lots 1, 2, 3, and 4, Block 28005, Lot 60.01 (formerly Block 28005, Lots 60, 65, part of 66, 68 and 69), subject to review and approval by the Township Engineer and Township Attorney as to form and content.

F. **RESOLUTION #22-11-236 - AUTHORIZING RELEASE OF SAFETY AND STABILIZATION GUARANTEE FOR HACKENSACK MERIDIAN HEALTH CARE CARRIER CLINIC SECURITY FENCE - BLOCK 2002, LOT 2**

WHEREAS, the improvements pertaining to the Carrier Clinic Security Fence Safety and Stabilization Guarantee have been completed by the developer Hackensack Meridian Health Carrier Clinic, Inc.; and

WHEREAS, Township Engineer Mark Herrmann has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the Safety and Stabilization Guarantee in the amount of \$23,628.67; and

WHEREAS, a Maintenance Guarantee is not required pursuant to Township Code Section 6-9.2d2.(e). The the inspection escrow funds in account PB-09-19 is in use for other guarantees required for this development and should remain open.

The Township will not accept any improvements for this project.

G. **RESOLUTION #22-11-237 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 21-R-60 - 14 CHESHIRE LANE - BLOCK 4029, LOT 3**

WHEREAS, Township Engineer Mark Herrmann has recommended the release of a cash performance guarantee to Vinayi Nooguru because all work has been satisfactorily completed with respect to Street Opening Permit 21-R-60 at Block 4029, Lot 3 (14 Cheshire Lane).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee in the amount of \$550.00 be released to Vinayi Nooguru, 14 Cheshire Lane, Belle Mead, NJ 08502.

6-1. Motion to adopt **CONSENT AGENDA** _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

7. **RESOLUTION #22-11-238 - 2022 YEAR END BUDGET TRANSFERS**

WHEREAS, there are unexpended balances in various 2022 appropriation accounts not required for the balance of 2022; 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:

FROM:

Account Name	Amount
Administration - S&W	\$ 30,000
Clerk - S&W	\$5,000
Assessment - O/E	\$1,000
Tax Collector- S&W	\$3,000
Police - S&W	\$50,000
Social Security - O/E	\$55,000
Health - S&W	\$60,000
Planning Board - S&W	\$30,000
Group Insurance - O/E	\$32,000
Fire Prevention - O/E	\$2,000
Maintenance of Parks - S&W	\$10,000
Water - O/E	\$12,000
	\$290,000

TO:

Account Name	Amount
Administration - O/E	\$20,000
Finance - O/E	\$10,000
Clerk O/E	\$10,000
Tax Collector - O/E	\$3,000
Data Processing - O/E	\$20,000
Assessor - S&W	\$1,000
Planning Board - O/E	\$7,000
Master Plan - O/E	\$30,000
Accumulated Absence - O/E	\$50,000
Fire Prevention - S&W	\$2,000
Building Maintenance - O/E	\$60,000
Recreation - S&W	\$55,000
Maintenance of Parks - O/E	\$10,000
Telephone - O/E	\$12,000
	\$290,000

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

8. **RESOLUTION #22-11-239 - PROFESSIONAL SERVICES RESOLUTION - PIKE BROOK SEWER LATERAL REHABILITATION PROJECT - CONSTRUCTION ADMINISTRATION SERVICES - KLEINFELDER**

WHEREAS, the Township of Montgomery seeks to retain the services of professional engineering firm to provide construction administrative services during the construction of the Pike Brook Sewer Lateral Rehabilitation Project; and

WHEREAS, the Township has a need to acquire these services without a "fair and open process" as defined in P.L. 2004, c. 19, the "Local Unit Pay-To-Play Law", and Kleinfelder has competed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A 19:44A-20.2 et seq. certifying that Kleinfelder has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A 19:44-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$17,500.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-To-Play Forms"); and

WHEREAS, the firm of Kleinfelder has submitted a proposal dated October 7, 2022 to provide the sought-after services to the Township for the lump sum cost of \$29,800.00; and

WHEREAS, the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract as "professional services" without competitive bidding; and

WHEREAS, the Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #08-215-55-901-1638A.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Kleinfelder to provide professional engineering services during the construction of the Pike Brook Sewer Lateral Rehabilitation Project.
2. Kleinfelder shall be paid a total lump sum fee of \$29,800.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the October 7, 2022 proposal, the Pay-To-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

9. **RESOLUTION #22-11-240 - PROFESSIONAL SERVICES RESOLUTION - MONTGOMERY ROAD IMPROVEMENTS PROJECT - PROFESSIONAL DESIGN SERVICES - BRIGHT VIEW ENGINEERING**

WHEREAS, the Township of Montgomery seeks to retain the services of professional engineering firm to provide surveying, permitting, design services, bid document preparation, and other services necessary for improvements to a portion of Montgomery Road (Route 206 to the municipal boundary) including new pedestrian route(s) and associated work; and

WHEREAS, the Township has a need to acquire these services without a "fair and open process" as defined in P.L. 2004, c. 19, the "Local Unit Pay-To-Play Law", and Bright View Engineering has competed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A 19:44A-20.2 et seq. certifying that Bright View Engineering has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A 19:44-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$17,500.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-To-Play Forms"); and

WHEREAS, the firm of Bright View Engineering has submitted a proposal dated October 19, 2022 to provide the sought-after services to the Township for a sum not to exceed \$100,820.00; and

WHEREAS, the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract as "professional services" without competitive bidding; and

WHEREAS, the Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Accounts #01-201-20-165-200, #04-215-55-901-1639B, #04-215-55-901-1660B, and/or #04-215-55-901-1686B.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with with Bright View Engineering to provide surveying, permitting, design services, bid document preparation, and other services necessary for the Montgomery Road Improvements project.
2. Menlo Engineering Associates shall be paid a not to exceed fee of \$100,820.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the October 19, 2022 proposal, the Pay-To-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

10. **ORDINANCE #22-1691 - BOND ORDINANCE** - Amending in its Entirety Bond Ordinance 22-1684 for the Stage II Flood Protection Project - Public Hearing Continued

- A. Title: BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE 22-1684 FOR THE STAGE II FLOOD PROTECTION PROJECT
- 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 10th day of November 2022 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
Barragan				
Singh				
Schuldiner				
Keenan				

11. **ORDINANCE #22-1692** - Acquisition of Block 11002, Lot 38, 47 Rock Mill Run Road - Introduction

- A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY PROVIDING FOR THE ACQUISITION OF BLOCK 11002, LOT 38 LOCATED AT 47 ROCK MILL RUN ROAD IN THE TOWNSHIP OF MONTGOMERY
- 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 1, 2022 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Keenan				

12. **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
Barragan				
Singh				
Schuldiner				
Keenan				

COMMITTEE CORRESPONDENCE

- Sidewalks - Andrew T Lepera

NEW & UNFINISHED BUSINESS

ADMINISTRATOR'S REPORT

UPCOMING MEETINGS

13. **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 is as follows:
 - Advice of counsel with regard to municipal building
 - Advice of counsel with regard to possible condemnation
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

13-1. **MOTION TO REOPEN THE MEETING TO THE PUBLIC**

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

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