

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
March 17, 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 ( ), Bell ( ), Schuldiner ( ), Huang ( ), Singh ( )

**ALSO PRESENT** - Rubinstein ( ), Nieman ( ), 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. **COVID-19 REPORT**
2. **PUBLIC COMMENT**
3. **ARBOR DAY - April 8, 2022**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, this year marks the 150<sup>th</sup> Anniversary of Arbor Day; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Montgomery Township has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby proclaims April 8, 2022 as ARBOR DAY in the Township of Montgomery, and urges all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

BE IT FURTHER RESOLVED that the Governing Body urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

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 22-3-81 - REDEMPTION OF TAX SALE CERTIFICATE #21-00009**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #21-00009 in the amount of \$120,808.14;

BE IT RESOLVED that a refund in the amount of \$120,808.14 be given to FIG Cust FIGNJ19LLC & SEC PTY, P.O. Box 54226, New Orleans, LA 70154 for the redemption Of Tax Sale Certificate #21-00009 on Block 29002 Lot 50.

Tax Lien Redemption

Certificate Amount	\$ 16,048.00
Redemption Penalty	\$ 962.88
Subsequent Charges	\$ 18,793.92
Interest	\$ 938.34
Recording Fees	\$ 53.00
Other Fees	\$ 12.00
PREMIUM	\$ 84,000.00
TOTAL	\$120,808.14

B. **RESOLUTION #22-3-82 - EXTENSION OF TIME FOR THE COMPLETION OF VARIOUS DEVELOPMENT PROJECTS**

WHEREAS, Mark Herrmann, Acting Township Engineer, has certified on March 9, 2022 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements.

<u>Development</u>	<u>New Completion Date</u>
Cummings	04/16/2023
Montgomery Place - Pike Run Plaza Area 2 Performance	04/25/2023
Montgomery Place - Pike Run Plaza Area 2 S&S	04/25/2023
Bloomberg Business Park Attended 101 Parking Area - Performance	05/10/2023

CONSENT AGENDA Item B. Cont.

Bloomberg Business Park Site Lighting Replacement - S&S 05/26/2023  
Waldorf School - Phases 1 & 2 Bldg Additions & Pathway Performance 05/13/2023

C. **RESOLUTION #22-3-83 - AUTHORIZING REDUCTION #1 OF THE SAFETY & STABILIZATION GUARANTEE - BLOOMBERG BUSINESS PARK SOLAR COLLECTOR PROJECT**

WHEREAS, the developer for the Bloomberg Business Park Solar Collector Project, Enter Solar d/b/a/ ESNJ-BL-Skillman, has requested a Temporary Certificate of Occupancy; and

WHEREAS, following a thorough inspection of the site by the Engineering Department, some of the work remains incomplete and the developer must post a Temporary Certificate of Occupancy (TCO) Guarantee; and

WHEREAS, the Safety & Stabilization Guarantee must be adjusted to account for items transferred to the TCO Guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that a reduced safety and stabilization guarantee be posted as follows:

Original Safety and Stabilization Guarantee: \$ 13,512.10  
Reduced Safety and Stabilization Guarantee: \$ 5,000.00

The guarantee reduction was calculated in accordance with the Municipal Land Use Law and Section 16-9.2 of the Township Code. There is sufficient escrow remaining for inspections at this time.

D. **RESOLUTION #22-3-84 - APPROVAL OF RIGHT OF ENTRY AGREEMENT WITH SOMERSET COUNTY**

BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute a Right of Entry Agreement with Somerset County for the Par-Course.

E. **RESOLUTION #22-3-85 - APPROVAL OF LAND PURCHASE AGREEMENT FOR BLOCK 11002 LOT 38 ("HARCARIK")**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a land purchase agreement with Daniel Harcarik related to the acquisition of land consisting of approximately 7.62 acres designated on the municipal tax map as Block 11002 Lot 38 for open space, recreation, conservation and other municipal purposes.

F. **RESOLUTION #22-3-86 - 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 20-24, April 27-May 1, May 11-15, May 18-22, June 12, June 27, July 13-17, July 20-24, July 27-31, August 3-7, August 24-28, September 22-25, September 28 to October 2, October 6-9, and October 13-16, 2022 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 fifteen (15) show events with a maximum of 64 days.
  - (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

G. **RESOLUTION #22-3-87 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Somerset County Employee Recognition/Wellness Day in the Park**

BE IT RESOLVED By the Montgomery Township Committee as follows:

CONSENT AGENDA Item G. Cont.

1. The County of Somerset has requested approval of the Township Committee to conduct an Employee Recognition/Wellness Day at Skillman Park on June 11, 2022 (raindate June 12); and
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 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.

H. **RESOLUTION #22-3-88 - APPROVAL OF FIREWORKS PERMIT - The Bedens Brook Club**

BE IT RESOLVED that authorization is granted for The Bedens Brook Club to conduct a fireworks display on June 17, 2022 at the Bedens Brook Club Golf Course. Approvals have been granted by the Police Department and Fire Protection Inspector Roy Mondì

I. **TOWNSHIP COMMITTEE APPOINTMENT**

BE IT RESOLVED that Mark Herrmann is hereby appointed Flood Search Official, replacing Gail Smith, one-year unexpired term expiring December 31, 2022.

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

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Huang				
Schuldiner				
Bell				
Keenan				

5. **MAYORAL APPOINTMENT**

BE IT RESOLVED that Mark Herrmann is hereby appointed to the Local Emergency Planning Council, replacing Gail Smith, one-year unexpired term expiring December 31, 2022.

6. **RESOLUTION #22-3-89 - CHANGE ORDER #1 (FINAL) - Bridgepoint Area Improvements, State Aid Project (Decrease) and Time Extension**

WHEREAS, Resolution #21-8-211 adopted on August 5, 2021, authorized the award of a contract for the Bridgepoint Area Improvements project to Top Line Construction Corp. in the amount of \$446,114.01; and

WHEREAS, the Acting Township Engineer has requested the Committee's approval of a Change Order to reflect quantity adjustments and costs for the project and to extend the time completion for the project; and

WHEREAS, Change Order #1 would allow for bid item quantity adjustments as outlined on said Change Order and for a no cost time extension to February 11, 2022; and

WHEREAS, the work comprising Change Order #1 will result in a net decrease in the original contract amount by \$54,013.97 or -12.11%; and

WHEREAS, the Township Administrator has recommended approval of the Change Order; and

WHEREAS, a copy of the proposed Change Order is available in the Office of the Township Engineer.

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

1. Change Order #1 is hereby approved as the final change order for this project.

Item #6. Cont.

This Resolution, when counter-signed by Top Line Construction Corp., shall serve as a contract amendment to the original contract for the purpose of decreasing the total contract price by \$54,013.97 for a total contract amount of \$392,100.04, and for the purpose of extending the contract completion date from November 30, 2021 to February 11, 2022 with no change in the contract amount

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Huang				
Schuldiner				
Bell				
Keenan				

**7. RESOLUTION #22-3-90 - APPROVAL OF AMENDMENT TO THE ORIGINAL SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER**

**WHEREAS**, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income," In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (Mount Laurel IV), citing S. Burlington Cnty. NAACP v. Twp. of Mount Laurel (Mount Laurel I), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide "a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing," Ibid, citing S. Burlington Cnty. NAACP v. Twp. of Mount Laurel (Mount Laurel II), 92 N.J. 158, 205 (1983), (together with Mount Laurel I, the Mount Laurel Doctrine); and

**WHEREAS**, the New Jersey Supreme Court, in *Mount Laurel IV* determined that "the administrative forum ("COAH") was not capable of functioning as intended by the Fair Housing Act due to the lack of lawful Third Round Rules assigning constitutional obligations to municipalities," and, consequently "the Courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations;" and

**WHEREAS**, *Mount Laurel IV* accordingly provided for a judicial mechanism for municipalities to seek a declaratory judgment that they have complied with the *Mount Laurel Doctrine* and are entitled to immunity from exclusionary zoning lawsuits; and

**WHEREAS**, on July 7, 2015, the Township of Montgomery ("Township") filed a declaratory judgment action under the procedures established by the Supreme Court in *Mount Laurel IV* encaptioned In the Matter of the Application of the Township of Montgomery, County of Somerset, Docket No. SOM-L-924-15, ("the Declaratory Judgment Action") to address its *Mount Laurel Obligation*; and

**WHEREAS**, through the declaratory judgment process, the Township and Fair Share Housing Center ("FSHC"), a Supreme Court-designated interested party in the Declaratory Judgment action, agreed to settle the matter by agreement dated December 8, 2017 ("Original Settlement Agreement"), and thereafter presented that settlement to the trial court with jurisdiction over this matter; and

**WHEREAS**, after a duly-noticed fairness hearing and subsequent compliance hearing before the Hon. Thomas C. Miller, A.J.S.C., the Court conditionally approved the Township's Housing Element and Fair Share Plan (the "2018 HEFSP"), subject to conditions set forth in the Court's July 24, 2019 Order (the "Compliance Order"); and

**WHEREAS**, the Compliance Order required the Township to adopt an amendment to its 2018 HEFSP to reflect amendments to the compliance plan resulting from the hearing process; and

**WHEREAS**, the Township Planning Board adopted an amended HEFSP on December 7, 2020, and the Township Committee endorsed the amended HEFSP on December 17, 2020 (the "2020 HEFSP"); and

**WHEREAS**, the Compliance Order also required the Township and FSHC to memorialize the revisions to the compliance plan in an amendment to the Original Settlement Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Montgomery, Somerset County, New Jersey that Governing Body hereby approves and endorses the proposed amendment to the Original Settlement Agreement with FSHC to memorialize the revisions to the compliance plan in the 2020 HEFSP. The Mayor is hereby authorized to execute the amendment to the Original Settlement Agreement on behalf of the Township upon the review and advice of Township Counsel.

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

Item #7. Cont.

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Huang				
Schuldiner				
Bell				
Keenan				

8. **ORDINANCE #22-1678 - PROVIDING FOR 3.5% CAP - Public Hearing**

- A. Title: ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2022 BUDGET AND TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14
- 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 17th day of March 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
Singh				
Huang				
Schuldiner				
Bell				
Keenan				

9. **ORDINANCE #22-1679 - 2022 Salary and Wages - Public Hearing**

- A. Title: AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2022.
- 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 17th day of March 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
Singh				
Huang				
Schuldiner				
Bell				
Keenan				

10. **RESOLUTION #22-3-91 - 2022 SALARIES FOR NON-UNION EMPLOYEES**

WHEREAS, the Township Committee of the Township of Montgomery, Somerset County, New Jersey desires to set 2022 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that 2022 annual salaries for all non-contracted employees retroactive to January 1, 2022 are established as follows:

Mayor	Devra Keenan	\$ 5,562.00
Deputy Mayor	Shelly Bell	\$ 4,169.00
Township Committee Member	Marvin Schuldiner	\$ 4,169.00
Township Committee Member	Kent Huang	\$ 4,169.00
Township Committee Member	Neena Singh	\$ 4,169.00
Township Administrator	Donato Nieman	\$180,832.00
Police Director/Captain	James Gill	\$173,008.00

Item #10. Cont.

Chief Financial Officer/ Tax Collector/Assistant Administrator	Michael Pitts, Jr.	\$157,205.00
Township Engineer	Gail Smith	\$133,500.00
Planning Director	Lori Savron	\$133,500.00
Superintendent of Public Works	Arthur Villano	\$131,645.00
Construction Official/ Fire Marshall	Roy Mondi	\$130,969.00
Township Clerk / QPA (P/T)	Donna Kukla	\$129,058.00
Recreation Director	Karen Zimmerman	\$112,449.00
Assistant Township Engineer	Mark Herrmann	\$106,785.00
Assistant Chief Financial Officer/ Deputy Tax Collector	Dale Melville	\$106,785.00
Dir. of Wastewater Operations	Christopher Lalicato	\$102,400.00
Asst. Superintendent of Public Works	Joseph Kane	\$ 99,658.00
Building Maintenance Foreman	Richard Dietrich	\$ 99,630.00
IT Director	John (Jack) Ferrara	\$ 99,417.00
Tax Assessor	Glenn Stives	\$ 97,897.00
Chief Sewer Plant Operator	Keith DeFrancesco	\$ 94,095.00
Assistant Chief Financial Officer	Claire Higgins	\$ 84,358.00
Parks Foreman	John Snyder	\$ 83,595.00
Roads Foreman	Jeff Birkland	\$ 80,504.00
Senior Financial Analyst	Oluwaseyi Ochei	\$ 79,949.00
Senior Rec. Program Coordinator	Pauline Carr	\$ 77,781.00
Personnel Coordinator	Tamarah Novak	\$ 77,513.00
Payroll Manager/Pension Coordinator	Darleen Hamilton	\$ 76,406.00
Assistant Recreation Director	John Groeger	\$ 76,142.00
Laboratory Supervisor	Subarna Mozumder	\$ 63,550.00
Recreation Program Coordinator	VACANT	\$ 00,000.00
Community Information Officer (P/T)	Tamara Garaffa	\$ 37.31 p/hr.
Administrative Assistant	Deborah Axtt	\$ 34.31 p/hr.
Administrative Assistant	Vacant	\$ 00.00 p/hr.
Executive Secretary	Vacant	\$ 00.00 p/hr.

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Huang				
Schuldiner				
Bell				
Keenan				

11. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for February 17 and March 3, 2022 stand approved.

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

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 \_\_\_\_\_

Item #12. Cont.

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

**COMMITTEE CORRESPONDENCE**

Liz Palius

**NEW & UNFINISHED BUSINESS**

Flooded Properties

**ADMINISTRATOR'S REPORT**

**UPCOMING MEETINGS**

April 7

- Princeton Elks Presentation
- National Health Week - April 4-10
- Extending Concession Agreement with Montgomery Baseball League

May 5

- Rabies Awareness Month

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