

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
August 11, 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 POLICE SERGEANT - Daniel Balinski**

BE IT RESOLVED that the Montgomery Township Committee hereby appoints Daniel Balinski to the position of Police Sergeant for Montgomery Township effective August 11, 2022.

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

1-2. Swearing in of Sergeant Daniel Balinski

2. **EAGLE SCOUT PROCLAMATIONS - Cary Wong and Anthony Mazza**

WHEREAS, the prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Cary Wong and Anthony Mazza; and

WHEREAS, the standards established for this honor are high and very difficult to achieve; and

WHEREAS, those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED that with great pride, the Montgomery Township Committee congratulates Cary Wong and Anthony Mazza on this remarkable achievement and extends its sincere best wishes for their continued success.

3. **HEALTH DEPARTMENT UPDATE**

4. **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.

5. **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 #22-8-173 - DECLARING CERTAIN TOWNSHIP SEWER UTILITY EQUIPMENT AS SURPLUS**

WHEREAS, the Township of Montgomery currently owns sewer utility equipment scrap metal ("surplus personal property") that the Director of Wastewater Operations has determined is no longer needed for public use; and  
WHEREAS, the Township desires to dispose of said surplus personal property by sending the scrap metal to Klein's Scrap Metal.

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

1. The sewer utility equipment scrap metal owned by the Township of Montgomery is hereby declared surplus and no longer needed for public use.

2. The Purchasing Agent and Director of Wastewater Operations are hereby authorized and directed to send said surplus personal property to Klein's Scrap Metal.

1. Flygt Mixer - Serial # 4630.491-1130004
2. Flygt Mixer - Serial # 4630.491-1130003
3. Roots Blower - Serial # 1007915692
4. Flygt Decant Pump - Serial # 2610.172.2130068
5. Flygt Decant Pump - Serial # 2610.172.1630122
6. U.S. Motor - Serial # X06-7647710-0042-M0004
7. Zoeller Decant Pump - Serial 0620X
8. U.S. Motor - Serial # Z05-7694080-0006-M0012
9. Baldor Motor - Serial # 016193M5012
10. Baldor Motor - Serial # 0201203I002
11. TPI Heater - 63635-127
12. Various Amounts of Scrap Metal, Fence Chain Link and Piping

B. **RESOLUTION #22-8-174 - AUTHORIZING TEMPORARY ROAD CLOSINGS - ClubCorp Cherry Valley 5K**

WHEREAS, Cherry Valley 5K organizers have requested approval of the Township Committee to close Country Club Drive, Great Road, Bull Creek Court, Bedens Brook Road, Greenbriar Court and Shoal Creek between the hours of 8:30 a.m. and noon on September 17, 2022 to conduct a 5K cycling event.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee authorizes the road closings provided that the organizers obtain the required approval from the Police Department regarding traffic planning and safety considerations and employ three (3) Private Duty Officers.

C. **RESOLUTION #22-8-175 - FOR ENDORSEMENT OF NJDEP TREATMENT WORKS APPROVAL APPLICATION FOR EXTENSION - MONTGOMERY PROMENADE**

WHEREAS, Treatment Works Approval (TWA) No. 19-0321 for the Montgomery Promenade project has expired and the developer wishes to extend the approval; and

WHEREAS, a TWA is necessary to construct and operate the sanitary sewer that will serve the project; and

NOW THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the Township Administrator is hereby authorized to execute a Treatment Works Approval extension application to the New Jersey Department of Environmental Protection related to Montgomery Promenade, subject to review and approval by the Township Engineer and Township Attorney as to form and content.

D. **RESOLUTION #22-8-176 - SUPPORTING A HIGHWAY OCCUPANCY PERMIT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR WAYFINDING SIGNS TO THE NEW MUNICIPAL CENTER**

WHEREAS, the new Municipal Center was recently constructed along Community Drive; and

WHEREAS, there is a desire to install directional signs to the Municipal Center along Route 206 to help the general public find their way to the Police, Municipal, and Library services; and

WHEREAS, the Township Engineer and Police Department recommend the installation of Wayfinding signs; and

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby supports the installation of directional wayfinding signs along Route 206 to the new Municipal Center.

E. **RESOLUTION #22-8-177 - AUTHORIZING MARK HERRMANN TO BE THE AUTHORIZED REPRESENTATIVE FOR THE STAGE II WASTEWATER TREATMENT PLANT FLOOD PROTECTION PROJECT WITH RESPECT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE LOAN**

WHEREAS, Montgomery Township has previously filed an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Stage II Wastewater Treatment Plant Flood Protection Project; and

WHEREAS, the previous representative, Township Engineer Gail Smith, authorized by Resolution 21-2-62, has retired.

NOW, THEREFORE BE IT RESOLVED, that Mark Herrmann be authorized to act as the Authorized Representative to represent in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the following address: 100 Community Drive, Skillman, NJ 08558 and phone number: 908-359-8211.

F. **RESOLUTION #22-8-178 - AUTHORIZING RELEASE OF SAFETY AND STABILIZATION GUARANTEE  
BLOOMBERG BUSINESS PARK SITE LIGHTING - Block 34001, Lots 38.01 and 38.001**

WHEREAS, the improvements pertaining to the Bloomberg Business Park Site Lighting project pertaining to the Safety and Stabilization Guarantee have been completed by the developer, Bloomberg LP. and Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the Safety and Stabilization Guarantee; and

WHEREAS, a Maintenance Guarantee is not required pursuant to Township Code Section 6-9.2d2.(e) and the inspection escrow funds(account PB-07-19)may be released.

The Township will not accept any improvements for this project.

G. **RESOLUTION #22-8-179 - AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY  
GUARANTEE BLOOMBERG BUSINESS PARK SOLAR COLLECTOR PROJECT 2020 - Block 34001, Lots 38.01, 38.001, 38.03**

WHEREAS, improvements pertaining to the Bloomberg Business Park Solar Collector Project 2020 the above referenced project pertaining to the TCO Guarantee have been completed by the developer, PowerFlex Solar, LLC. and Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the TCO Guarantee; and

WHEREAS, it is recommended that the release include the following conditions:

1. PowerFlex Solar, LLC shall post a 2-year maintenance guarantee in the amount of 15% of the original estimated installed cost for the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, in accordance with Township Code Seciton 6-9.2d2.(e) (2), which is:

**Maintenance Guarantee = \$451.50**

2. PowerFlex Solar, LLC shall post adequate escrow funds.

The Township will not accept any improvements as part of this guarantee release.

H. **RESOLUTION #22-8-180 - AUTHORIZING RELEASE OF SAFETY AND STABILIZATION GUARANTEE  
BLOOMBERG BUSINESS PARK SOLAR COLLECTOR PROJECT 2020 - Block 34001, Lots 38.01, 38.001, 38.03**

WHEREAS, improvements pertaining to the Safety and Stabilization Guarantee have been completed by the developer, Enter Solar d/b/a ESNJ-BL-Skillman and the Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the Safety and Stabilization Guarantee.

WHEREAS, a Maintenance Guarantee is not required pursuant to Township Code Section 6-9.2d2.(e). Eligible items were previously transferred to a separate Temporary Certificate of Occupancy Guarantee.

The inspection escrow account PB-01-20 is in use for other guarantees required for this development, therefore the account should remain open at this time.

The Township will not accept any improvements as part of this guarantee release.

I. **RESOLUTION # 22-8-181 - AUTHORIZING RELEASE OF LANDSCAPING BUFFER GUARANTEE  
BLOOMBERG BUSINESS PARK SOLAR COLLECTOR PROJECT 2020 - Block 34001, Lots 38.01, 38.001, 38.03**

WHEREAS, improvements pertaining to the Landscape Buffer Guarantee have been completed by the developer, Enter Solar d/b/a ESNJ-BL-Skillman and the Township Engineer, Mark Herrmann, has stated that the completed improvements are acceptable and he recommends that the Township Committee consider the release of the Landscape Buffer Guarantee. Please add this to the August 11, 2022 Township Committee meeting agenda.

It is recommended that the release include the following conditions:

1. Enter Solar d/b/a ESNJ-BL-Skillman shall post a 2-year maintenance guarantee in the amount of 15% of the original estimated installed cost of the improvements which are being released pursuant to Township Code Section 6-9.2d2.(e), which is:

**Maintenance Guarantee = \$1,455.00**

2. Enter Solar d/b/a ESNJ-BL-Skillman shall post adequate escrow funds.

The Township will not accept any improvements as part of this guarantee release.

J. **RESOLUTION #22-8-182 - AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 21-R-36, 81 Scarborough Road, Block 4024, Lot 9**

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Amjad Farooq because all work has been satisfactorily completed with respect to Street Opening Permit 21-R-36 at Block 4024, Lot 9 (81 Scarborough Road).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$600.00 be released to Amjad Farooq, 81 Scarborough Road, Belle Mead, NJ 08502.

K. **TOWNSHIP COMMITTEE APPOINTMENTS**

Be it resolved that Vincent Barragan is appointed Township Committee Liaison to Open Space Committee, Veterans Memorial Committee and Budget & Finance Committee, replacing Kent Huang, 1-year unexpired term expiring December 31, 2022.

5-1. Motion to adopt **CONSENT AGENDA** \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

6. **RESOLUTION #22-8-183 - 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 retroactive to January 1, 2022 be established as follows:

CFO/Tax Collector/Asst. Township Administrator	Michael Pitts	\$166,328
Police Director/Captain	James Gill	\$180,370
Salary retroactive to July 1, 2022:		
Township Administrator	Lori Savron	\$170,000

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

7. **RESOLUTION #22-8-184 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING THE SETTLEMENT OF A RESIDENTIAL TAX APPEAL (Tarzia V. TOWNSHIP OF MONTGOMERY; BLOCK 18002, LOT 34.03 (22 Spruce Lane))**

WHEREAS, Richard and Lisa Tarzia, the owners of 22 Spruce Lane, Block 18002, Lot 34.03 in the Township of Montgomery ("the Property") have filed an appeal of their 2019 and 2020 real property taxes in the New Jersey Tax Court, Tarzia v. Township of Montgomery, Tax Court Docket No. 007498-2019, 006245-2020; and

WHEREAS, the parties have reached a settlement of the tax appeal, subject to approval by the Township's governing body, as follows:

CURRENT ASSESSMENT (2019)		REQUESTED ASSESSMENT (2019)	
LAND	\$ 361,000	LAND	\$ 361,000
IMPROVEMENT	\$ 884,300	IMPROVEMENT	\$ 839,000
TOTAL	\$1,245.300	TOTAL	\$1,200,000
CURRENT ASSESSMENT (2020)		REQUESTED ASSESSMENT (2020)	
LAND	\$ 361,000	LAND	\$ 361,000
IMPROVEMENT	\$ 884,300	IMPROVEMENT	\$ 814,000
TOTAL	\$1,245.300	TOTAL	\$1,175,000

together with a credit to be applied to the Property’s taxes resulting from any overpayment in 2019 and 2020, and other salient terms; and

WHEREAS, the Township’s Tax Assessor has reviewed the proposed terms of settlement, and find that same will result in the assessment of the Property at the fair assessable value consistent with assessing practices generally applicable in the taxing district as required by law; and

WHEREAS, it is equitable and just, and in the best interest of the citizens of the Township, to authorize the settlement of the tax appeal;

NOW THEREFORE BE IT RESOLVED By the Mayor and Township Committee of the Township of Montgomery, in Somerset County, in the State of New Jersey, that the Township’s attorney be and hereby is authorized to formalize the settlement of the subject tax appeal pursuant to the parties’ agreed terms, and execute and file with the Tax Court any and all documents necessary to accomplish said settlement.

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

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Barragan				
Singh				
Schuldiner				
Bell				
Keenan				

8. **ORDINANCE #22-1689 - Amending Schedule XXI, Traffic Regulations on Private Property The Meadows at Montgomery - Introduction**

- A. Title: AN ORDINANCE AMENDING, SCHEDULE XXI, TRAFFIC REGULATIONS ON PRIVATE PROPERTY, OF CHAPTER VII, TRAFFIC, AND SECTION 10.2 OF CHAPTER III, POLICE REGULATIONS, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD THE PRIVATE PROPERTY OF THE MEADOWS AT 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 September 1, 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				

9. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for July 21, 2022 stand approved.

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

10. **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**

**NEW & UNFINISHED BUSINESS**

**ADMINISTRATOR’S REPORT**

**UPCOMING MEETINGS**

- Ordinance #22-1688 - LDO - Amendment to Site Inclusionary Zone I - Public Hearing
- Ordinance #22-1689 - Amending Schedule XXI, Traffic Regulations on Private Property The Meadows at Montgomery
- Quarterly Financial Presentation (September)
- Finance Department Presentation (September)
- Tax Assessor Presentation
- Updates on Development in the Township
- Planet Networks Presentation

11. **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:
  - Potential acquisition of property (Block 25001 Lot 4 (Normile), Block 37003 Lot 7 (Trap Rock), Block 11002 Lot 38 (Harcarik), Block 17008 Lot 1 (Bethke), Block 12001 Lot 20 (Goldstein) for open space, conservation, recreation purposes, Block 17001 Lot 17.01 (Hardesty). Block 33001 Lots 28, 28.09, 28.10 and 28.11 - Thompson Block 25001 Lots 20 - Spivey Block 25001 Lots 22 - Brook Hollow Land Co. Block 25001 Lots 24 & 25 - Barvalia
  - Police Candidate Interviews
- 3. It is unknown precisely when the matters discussed in this session will be disclosed to the public.

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

11-1. **MOTION TO REOPEN THE MEETING TO THE PUBLIC**

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

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