

AGENDA FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
March 4, 2021
7:00 p.m.

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

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

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

MAYOR'S STATEMENT - In compliance with the open public meetings act, P.L. 1975, Chapter 231, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the annual meeting, posted at the Montgomery Township Municipal Building, and published in the Courier News within the first 10 days of the new year.

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.

SALUTE TO THE FLAG

1. INTERNATIONAL WOMEN'S DAY

WHEREAS, The history of International Women's Day (IWD), though comparatively short is as bold and brilliant as its founders themselves. Long before the Feminist Movement of the 1960s, International Women's Day's genesis goes back to February 28, 1909 in New York with a prophetic focus on women's rights; and

WHEREAS, Known originally as "National Woman's Day," it was first proposed by Theresa Malkiel and loosely based on the urban legend commemorating a protest by women garment workers in New York City, on March 8, 1857. One hundred women delegates from 17 countries agreed with the suggestion as a means to continue promoting the rights of women, including suffrage - the right to vote; and

WHEREAS, On March 19, 1911, International Women's Day was officially marked for the first time. More than one million people celebrated in Austria, Denmark, Germany and Switzerland. Women demanded the right to vote, to fight against sex discrimination in the workplace, and to hold public office; and

WHEREAS, In 1913, International Women's Day was recognized in Russia for the first time, where it catapulted to become part of what led to the Russian Revolution in 1917. In 1922, it reached China where March 8 was declared an office "half-day of work" for women in 1949; and

WHEREAS, The demand for women's rights continued to grow, gain support, and shine a much-needed light on the poor conditions under which too many women continued to live. In 1967, the notion of women's rights was taken up by the next generation of feminists who called for equal pay, equal economic opportunity, equal legal rights, reproductive rights, subsidized child care and the prevention of violence against women; and

WHEREAS, The United Nations began celebrating International Women's Day in 1975, which was declared "International Women's Year." In 1977, the United Nations invited members to proclaim March 8th as the UN Day for Women's Rights and World Peace and International Women's Day continues to be celebrated worldwide each year on March 8; and

WHEREAS, We celebrate the advancement of women's rights in all areas of life, with the acknowledgment there is still much progress to be made and work to be done because in many parts of the world women still live in fear and have fewer rights than imaginable; and

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery Township Committee hereby recognizes the historical significance and importance of International Women's Day and recognizes and applauds the contributions of so many courageous women - from many nations - throughout the past 100+ years.

2. COVID-19 UPDATE

3. MUNICIPAL COMPLEX UPDATE - EPIC

4. WIRELESS COMMUNICATION DISCUSSION

5. PUBLIC COMMENT

In order to offer the public more opportunities for participation, Montgomery Township is now conducting its remote televised Twp. Committee meetings as Live Zoom Webinars. This meeting can be viewed live or rebroadcast at www.twp.montgomery.nj.us or on Comcast Channel 29.

Interested parties may download and obtain copies of any available documents relevant to the meeting at www.twp.montgomery.nj.us.

Item #5. Cont'd

You may join the webinar by computer:

Link: <https://www.zoomgov.com/j/1614101837?pwd=b2ZVc0RhUDJwMmxVNEVwVE83bXRZdz09>
 Passcode: 1227549
 Dial by your location
 +1 646 828 7666
 Webinar ID: 161 410 1837

To make a public comment, participants may comment by utilizing the "Raise Your Hand" feature in Zoom.

Members of the public may also submit comments in advance of the meeting by sending an email to: publiccomment@twp.montgomery.nj.us or by written letterform, delivered to the Montgomery Township Municipal Building, 2261 Route 206, Belle Mead, New Jersey 08502. All advance comments must be received by 4:00 p.m. the day of the scheduled meeting and will be read by the Township Clerk during the public comment portion of the meeting. Lastly, you may submit comments via telephone during the meeting by dialing: +1 646 558 8656 & enter webinar ID: 829 7724 8796. Utilize the "Raise Your Hand" feature in Zoom, or if participating by teleconference, by dialing *9

We respectfully ask members of the public to limit your comments to approximately three (3) spoken minutes. Additionally, if your comments are similar to comments already made, instead of repeating them at length, we ask that you instead indicate that you join in or support those comments previously

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

RESOLUTION #21-3-69 - REFUND OVERPAID 2020 TAXES DUE TO COUNTY TAX APPEALS

BE IT RESOLVED that refunds be given to the following for the overpayment of 2020 Taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
15010	5	Long Estuary, LLC	\$ 884.76
15010	5	Angie Abdelatif	\$ 465.23
22030	4	Christina Whitehead & Connor Hayes	\$2,810.90
30004	17.01	Nigel E. & Lee S. Gardner	\$4,672.81

RESOLUTION #21-3-70 REFUND OVERPAID 2020 & 2021 TAXES

BE IT RESOLVED that a refund in the amount of \$5,826.51 be given to Mary Jocelyn Burchfield, 6 Ironwood Road, Skillman, NJ 08558 for the overpayment of 2020 & 2021 taxes on Block 31009 Lot 90.

<u>Quarter</u>	<u>Amount</u>
2020/4 th	\$2,774.93
2021/1 st	\$3,051.58

RESOLUTION #21-3-71 - REFUND OVERPAID 2021 TAXES

BE IT RESOLVED that a refund in the amount of \$34,452.40 be given to Bloomberg LP c/o Carla Prandini, 100 Business Park Drive, Skillman, NJ 08558 for the overpayment of 2021 taxes on the following properties:

<u>Block</u>	<u>Lot</u>	<u>Property Location</u>	<u>Amount</u>
34001	38.01	Route 518	\$22,536.99
34001	38.03	Route 518	\$11,915.41

RESOLUTION #21-3-72 - REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #20-0010 in the amount of \$14,225.64.

BE IT RESOLVED that a refund in the amount of \$14,225.64 be given to LSG TL Holdings, LLC, 1985 Cedar Bridge Ave, Suite 1, Lakewood, NJ 08701 the redemption of Tax Sale Certificate #20-0010 on Block 7019 Lot 61.29.

Tax Lien Redemption

Certificate Amount	\$ 2,656.36
Subsequent Charges	\$ 4,943.52
Interest Amount	\$ 207.63
Redemption Fee	\$ 53.13
Recording Fee	\$ 53.00
Search Fee	\$ 12.00
PREMIUM	\$ 6,300.00
TOTAL	\$14,225.64

E. RESOLUTION #21-3-73 - REFUND OVERPAID LIEN REDEMPTION

BE IT RESOLVED that refund in the amount of \$53.00 be given to JBL19 LLC, P.O. Box 503, Mount Freedom, NJ 07970 for the overpayment of lien redemption on Tax Sale Certificate #18-0008, Block 15025, Lot 2. The recording fee was included in a redemption for a lien that was not recorded.

F. RESOLUTION #21-3-74 - AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE - S.A.V.E. A FRIEND TO HOMELESS ANIMALS

WHEREAS, Gail Smith, Township Engineer, has certified on February 26, 2021 that the project known as S.A.V.E. Animal Shelter was inspected during the maintenance guarantee period and no apparent deficiencies were found during inspections conducted by the Engineering Department staff therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that a cash Maintenance Bond in the amount of \$30,803.42 be released to S.A.V.E. A Friend of Homeless Animals, 1010 Route 601, Skillman, NJ 08558.

BE IT FURTHER RESOLVED that the inspection escrow funds in account PB-08-03 may be released.

G. RESOLUTION #21-3-75 - AUTHORIZING A LICENSE AGREEMENT FOR THE UPGRADE AND IMPROVEMENT OF A PUMP STATION ON PROPERTY OWNED BY THE TOWNSHIP OF MONTGOMERY BLOCK 29002, LOT 46.01 WITH VILLAGE SHOPPES AT MONTGOMERY, LLC & CC1377, LLC

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a License Agreement between the Township of Montgomery and Village Shoppes at Montgomery, LLC and CC1377, LLC for the upgrade and improvements of a pump station on property owned by the Township of Montgomery (Block 29002, Lot 46.01).

H. RESOLUTION #21-3-76 - AMENDING RESOLUTION #21-2-59 AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH PRINCETON FOR BACK UP ANIMAL CONTROL SERVICES

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an amended shared services agreement between Princeton and Montgomery Township for animal control services. The amended agreement reflects language with regard to fees for emergency coverage.

I. RESOLUTION #21-3-77 - AUTHORIZING THE ISSUANCE OF 2021 TOWING LICENSES

WHEREAS, the Township has received a completed towing application for a light duty towing license and a heavy duty towing license from Stewarts Towing Inc. to provide towing services in 2021; and

WHEREAS, the Police Department has reviewed said application and conducted appropriate investigations 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 investigations, approved said applications, and recommended the issuance of a light duty towing license and a heavy duty towing license to Stewarts Towing.

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

1. The Township Clerk is hereby authorized to issue a light duty license to Stewarts Towing for 2021.
2. The Township Clerk is hereby authorized to issue a heavy duty license to Stewarts Towing for 2021.
3. 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, 2021.
4. This resolution shall take effect immediately.

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

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

7. **RESOLUTION #21-3-78 - PROFESSIONAL SERVICES RESOLUTION - 2021 PIKE BROOK SEWER REHABILITATION PROJECT DESIGN SERVICES - Kleinfelder**

WHEREAS, the Township of Montgomery seeks to retain the services of a professional engineering firm to provide design services related to the rehabilitation of existing sewers and manholes with Montgomery Township with a focus on the Pike Brook Wastewater Treatment Plant service area; and

WHEREAS, there exists a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law); and

WHEREAS, the firm Kleinfelder, has submitted a written proposal dated February 16, 2021 ("Proposal"), which Proposal shall be incorporated herein by reference, offering to provide the sought-after services to the Township; and

WHEREAS, Kleinfelder has completed and filed with the Township of Montgomery 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 elected officials of the Township of Montgomery; and

WHEREAS, the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. authorizes the award of professional services contracts without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals; 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 for providing design described in the Proposal and scope of work. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Kleinfelder shall be paid a not to exceed fee of \$44,100.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

8. **RESOLUTION #21-3-79 - PROFESSIONAL SERVICES RESOLUTION - SKILLMAN ROAD PATHWAY (PHASE 2) AND COMMUNITY CENTER LOOP PATHWAY - Menlo Engineering Associates**

WHEREAS, the Township of Montgomery seeks to retain the services of a professional engineering firm to provide surveying, permitting, design services, bid documents, and other services necessary for the construction of a pathway along Skillman Road (between County Route 601 and the Otto Kaufman Community Center) and a loop pathway on the Otto Kaufman Community Center property; 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

WHEREAS, the firm of Menlo Engineering Associates has submitted a proposal dated February 22, 2021 to provide the sought-after services to the Township for a sum not to exceed \$66,750; and

WHEREAS, it has been determined that the value of these services over the course of the contract is anticipated to exceed \$17,500; and

Item #8. Cont'd

WHEREAS, Menlo Engineering Associates has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Menlo Engineering Associates 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 Agreement Exempt from Public Bidding and in Excess of \$17,500 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); 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 #22-288-56-000.

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 Menlo Engineering Associates to provide surveying, permitting, design services, bid documents, and other services necessary for the Skillman Road Pathway (Phase 2) and Community Center Loop Pathway project.
2. Menlo Engineering Associates shall be paid a not to exceed fee of \$66,750.00 for its professional services.
3. A copy of this Resolution, the Certification of Contract Value, the February 22, 2021 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
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

9. RESOLUTION 21-3-80 AUTHORIZING MONTGOMERY TOWNSHIP TO CONDUCT A SELF EXAMINATION OF THE 2021 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, Montgomery Township has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Montgomery Township that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges.
 - b. Deferred charges and statutory expenditures.
 - c. Cash deficit of preceding year.
 - d. Reserve for uncollected taxes.
 - e. Other reserves and non-disbursement items.
 - f. Any inclusions of amounts required for school purposes.

Item #9. Cont'd

2. That the provisions relation to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth,
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

10. **ORDINANCE #21-1651 - ACCEPTING DONATION OF PERSONAL PROPERTY (GENERATOR)-
 Public Hearing**

- A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY NEW JERSEY ACCEPTING A DONATION OF PERSONAL PROPERTY FOR GENERAL MUNICIPAL PURPOSES.
- 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 hereby adopted this 4th day of March 2021 and that notice thereof be published in an official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

11. **ORDINANCE #21-1652 - PROVIDING FOR 3.5% CAP - Introduction**

- A. Title: ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2020 BUDGET AND TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14
- 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 March 18, 2021 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

Item #11. Cont'd

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

12. **ORDINANCE #21-1653 - AMENDING 2021 SALARY AND WAGE ORDINANCE - Introduction**

- A, Title: AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 21-1650 ENTITLED "AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2021" TO PROVIDE FOR AN INCREASE IN THE SALARY RANGE FOR THE ASSISTANT CFO/DEPUTY TAX COLLECTOR
- 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 March 18, 2021 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
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

13. **ORDINANCE #21-1654 - AMENDING THE INCLUSION AND EQUITY COMMITTEE ORDINANCE - Introduction**

- A. Title: AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION", SECTION 37 "INCLUSION AND EQUITY COMMITTEE" OF THE CODE OF 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 March 18, 2021 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
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

14. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for February 18, 2021 stand approved.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

