

AGENDA FOR  
MONTGOMERY TOWNSHIP COMMITTEE  
February 16, 2023  
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 ( ), Singh ( ), Barragan ( ), Todd ( ), Ahn ( )

**ALSO PRESENT** - Rubenstein 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. **PUBLIC COMMENT**

Each speaker will have a maximum of five (5) minutes to speak and should limit comments to matters pertaining to the Township. 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. Groups are asked to select a spokesperson to speak on their behalf.

2. **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 #23-2-68 - REDEMPTION OF TAX SALE CERTIFICATE #22000036**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #22000036 in the amount of \$105,159.73.

BE IT RESOLVED that a refund in the amount of \$105,159.73 be given to Bala Partners, LLC, 1 American Lane, Ste 220, Greenwich, CT 06831 for the redemption of Tax Sale Certificate #22000036 on Block 6003 Lot 13.

Tax Lien Redemption

Certificate Amount	\$ 76.33
Subsequent Charges	\$ 17,374.23
Interest	\$ 356.17
Recording Fees	\$ 53.00
PREMIUM	\$ 87,300.00
TOTAL REDEMPTION	\$ 105,159.73

B. **RESOLUTION #23-2-69 - REDEMPTION OF TAX SALE CERTIFICATE #19-00015**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #19-00015 in the amount of \$60,877.03.

BE IT RESOLVED that a refund in the amount of \$60,877.03 be given to Tower DB REO IX LLC, c/o Robert A Del Vecchio, Esq., 405 Lafayette Avenue, P.O. Box 561, Hawthorne, NJ 07507 for the redemption of Tax Sale Certificate #19-00015 On Block 37003 Lot 1.121.

Tax Lien Redemption

Certificate Amount	\$ 7,549.55
Subsequent Charges	\$ 38,450.93
Interest	\$ 13,229.55
Recording Fees	\$ 53.00
Foreclosure Fees	\$ 1,582.00
Search Fees	\$ 12.00
TOTAL REDEMPTION	\$ 60,877.03

C. **RESOLUTION #23-2-70- REDEMPTION OF TAX SALE CERTIFICATE #22000051**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #22000051 in the amount of \$3,648.12.

BE IT RESOLVED That a refund in the amount of \$3,648.12 be given to Pro Cap 8, LLC for the redemption of Tax Sale Certificate #22000051 on Block 37003 Lot 1.028.

Tax Lien Redemption

Certificate Amount	\$ 477.95
Subsequent Charges	\$ 990.64
Interest	\$ 14.53
Recording Fees	\$ 53.00
Search Fees	\$ 12.00
PREMIUM	\$ 2,100.00
TOTAL REDEMPTION	\$ 3,648.12

**D. RESOLUTION #23-2-71 - AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR 71 COLFAX ROAD - BLOCK 31003, LOT 22**

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WHEREAS, Mark Herrmann, Township Engineer, has certified on February 9, 2023, that Alexander and Natasha Wolfson have completed the improvements for 71 Colfax Road. The improvements are acceptable and he recommends that the Township Committee consider the release of the Performance Guarantee. It is recommended that the release include the following conditions:

1. Alexander and Natasha Wolfson shall post a two-year maintenance guarantee in the amount of 15% of the original Performance Guarantee amount of \$30,985.00 which is:

15% Maintenance Guarantee = \$4,647.75

2. Alexander and Natasha shall post adequate escrow funds, as determined by the Township Engineer.

WHEREAS, upon satisfactory completion of these conditions, it is recommended that the Township accept the following:

- Storm Sewers - including but not limited to a storm inlet installed in Colfax Road along Block 31003 Lot 22 and the conveyance piping to an existing storm inlet in Colfax Road along Block 31003 Lot 23, as shown on the attached sketch.

WHEREAS, the following improvements will not be accepted by the Township:

- Driveways - all driveways, driveway aprons, driveway sidewalk, or associated depressed curbing associated with the driveway for Block 31003 Lot 22. This shall be maintained by the property owner(s) of Block 31003 Lot 22.
- Stormwater Management Facilities (e.g. drywell, vegetative swale, etc.) - all Stormwater Management Facilities including but not limited to the drywell at Block 31003 Lot 22 and the overflow connection into the Colfax Road storm sewer shall be maintained by the owner(s) of Block 31003 Lot 22.
- Other Improvements - any other improvements not specifically listed as being accepted by the Township.

**E. RESOLUTION 23-2-72 - AUTHORIZING RELEASE OF LANDSCAPING GUARANTEE FOR 71 COLFAX ROAD - BLOCK 31003, LOT 22**

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WHEREAS, Mark Herrmann, Township Engineer, has certified on February 9, 2023, that Alexander and Natasha Wolfson have completed the improvements for 71 Colfax Road. The improvements are acceptable and he recommends that the Township Committee consider the release of the Landscape Buffer Guarantee. It is recommended that the release include the following conditions:

1. Alexander and Natasha Wolfson shall post a two-year maintenance guarantee in the amount of 15% of the original Performance Guarantee amount of \$11,880.00 which is:

15% Maintenance Guarantee = \$1,782.00

2. Alexander and Natasha shall post adequate escrow funds, as determined by the Township Engineer.

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

F. **RESOLUTION #23-2-73 - AUTHORIZING 2023 SUSTAINABLE JERSEY GRANT APPLICATION**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Montgomery Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Montgomery Township is participating in the Sustainable Jersey Program and been continuously certified since 2009, with most recent re-certification at the silver level in 2021; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, Montgomery Township desires to complete a fleet inventory to gather baseline documentation on all municipal vehicles, with an eye toward the long-term goal of converting the municipal fleet to alternative fuel source vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey authorizes the submission of the aforementioned Sustainable Jersey Grant.

G. **RESOLUTION #23-2-74 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH BRANCBURG FOR HEALTH EDUCATION SERVICES**

WHEREAS, the governing bodies of the Township of Montgomery and Princeton desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for health education services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Branchburg Township, has been prepared and circulated for approval by the governing bodies of Montgomery and Branchburg.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, Somerset County that:

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with Branchburg Township for health education services for a one-year period, beginning January 1, 2023 and ending December 31, 2023.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

H. **RESOLUTION #23-2-75 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH BRANCBURG TOWNSHIP FOR PUBLIC HEALTH NURSING SERVICES**

WHEREAS, the governing bodies of the Township of Montgomery and Branchburg Township desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for public health nursing services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Branchburg Township, has been prepared and circulated for approval by the governing bodies of Montgomery and Branchburg.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, Somerset County that:

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with Branchburg Township for public health nursing services for a one-year period, beginning January 1, 2023 and ending December 31, 2023.

2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.

2. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

I. **RESOLUTION #23-2-76 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH PENNINGTON BOROUGH FOR ANIMAL CONTROL SERVICES**

WHEREAS, the governing bodies of the Township of Montgomery and Pennington Borough desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for animal control services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Princeton, has been prepared and circulated for approval by the governing bodies of Montgomery and Pennington.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, Somerset County that:

- 1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with Pennington Borough for animal control services for a three-month period, beginning January 1, 2023 and ending March 31, 2023.
- 2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
- 3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

J. **RESOLUTION #23-2-77 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH PENNINGTON BOROUGH FOR HEALTH SERVICES**

WHEREAS, the governing bodies of the Township of Montgomery and Pennington Borough desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for health services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Pennington Borough, has been prepared and circulated for approval by the governing bodies of Montgomery and Pennington.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, Somerset County that:

- 1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with Pennington Borough for health services for a three-month period, beginning January 1, 2023 and ending March 31, 2023.
- 2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
- 3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

2-1. Motion to adopt **CONSENT AGENDA** \_\_\_\_\_ Second \_\_\_\_\_

**ROLL CALL VOTE:**

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Todd				
Barragan				
Singh				
Keenan				

3. **ORDINANCE #23-1693 - Appropriate Authority - Public Hearing Continued**

- A. Title: AN ORDINANCE AMENDING SECTION 2-3.2 "APPROPRIATE AUTHORITY", 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 16th day of February 2023 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
Ahn				
Todd				
Barragan				
Singh				
Keenan				

4. **ORDINANCE #23-1694 - Providing for 3.5% "Cap" - Public Hearing**

- A. Title: AN ORDINANCE TO EXTEND THE MUNICIPAL BUDGET APPROPRIATION LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2023 BUDGET AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A.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 16th day of February 2023 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
Ahn				
Todd				
Barragan				
Singh				
Keenan				

5. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for January 19 and February 2, 2023 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 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
Ahn				
Todd				
Barragan				
Singh				
Keenan				

**COMMITTEE CORRESPONDENCE**

**NEW & UNFINISHED BUSINESS**

- Recreation Fees

**ADMINISTRATOR'S REPORT**

**COMMITTEE REPORTS**

**UPCOMING MEETINGS**

- Stoutsburg Sourland African American Museum Presentation
- Recognizing Marvin Schuldiner
- Appointment of Appropriate Authority Members
- Environmental Awards Presentation

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:
  - Advice of Counsel with regard to building mediation;
  - Advice of Counsel with regard to AFSME update.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Settlement of agreements shall only be approved by the Township Committee in a public session.

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

7-1. **MOTION TO REOPEN THE MEETING IN PUBLIC SESSION**

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

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