

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
April 15, 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** - 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. **EAGLE SCOUT PRESENTATION - Rohan Shah**
2. **RECOGNIZING APRIL 18-24, 2021 AS NJ LOCAL GOVERNMENT WEEK, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES**

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee encourages all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.

BE IT FURTHER RESOLVED that the Township Committee encourages educational partnerships between local government and schools, as well as civic groups and other organizations.

BE IT FURTHER RESOLVED that the Township Committee supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

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

3. **COVID-19 UPDATE**
4. **AFFORDABLE SENIOR HOUSING PROJECT PRESENTATION - RPM Developers**
5. **PUBLIC COMMENT**

To make a public comment, participants may comment by utilizing the "Raise Your Hand" feature in Zoom. For members of the public participating by phone, you may "Raise Your Hand" by dialing \*9

Members of the public may also submit comments in advance of any meeting by sending an email to: [publiccomment@twp.montgomery.nj.us](mailto: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.

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 made.

6. **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 #21-4-105 - AUTHORIZING REDUCTION NO. 1 OF SAFETY & STABILIZATION GUARANTEE - PIRHL: Apartments at Montgomery Crossing**

WHEREAS, Gail Smith, Township Engineer, has certified on March 31, 2021 that a safety and stabilization guarantee posted for Apartments at Montgomery Crossing (Block 28004, Lot 7) may be reduced; and

WHEREAS, the remaining and partially completed improvements will be adequately covered by a safety and stabilization guarantee as specified in the Township Engineer's estimate dated March 26, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that a reduced safety and stabilization guarantee amounting to \$9,657.64, reduced from \$32,192.14, be posted as follows:

10% cash	\$ 965.76
90% cash, Letter of Credit, or Surety Bond	\$8,691.88

**B. RESOLUTION #21-4-106 - AUTHORIZING REDUCTION NO. 1 OF LANDSCAPING BUFFER GUARANTEE - PIRHL: Apartments at Montgomery Crossing**

WHEREAS, Gail Smith, Township Engineer, has certified on March 31, 2021 that a landscaping buffer guarantee posted for Apartments at Montgomery Crossing (Block 28004, Lot 7) may be reduced; and

WHEREAS, the remaining and partially completed improvements will be adequately covered by a safety and stabilization guarantee as specified in the Township Engineer's estimate dated March 26, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that a reduced landscaping buffer guarantee amounting to \$25,812.00, reduced from \$86,040.00, be posted as follows:

10% cash	\$ 2,581.20
90% cash, Letter of Credit, or Surety Bond	\$23,230.80

**C. RESOLUTION #21-4-107 - RESERVATION OF REMAINING CAPACITY IN THE STAGE II SEWAGE TREATMENT PLANT - CC1377, LLC (BLOCK 29002, Lot 45) PB-10-19**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement with CC1377, LLC for reservation of remaining sewer capacity in the Stage II Sewage Treatment Plant for Block 29002, Lot 45.

**D. RESOLUTION #21-4-108 - AUTHORIZING GRANT APPLICATION - STAGE II FLOOD PROTECTION PROJECT**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk and/or Administrator are hereby authorized to execute a FY22 NJ-07 Community Project Funding grant application for Stage II Flood Protection Project.

**E. RESOLUTION #21-4-109 - AUTHORIZING SHARED SERVICES AGREEMENT WITH THE BOROUGH OF ALPHA PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT CONCERNING THE SERVICES OF THE TOWNSHIP OF MONTGOMERY'S CERTIFIED MUNICIPAL FINANCE OFFICER (CHIEF FINANCIAL OFFICER)**

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Parties have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, the Borough of Alpha desires to have the Township of Montgomery have the CFO of Montgomery provide services to the Borough of Alpha as a CFO/Treasurer pursuant to the shared services agreement (the "Agreement"); and

WHEREAS, N.J.S.A. 40A:9-140.10 requires each municipality to have its own CFO, but allows for the use of the same CFO under a shared services agreement with another municipality; and

WHEREAS, Montgomery has agreed to provide the Borough of Alpha, beginning April 16, 2021 through April 15, 2022, with the services of its CFO, pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, Somerset County, New Jersey, that the Township Committee approves the Township's participation in the shared services agreement with the Borough of Alpha for CFO services; and further that the Mayor and Clerk are authorized and directed to execute the shared services agreement; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the Agreement shall be filed, for informational purposes, with the Division of Local Government Services in the New Jersey Department of Community Affairs, and a copy of the shared services agreement will be available, pursuant to N.J.S.A. 40A:65-5.b., at the offices of the Township Clerk for public inspection.

**F. RESOLUTION #21-4-110 - 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 Outdoor Assemblies for Equestrian Events at 246 Burnt Hill Road, Skillman, NJ 08558 on April 22-25, April 28-May 2, May 12-16, May 19-23, June 27, July 14-18, July 21-25, July 28 - August 1, and August 4-8, 2021 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, as they are limited to nine (9) show events per year.
  - (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:
    - (1) The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
    - (2) The organizers will obtain the required health certificates from the Township Health Department, if applicable.
    - (3) The organizers will obtain the required open flame and tent permits from the Township Fire Prevention

6-1. Motion to adopt **CONSENT AGENDA** \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

**7. RESOLUTION 21-4-111 - 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.

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 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				

8. **ORDINANCE #21-1656 - AMENDING SCHEDULE XIII OF CHAPTER "NO LEFT TURN" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY - Postponed to May, 6, 2021**

- A. Title: AN ORDINANCE AMENDING SCHEDULE XIII OF CHAPTER VII, "NO LEFT TURN," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO REMOVE THE TIME RESTRICTIONS ON THE LEFT TURN PROHIBITIONS AT THE MONTGOMERY UPPER MIDDLE SCHOOL SOUTHERN DRIVEWAY INTERSECTION WITH BURNT HILL ROAD.
- B. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby postponed to May 6, 2021.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

9. **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 Finance 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.

Item #9. Cont.

Motion \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE :**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Bell				
Huang				
Gural				
Schuldiner				
Keenan				

**COMMITTEE CORRESPONDENCE**

April 12 email from Rikki Massand - Historic Trust Grant for Skillman Park Signage  
April 14 letter from Mr. Shipley - Commercial Vehicle/Equipment

**NEW & UNFINISHED BUSINESS**

Update on digital infrastructure  
Website and Township logo  
Municipal Complex Master Plan Task Force

**ADMINISTRATOR'S REPORTS**

Backyard Chickens  
Deer Density Survey  
Transco Pipeline

**COMMITTEE AND SUB-COMMITTEE REPORTS**

**TENTATIVE MAY 6 MEETING**

Deer Management Resolution  
Tow Truck License  
Ordinance #21-1656 - No Left Turn - Public Hearing  
2021 Municipal Budget Public Hearing

10. **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 are as follows:
  - Advice of counsel with regard to contract negotiations.
  - Attorney client privilege.
  - Advice of counsel with regard to Brecknell Way.
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.

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

**ADJOURNMENT** at \_\_\_\_\_ p.m. Motion \_\_\_\_\_ Second \_\_\_\_\_ Favor \_\_\_\_\_ Opposed \_\_\_\_\_