

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
July 1, 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( ), Huang( ), Bell( ), Singh( )

**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. PROCLAMATION RECOGNIZING MONTGOMERY TOWNSHIP'S COMMUNITY PARTNERS**

WHEREAS, the world and nation suffered a devastating health crisis due to the COVID-19 pandemic that began in March 2020, peaked in January of 2021 and continues to this day; and

WHEREAS, Montgomery Township endured nearly 1,300 cases of COVID-19 and, most tragically, lost 24 precious lives to the disease; and

WHEREAS, Montgomery Township residents suffered a wide variety of hardships, including unemployment, economic distress, isolation and loneliness, and disruptions to daily life; and

WHEREAS, Montgomery's community leaders, township employees, and residents pulled together to help and protect each other, allowing us to weather the pandemic better than most communities, and to bounce back to a more normal summer in 2021; and

WHEREAS, Montgomery Emergency Medical Services is an all-volunteer, non-profit organization dedicated to protecting the lives of Montgomery residents that responded energetically and compassionately to the COVID-19 pandemic by responding to a large increase in calls for aid by people infected with COVID-19; helping to staff township vaccination clinics; and helping to identify homebound seniors in need of vaccination; and

WHEREAS, the Princeton Elks Lodge #2129 is a civic organization based in Skillman that transformed itself into a food pantry offering perishable items during the pandemic, organized seven food drives, collected used clothing for families in need, donated \$7,500 in goods to the Somerset County Food Bank, and donated \$2,000 to the Montgomery Emergency Medical Services for the purchase of disinfecting solutions; and

WHEREAS, the Rotary Club of Montgomery and Rocky Hill helped local businesses and hospital workers during the height of the pandemic by purchasing at least 50 "grab and go" meals six days per week from Montgomery and Rocky Hill restaurants and delivering them over 68 days to workers at RWJ Somerset, RWJ New Brunswick, and Penn Medicine Plainsboro, among other charitable activities related to the pandemic;

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee extends to the Montgomery Emergency Medical Services, the Princeton Elks Lodge, and the Rotary Club of Montgomery and Rocky Hill our most sincere gratitude and appreciation for their generosity, kindness, and commitment to the people of Montgomery Township; and

BE IT FURTHER RESOLVED that the Montgomery Township Committee recognizes that our success in defeating the pandemic is a direct consequence of the community spirit of residents, organizations, and businesses such as those represented by our EMS, Elks, and Rotary organizations.

**2. COVID 19 UPDATE**

**3. 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.

4. **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 #21-7-153 -REFUND OVERPAID 2021 SEWER**

BE IT RESOLVED that refunds be given to the following for overpayment of 2021 sewer taxes.

<u>Name</u>	<u>Block &amp; Lot</u>	<u>Amount</u>
Jeanette Hur	5018 / 9.26 CONDO	\$75.00
George & Natalie Koiava	37002 / 5.106	\$41.00

**B. RESOLUTION #21-7-154 - REFUND OVERPAID 2021 TAXES**

BE IT RESOLVED that a refund in the amount of \$3,150.78 be given to Kresnik Saliyaj, 834 River Road, Belle Mead, NJ 08502 for the overpayment of 2021 taxes on Block 7019 Lot 58.

**C. RESOLUTION #21-7-155 - REDEMPTION OF TAX SALE CERTIFICATE - #20-0004**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #20-0004 in the amount of \$3,973.03,

BE IT RESOLVED that a refund in the amount of \$3,973.03 be given to LSG TL Holdings, LLC, 1985 Cedar Bridge Ave, Suite 1, Lakewood, NJ 08701 the redemption of Tax Sale Certificate #20-0004 on Block 5018 Lot 103.1 CONDO.

Tax Lien Redemption

Certificate Amount	\$ 617.40
Subsequent Charges	\$ 1,344.50
Interest Amount	\$ 133.78
Redemption Fee	\$ 12.35
Recording Fee	\$ 53.00
Search Fee	\$ 12.00
 PREMIUM	 \$ 1,800.00
 TOTAL	 \$ 3,973.03

**D. RESOLUTION #1-7-156 - REDEMPTION OF TAX SALE CERTIFICATE - #20-0005**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #20-0005 in the amount of \$60,652.69; BE IT RESOLVED That a refund in the amount of \$60,652.69 be given to ATCF II New Jersey, Alterna Tax Certificate Fund II LP, P.O. Box 69239, Baltimore, MD 21264-9239 for the Redemption of Tax Sale Certificate #20-0005 on Block 5018 Lot 201.2 CONDO.

Tax Lien Redemption

Certificate Amount	\$ 3,162.72
Subsequent Charges	\$ 15,370.18
Interest Amount	\$ 1,291.54
Redemption Fee	\$ 63.25
Recording Fee	\$ 53.00
Search Fee	\$ 12.00
 PREMIUM	 \$ 40,700.00
 TOTAL	 \$ 60,652.69

**E. RESOLUTION #21-7-157 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Clean Communities Grant**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2021, in the amounts listed below, which items is now available as a revenue from the State of New Jersey;

FY 2021 CLEAN COMMUNITIES GRANT

\$61,429.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

**F. RESOLUTION #21-7-158 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Sustainable Jersey Grant**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2021, in the amounts listed below, which items is now available as a revenue from the State of New Jersey;

FY 2021 SUSTAINABLE JERSEY GRANT	\$20,000.00
----------------------------------	-------------

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services

**G. RESOLUTION #21-7-159 - SUPPORT CONFIRMING LEFT TURN PROHIBITIONS AT THE DRIVEWAY ENTRANCE TO THE CHASE BANK AT NEW JERSEY STATE ROUTE 206, TOWNSHIP OF MONTGOMERY, NEW JERSEY**

WHEREAS, The Chase Bank at New Jersey State Route 206 was recently constructed at the former Red Oak Diner site and included the reuse of an existing entrance/exit driveway along Route 206 at block 35005, lots 5 and 6; and

WHEREAS, the New Jersey Department of Transportation issued a Letter of No Interest dated July 1, 2019 and a Highway Occupancy Permit #SC-206-C-21802-2019 on February 12, 2020 respectively for reuse of the existing entrance/exit driveway and construction within the Route 206 right-of-way; and

WHEREAS, the project plans show that left turns are prohibited when exiting the stop controlled driveway onto Route 206 southbound; and

WHEREAS, in order to legally establish the stop control and turn prohibition, the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order (TRO); and

WHEREAS, an initial step in the TRO process is to receive a Resolution of support from the municipal governing body; and

WHEREAS, the Township Engineer and Police Department have reviewed the driveway and have recommended the adoption of the resolution needed by New Jersey Department of Transportation, Bureau of Traffic Engineering; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery hereby supports the New Jersey Department of Transportation, Bureau of Traffic Engineering establishing the following traffic regulations:

Stop Intersections:

The following location is hereby designated as a stop intersection:

Intersection/Location Stop Location Route US 206 (mile post 58.0 northbound) and the exit driveway of Chase Bank (Block 35005, Lots 5 and 6) approximately 310 feet north of the northerly curb line of Benjamin Boulevard Exit driveway of Chase Bank

Route 206 Turn Prohibitions:

No person shall make a left turn at any location listed and only in the manner described:

Intersection/Location Turn Prohibited Movement Prohibited Route US 206 (mile post 58.0 northbound) and the exit driveway of Chase Bank (Block 35005, Lots 5 and 6) approximately 310 feet north of the northerly curb line of Benjamin Boulevard Left Turns Westbound from the exit driveway of Chase Bank onto Route US 206 southbound

BE IT FURTHER RESOLVED, that the Township of Montgomery concurs that any approved traffic regulations in conflict with or inconsistent with the provisions of this Resolution be rescinded upon approval of the Traffic Regulation Order.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to New Jersey Department of Transportation, Attn: Jamie Oplinger, Executive Manager, Bureau of Traffic Engineering, PO BOX 600, Trenton, NJ 08625-0600.

H. **RESOLUTION #21-7-160 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOLLOWING COMPLETION OF MAINTENANCE PERIOD (#39604515) - Tapestry at Montgomery, Phase 1B-2 without Force Main and Pump Station**

WHEREAS, Gail Smith, Township Engineer has certified on June 23, 2021 that an inspection of the project was conducted and it was determined the improvements are acceptable to the Engineering Department; and

WHEREAS, the Performance Guarantee was released by Resolution 18-11-239 on November 1, 2018, and a Maintenance Guarantee was to be posted prior to the release of the Performance Guarantee; and

WHEREAS, the Maintenance Guarantee was never posted by the developer and the 2-year Maintenance Guarantee period would be over at this time; and

WHEREAS, it is the recommendation of the Township Engineer that the Township Committee consider the release of the posted Performance Guarantee held by the Township.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the Performance Bond in the amount of \$135,109.98 (LOC #39604515 in the amount of \$121,598.98 and \$13,511.00 cash) be released to Sharbell Building Company, LLC, 1 Washington Blvd., Suite 9, Robbinsville, NJ 08691.

BE IT FURTHER RESOLVED that the release of the Performance Guarantee shall be conditioned upon the posting of adequate escrow funds by the developer, Sharbell Building Company.

I. **RESOLUTION #21-7-161 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOLLOWING COMPLETION OF MAINTENANCE PERIOD (#39629446) - Tapestry at Montgomery, Phase 1B-3 without Force Main and Pump Station**

WHEREAS, Gail Smith, Township Engineer has certified on June 23, 2021 that an inspection of the project was conducted and it was determined the improvements are acceptable to the Engineering Department; and

WHEREAS, the Performance Guarantee was released by Resolution 18-11-240 on November 1, 2018, and a Maintenance Guarantee was to be posted prior to the release of the Performance Guarantee; and

WHEREAS, the Maintenance Guarantee was never posted by the developer and the 2-year Maintenance Guarantee period would be over at this time; and

WHEREAS, it is the recommendation of the Township Engineer that the Township Committee consider the release of the posted Performance Guarantee held by the Township.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the Performance Bond in the amount of \$298,717.20 (LOC #39629446 in the amount of \$268,845.48 and \$29,871.72 cash) be released to Sharbell Building Company, LLC, 1 Washington Blvd., Suite 9, Robbinsville, NJ 08691.

BE IT FURTHER RESOLVED that the release of the Performance Guarantee shall be conditioned upon the posting of adequate escrow funds by the developer, Sharbell Building Company.

J. **TOWNSHIP COMMITTEE LIAISON APPOINTMENT - Neena Singh - Board of Health and Municipal Alliance**

BE IT RESOLVED that Committeeperson Neena Singh is hereby appointed as Liaison to the Montgomery Township Board of Health and Municipal Alliance.

4-1. Motion to adopt **CONSENT AGENDA** \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

5. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for June 17 stand approved.

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

6. **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.

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

**COMMITTEE CORRESPONDENCE**

Susan Rogers - 8 Ichabod Crane Lane  
 Jack Garhart - 26 Bayberry Lane  
 Jerry Perkins - 24 Montfort Drive  
 Udah Nadkarmi - Skillman  
 Vandita Parikh - Belle Mead  
 Yu Wang - 110 Millers Grove Road  
 Vandana Vyas - Montgomery

**NEW & UNFINISHED BUSINESS**

Cannabis Ordinance Discussion  
 Early Voting

**ADMINISTRATOR'S REPORTS**

**COMMITTEE AND SUB-COMMITTEE REPORTS**

**TENTATIVE JULY 15 AGENDA**

Shared Services Agreement with Hopewell Township for Health Education Services

7. **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:

- Contract negotiations update.
- Potential acquisition of property - Brecknell Way.
- Potential litigation - Princeton Gamma Tech.

3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of land and approval of agreements 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 \_\_\_\_\_