

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
October 6, 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 ( ), Singh ( ), Barragan ( )

**ALSO PRESENT** - Rubinstein-Quiroga ( ), 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. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Robert Davis**

BE IT RESOLVED that Robert Davis is hereby appointed Probationary Police Officer effective October 7, 2022.

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

1-1. **SWEARING IN OF PROBATIONARY POLICE OFFICER ROBERT DAVIS**

2. **QUARTERLY FINANCIAL REPORT**

3. **SEWER PRESENTATION**

4. **POLICE DEPARTMENT UPDATE**

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.

Any questions posed to the Township Committee will be answered after the closure of public comment. Any question requiring research or additional information will be answered at a subsequent Township Committee meeting.

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 #22-10-206 REFUND OVERPAID 2022 SEWER TAXES**

BE IT RESOLVED that a refund in the amount of \$4,319.50 be given to Renee Oldam, 49 Edwina Court, Dayton, NJ 08110 for the overpayment of 2022 sewer on Block 7007, Lot 6.

B. **RESOLUTION #22-10-207 - REFUND OVERPAID TAXES**

BE IT RESOLVED that a refund for the overpayment of taxes be given to the following:

<u>Name</u>	<u>Year</u>	<u>Block/Lot</u>	<u>Amount</u>
Green Hill Title, LLC	2019	4022/6	\$ 2,554.91
Qianwei Han & Xuejun Sun	2019	4024/13	\$ 2,702.56
Weichert Closing Services, Co.	2019	4025/11	\$ 4,049.10
Qianwei Han & Xuejun Sun	2020	4024/13	\$ 5,516.31
Country Club Meadows, LLC	2020	4020/39	\$ 4,147.00
AFRM Title & Abstract, LLC	2021	7032/13	\$ 158.85
Allied Title, LLC	2021	4066/10	\$ 3,260.11
Community Options, Inc.	2021	7003/1	\$ 8,349.52
Country Club Meadows, LLC	2021	4020/39	\$ 4,119.70
Vinaya Nooguru & Sathya Bandari	2021	4029/3	\$ 2,093.65
Nu World Title, LLC (NJ)	2021	5004/29	\$ 789.79
Nu World Title, LLC (NJ)	2021	30003/39	\$ 970.83
Joshua Ramaiah & Anu Rambhadran	2021	4020/25	\$ 2,093.65
Community Options, Inc.	2022	4066/7	\$10,015.96
Community Options, Inc.	2022	6001/8.04	\$ 5,840.46
Gary & Lynn Eichenbaum	2022	5007/8	\$ 4,065.31
Neeta Gundala & Kiran Chanda	2022	37004/6.65	\$ 5,604.73
All-Pro Title Group, LLC	2022	3001/3	\$ 157.75
Est. of Mary G. Pekarski, Linda P. Kraushar & Michael G. Pekarski	2022	13001/11	\$ 3,673.47
Vijay & Prabhat Jawa	2022	5008/51	\$ 3,413.89
State Title Services, LLC	2022	4064/8	\$ 634.00

C. **RESOLUTION 22-10-208 - AMENDING RESOLUTION 22-9-205 - AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT ORCHARD ROAD IMPROVEMENTS PROJECT Engineering Services Menlo**

WHEREAS, Resolution 22-9-205 authorized an amendment to Menlo Engineering Associates' professional services agreement for the Orchard Road Improvements project was adopted on September 15, 2022; and

WHEREAS, the Township Engineer requests that account 01-201-20-165-200 is listed as an additional funding source for the agreement amendment.

NOW, THEREFORE IT BE RESOLVED by the Montgomery Township Committee that paragraph 6 of Resolution 22-9-205 is replaced with: "WHEREAS, there exists account numbers 04-215-55-901-1686B and 01-201-20-165-200 which will fund this Agreement amendment; and", and the funding appropriation statement at the bottom of the resolution is replaced with: "2022 funds are available for this Resolution from the following sources; Appropriations #04-215-55-901-1686B and #01-201-20-165-200".

D. **RESOLUTION 22-10-209 - AUTHORIZING SEWER PARTICIPATION AGREEMENT - ELIZABETH HOSEA BLOCK 31001, LOT 17.01 - 205 ROLLING HILL ROAD**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with Elizabeth Hosea related to sewer capacity in the Cherry Valley Country Club Sewerage Treatment Plant for Block 31001, Lot 17.01, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

E. **RESOLUTION 22-10-210 - AUTHORIZING EXTINGUISHMENT OF A PRIVATE SEPTIC LATERAL EASEMENT BENEFITING BLOCK 31001, LOT 17.01 (205 ROLLING HILL ROAD) IN THE SOUTHERN HILLS DRIVE PUBLIC RIGHT-OF-WAY**

BE IT RESOLVED by the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute the necessary legal instruments to extinguish an existing private septic lateral easement located in the Southern Hills Drive public right-of-way that benefits Block 31001, Lot 17.01, subject to review and approval of the Township Engineer and Township Attorney as to form and content.

F. **RESOLUTION 22-10-211 - AUTHORIZING THE RELEASE OF MAINTENANCE GUARANTEE #1026189 - MONTGOMERY RIDGE TOWNHOMES PHASE 1 SANITARY SEWER AND FORCE MAIN**

WHEREAS, Mark Herrmann, Township Engineer, has certified on September 28, 2022 that the project known as Montgomery Ridge, Phase I - Townhomes Sanitary Sewer and Force Main was inspected during the maintenance guarantee period and no apparent deficiencies were found during inspections conducted by the Engineering Department staff and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED that Maintenance Bond #1026189 in the amount of \$80,760.60 be released to K. Hovnanian at Montgomery LLC, 110 Fieldcrest Avenue, 5<sup>th</sup> Floor, Edison, NJ 08837.

BE IT FURTHER RESOLVED that the inspection escrow accounts #PB-09-12KH and PB-09-12KHA are in use for this development and therefore the account should remain open at this time.

G. **RESOLUTION 22-10-212 - AUTHORIZING THE RELEASE OF MAINTENANCE GUARANTEE #1026190 - MONTGOMERY RIDGE TOWNHOMES PHASE 2 SANITARY SEWER**

WHEREAS, Mark Herrmann, Township Engineer, has certified on September 28, 2022 that the project known as Montgomery Ridge, Phase 2 - Townhomes Sanitary Sewer was inspected during the maintenance guarantee period and no apparent deficiencies were found during inspections conducted by the Engineering Department staff and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED that Maintenance Bond #1026190 in the amount of \$15,829.74 be released to K. Hovnanian at Montgomery LLC, 110 Fieldcrest Avenue, 5<sup>th</sup> Floor, Edison, NJ 08837.

BE IT FURTHER RESOLVED that the inspection escrow accounts #PB-09-12KH and PB-09-12KHA are in use for this development and therefore the account should remain open at this time.

H. **RESOLUTION 22-10-213 - AUTHORIZING THE RELEASE OF MAINTENANCE GUARANTEE #1026191 - MONTGOMERY RIDGE TOWNHOMES PHASE 3 SANITARY SEWER**

WHEREAS, Mark Herrmann, Township Engineer, has certified on September 28, 2022 that the project known as Montgomery Ridge, Phase 3 - Townhomes Sanitary Sewer was inspected during the maintenance guarantee period and no apparent deficiencies were found during inspections conducted by the Engineering Department staff and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED that Maintenance Bond #1026191 in the amount of \$5,324.40 be released to K. Hovnanian at Montgomery LLC, 110 Fieldcrest Avenue, 5<sup>th</sup> Floor, Edison, NJ 08837.

BE IT FURTHER RESOLVED that the inspection escrow accounts #PB-09-12KH and PB-09-12KHA are in use for this development and therefore the account should remain open at this time.

I. **RESOLUTION #22-10-214 - TEMPORARY ROAD CLOSING - Block Party - Van Zandt Road**

BE IT RESOLVED by the Montgomery Township Committee that authorization is hereby given for the temporary closing of Van Zandt Road from #154 to #177 to accommodate a neighborhood block party scheduled for October 23, 2022 from approximately noon to 5:00 p.m. The Montgomery Township Police have no objection to the road closing provided that:

- The roadway must be made accessible to emergency vehicles.
- The roadway must be made accessible to traffic originating and terminating on the closed section.
- Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

J. TOWNSHIP COMMITTEE APPOINTMENT - Veterans Memorial Committee

BE IT RESOLVED that Tyrus D. Hudson, Sr. is hereby appointed Regular Member, replacing Vincent Barragan, 3-year unexpired term expiring December 31, 2023.

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

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

7. MAYORAL APPOINTMENT - Environmental Commission

BE IT RESOLVED that Yasmin Reyes is hereby appointed Regular Member, replacing Jeff Salton, 3-year unexpired term expiring December 31, 2023.

BE IT FURTHER RESOLVED that Kathy Lynch is hereby appointed Alternate 1, replacing Yasmin Reyes, 2-year unexpired term expiring December 31, 2023.

8. MAYORAL APPOINTMENT - Municipal Center Green Initiative Advisory Committee

BE IT RESOLVED that the Mayor is creating the Municipal Center Green Initiatives advisory committee who will be tasked with proposing a 5-year high-level plan for identified and potential uses for Municipal Center site to include Solar, rain gardens, stewardship of lawn and field areas, detention basins, trees, and River Friendly certification for the building and its environs.

BE IT FURTHER RESOLVED that Frank Derby, Sarah Roberts, Greg Kaganowicz, Michelle Jacob and Larry Koplik are hereby appointed members and will be joined by Advisors from The Watershed Institute and will operate under the guidance of Lauren Wasilauski.

9. RESOLUTION #22-10-215 - APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1813-44-010-003 - M Wine & Liquor NJ Inc. to Shradha LLC

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Distribution License Number 1813-44-010-003, heretofore issued to M Wine and Liquor NJ Inc for the premises located at 2145 US 206, Belle Mead, Skillman, New Jersey 08505; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established pursuant to the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1.1 et seq., regulations promulgated thereunder, Township ordinances and other applicable law; and

WHEREAS, the applicant has disclosed to the Township of Montgomery ("Township"), and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the transferee has executed a valid consent to transfer the license.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it does hereby approve the transfer of Plenary Retail Distribution License Number 1813-44-010-003 to Shradha, LLC as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Shradha, LLC, effective October 7, 2022."

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

10. **RESOLUTION #22-10-216 - AWARD OF BID - B09-2022 - Pike Brook Sewer Lateral Rehabilitation Project**

WHEREAS, the following bids for the Pike Brook Sewer Lateral Rehabilitation Project were received and publicly opened on October 5, 2022 at 11:00 AM:

<u>BIDDER</u>	<u>AMOUNT</u>
National Water Main Cleaning Company	\$231,580.00
BLD Services, LLC	\$235,600.00
SWERP, Inc.	\$347,900.00

WHEREAS, it is the recommendation of the Purchasing Agent and the Township Engineer that National Water Main Cleaning Company be awarded the bid, it being the lowest responsible bidder; and

WHEREAS, a certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk; and

WHEREAS, there exists within the Engineering Department sufficient uncommitted funding for this project from account numbers # 08-215-55-901-1638A.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the contract in the amount of \$231,580.00 for the Pike Brook Sewer Lateral Rehabilitation Project is hereby awarded to:

National Water Main Cleaning Company  
1806 Newark Turnpike  
Kearny, New Jersey 07032

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign said contract.

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

11. **ORDINANCE #22-1690 - Amending Chapter 3-5.4 - Alcohol Beverage Permit - Public Hearing**

A. Title: AN ORDINANCE AMENDING SECTION 3-5.1 "CONSUMPTION IN PUBLIC PLACES", OF THE TOWNSHIP OF MONTGOMERY MUNICIPAL CODE

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 6th day of October, 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				
Bell				
Keenan				

12. **ORDINANCE #22-1691 - BOND ORDINANCE** - Amending in its Entirety Bond Ordinance 22-1684 for the Stage II Flood Protection Project - Introduction

A. Title: BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE 22-1684 FOR THE STAGE II FLOOD PROTECTION PROJECT

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 October 20, 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				
Bell				
Keenan				

13. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for September 1 and September 15, 2022 stand approved.

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

14. **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				
Bell				
Keenan				

**COMMITTEE CORRESPONDENCE**

- Brian Tarantino - Traffic Concern & Proposed Warehouses
- Modifications for Hearing Impaired - Jan Narayan

**NEW & UNFINISHED BUSINESS**

- Library Vending Machines

**ADMINISTRATOR'S REPORT**

**COMMITTEE REPORTS**

**UPCOMING MEETINGS**

- ORDINANCE #22-1691 - Bond Ordinance Stage II Flood Protection Project - Public Hearing
- AWARD OF BID - Stage II Wastewater Treatment Plant Flood Protection Project

15. **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 subject to be discussed in this session is as follows:
  - Attorney Guidance to Appropriate Authority - Police Department Personnel
  - Advice of Counsel with regard to contract negotiations - Municipal Building
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public.

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

15-1. **MOTION TO REOPEN THE MEETING TO THE PUBLIC**

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

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