

**MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, MARCH 21, 2024
7:00 P.M.**

AGENDA TO THE EXTENT KNOWN

1. **MEETING CALLED TO ORDER**

2. **ROLL CALL** – Singh (), Barragan (), Keenan (), Taylor Todd (), Ahn ()

ALSO PRESENT – Rubinstein Quiroga (), Savron (), Fania ()

3. **NOTICE OF MEETING** – In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided on January 12, 2024 to the Courier News and the Star Ledger, posted on the municipal bulletin board, and filed with the Township Clerk.

4. **SALUTE TO THE FLAG**

5. **RESOLUTION #24-3-99 – Authorizing the Appointment of Police Officer Matthew DeCataldo**

BE IT RESOLVED that Matthew DeCataldo is hereby appointed Police Officer effective March 18, 2024 at a salary of \$80,434.69.

MOTION to adopt Resolution #24-3-99 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

6. **OATH OF OFFICE - Probationary Police Officer, Matthew DeCataldo**

7. **PROCLAMATION – Honoring Police Lieutenant Thomas D. Frascella for Twenty-Eight Years of Service with the Montgomery Township Police Department**

WHEREAS, a community possesses no greater treasure than the dedicated service of its steadfast and devoted employees; and

WHEREAS, Thomas D. Frascella has served the Montgomery Township community as a dedicated member of the Montgomery Police Department for twenty-eight years, strengthening and preserving the safety of its residents and local businesses; and

WHEREAS, Thomas D. Frascella retired from the Montgomery Township Police Department on January 31, 2024 after multiple decades of dedicated civil service; and

WHEREAS, during his years of faithful service, Thomas D. Frascella has earned the admiration and respect of his friends, co-workers, and residents for his many contributions to Montgomery Township, commencing with appointment as Police Officer on February 16, 1996, where he worked as a Patrol Officer, Police Detective, Patrol Sergeant, Detective Sergeant, Traffic Sergeant, Administrative Sergeant, and Police Lieutenant as the Commander of the Services Division overseeing the Detective Bureau and the Traffic Unit.

WHEREAS, Thomas D. Frascella has received numerous awards and commendations acknowledging his outstanding service and professionalism including Valor, Meritorious Service, Honorable Service, Life Saving Award, Community Policing Award and Firearms Expert, as well as a Commendation for Praise from the New Jersey General Assembly along with a 200 Club Award for his role in the rescue of a teenaged drowning victim.

NOW, THEREFORE, BE IT PROCLAIMED, the Mayor and Township Committee of the Township of Montgomery, County of Somerset, New Jersey on this twenty-first day of March, Two-Thousand Twenty-Four hereby recognize Lieutenant Thomas D. Frascella for his decades of dedication and service to the Montgomery Township community and extend sincere gratitude, congratulations, and well wishes on behalf of all citizens of the Township.

8. **PROCLAMATION – Celebrating National Agriculture Week**

WHEREAS, National Agriculture Week is celebrated in March of each calendar year; and

WHEREAS, National Agriculture Day will be celebrated on the nineteenth of March in this year of two-thousand and twenty-four; and

WHEREAS, the Township of Montgomery was historically an agriculture-based community with farmland stretching from the Millstone River to the orchards in the Sourland Mountains; and

WHEREAS, the Township of Montgomery currently includes over 3,600 acres of active farmland that provide a diverse array of products and experiences for consumers in the Township and beyond; and

WHEREAS, over 2,281 acres of farmland have been preserved in Montgomery Township, which plays an integral role in sustaining the future of agriculture in the Township, region and State, while also providing a secure local food source; and

WHEREAS, the Montgomery Friends of Open Space operate a seasonal Farmers Market in order to provide an opportunity for farmers to market their products and bring fresh food to our residents; and

WHEREAS, the Township of Montgomery would like to honor and acknowledge its local farmers, along with the Agriculture Industry as a whole, for the important role they play in stabilizing the economy; and

WHEREAS, the Township of Montgomery would like to extend heartfelt congratulations to Marie and Steve Voorhees of Hidden Spring Lavender and Alpaca Farm for being featured on the cover of the “New Jersey 2024 Official Travel Guide;” and

WHEREAS, the Township of Montgomery desires to support agriculture and spread awareness about the potential and vitality of the industry.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Township Committee of the Township of Montgomery hereby proclaim March 19, 2024 National Agriculture Day and express sincere appreciation to its local farmers and the Agricultural Industry for their hard work and continuous efforts in providing a source of abundant food, fiber, and renewable products that beautify and enable our community and the nation as a whole to sustain itself.

9. **PROCLAMATION – Recognizing Police Officer Carolyn LaRue and Montgomery EMS for Dedication and Service to Community**

WHEREAS, the men and women of the Montgomery Police Department courageously make the ultimate sacrifice in protecting lives of residents; and

WHEREAS, the Mayor and Township Committee of the Township of Montgomery desires to recognize the earnestly dedicated efforts of Officer Carolyn LaRue, who on January thirtieth, two-thousand and twenty-four assisted a Belle Mead resident in the safe delivery of her newborn baby along with Montgomery Emergency Medical Services members Ellen Nusbaum, Noemie Gerschel, Carol Gell, Ruibin Zhou, Kristofor Hendrickson and Noah Smith; and

WHEREAS, first responders demonstrate commitment to the community by protecting and often saving the lives of Montgomery Township residents every day and at all hours of the day; and undergo endless hours of training; and

WHEREAS, Officer LaRue, her fellow police officers, and EMS members serve the Township tirelessly and provide 9-1-1 emergency life support, CPR, and other medical and emergency intervention.

NOW, THEREFORE, BE IT PROCLAIMED, the Mayor and Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, on behalf of all its citizens, hereby expresses sincere appreciation and support to Officer Carolyn LaRue and EMS members for their continuous dedication and contributions in safeguarding the lives and well-being of the community on this twenty-first day of March, two-thousand twenty-four.

10. **PROCLAMATION – Recognizing Environmental Commission Member Yasmin Reyes for Commitment to Community**

WHEREAS, a community depends on volunteers to serve its community; and

WHEREAS, the Mayor and Township Committee desire to recognize volunteers for their dedication and service; and

WHEREAS, Yasmin Reyes has served Montgomery Township as a member of the Environmental Commission for over a decade with her first appointment in 2005 as an Alternate II Member; and

WHEREAS, Yasmin was appointed as Alternate I Member in 2006; as Regular Member from 2008-2016; then rejoined as an Advisor in 2022; and was then appointed Regular Member from 2023-2024; and

WHEREAS, during her tenure on the Environmental Commission, Yasmin also served as Chairperson; and

WHEREAS, Yasmin was instrumental in starting the Township's annual Earth Day Fair celebration, and encouraging the school district to implement a comprehensive recycling effort.

NOW, THEREFORE, BE IT PROCLAIMED, the Mayor and Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, on behalf of all its citizens and staff, hereby expresses heartfelt gratitude and sincere appreciation to Yasmin Reyes for her years of dedicated service and contributions in support of protecting the Township’s natural resources and extends warmest wishes for future endeavors on this twenty-first day of March, two-thousand twenty-four.

11. **PUBLIC COMMENT** – Members of the public wishing to address the Township Committee on matters pertaining to the Township will be limited to three minutes per person. If comments are similar to those already stated, please indicate your support or opposition. Groups are asked to select a spokesperson.

12. **PRESENTATION – EAGLE SCOUT PROJECT – RIVER NANN**

13. **ORDINANCES – INTRODUCTION AND FIRST READING**

A. **ORDINANCE #24-1720 – An Ordinance of the Township of Montgomery in Somerset County Authorizing the Transfer of Interest in Property Designated as Block 20001, Lot 10.07 to RPM Development, LLC for the Development of a Municipally Sponsored 100% Senior Affordable Housing Project**

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 according to law with a public hearing and a vote scheduled for the meeting of April 4, 2024.

MOTION to introduce Ordinance #24-1720 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

14. **ORDINANCES – PUBLIC HEARING/FINAL ADOPTION**

A. **ORDINANCE #24-1717 – An Ordinance Accepting Deed of Dedication and Drainage Easement Agreement for a Portion of Lots 14 and 16, Block 12001 in the Township of Montgomery, County of Somerset, State of New Jersey (Hollow Road)**

MOTION to CLOSE the Public Hearing _____ Second _____

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of March, 2024 and that the ordinance summary be published in an official newspaper as required by law.

14. **ORDINANCES – PUBLIC HEARING/FINAL ADOPTION (CONT.)**

MOTION to adopt Ordinance #24-1717 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

B. ORDINANCE #24-1718 – An Ordinance of the Township of Montgomery in Somerset County Providing for the Acceptance of Right-of-Way Dedication of Brecknell Way

MOTION to CLOSE the Public Hearing _____ Second _____

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of March, 2024 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #24-1718 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

C. ORDINANCE #24-1719 – An Ordinance Amending Schedule I “No Parking,” Schedule VII “Through Streets,” Schedule VIII “Stop Intersections,” Schedule XIII “No Left Turn,” and Schedule XVII “Speed Limits,” of Chapter VII, of the Code of the Township of Montgomery (1984) to Establish No Parking Provisions, Through Street Designation, Stop Sign Locations, No Left Turn Restrictions, and Speed Limits on Brecknell Way

MOTION to CLOSE the Public Hearing _____ Second _____

14. **ORDINANCES – PUBLIC HEARING/FINAL ADOPTION (CONT.)**

BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of March, 2024 and that the ordinance summary be published in an official newspaper as required by law.

MOTION to adopt Ordinance #24-1719 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

15. **CONSENT AGENDA** – All matters listed on the consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

A. RESOLUTION #24-3-100 – Authorizing Cancellation of Tax Sale Certificate #23-00049

WHEREAS the Township received payment for the Stay Out of Sale by Wells Fargo on 12/1/2024 in the amount of \$1,089.79, Certificate #23-00049 should be cancelled.

BE IT RESOLVED that a refund in the amount of \$2,984.15 be given to Pro Cap 8, LLC., Pro Cap 8 FBO Firsttrust Bank, P.O. Box 774, Fort Washington, PA 19034-0774 for the cancellation of Tax Sale Certificate #23-00049 on Block 37002 Lot 1.155.

BE IT FURTHER RESOLVED that payment in the amount of \$25.00 be given to the Somerset County Clerk's office for the cancellation of Tax Sale Certificate #23-00049.

Tax Lien Cancellation to Pro Cap 8:

Certificate Amount	\$ 1,070.22
Redemption Penalty	\$ 21.40
Subsequent Charges	\$ 989.49
Interest	\$ 36.04
Recording Fee	\$ 55.00
Search Fee	\$ 12.00
PREMIUM	\$ 800.00
TOTAL	<u>\$ 2,984.15</u>

Cancellation of Certificate/County Fee to County Clerk's Office	\$ 25.00
TOTAL	<u>\$ 25.00</u>

15. **CONSENT AGENDA (CONT.)**

B. RESOLUTION #24-3-101 – Authorizing Redemption of Tax Sale Certificate #23-00013

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00013 in the amount of \$7,580.36.

BE IT RESOLVED That a refund in the amount of \$7,580.36 be given to LVTL Operations LLC, WSFS as CUST LVTLOPS/FIRSTTRUST, P.O. BOX 815, Fort Washington, PA 19034-0815 for the Redemption of Tax Sale Certificate #23-00013 on Block 7004 Lot 43.

Tax Lien Redemption

Certificate Amount	\$ 1,250.23
Redemption Penalty	\$ 25.00
Subsequent Charges	\$ 2,079.90
Interest	\$ 58.23
Recording Fee	\$ 55.00
Search Fees	\$ 12.00
PREMIUM	\$ 4,100.00
TOTAL	<u>\$ 7,580.36</u>

C. RESOLUTION #24-3-102 – Authorizing Redemption of Tax Sale Certificate #23-00002

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00002 in the amount of \$11,881.35.

BE IT RESOLVED that a refund in the amount of \$11,881.35 be given to LVTL Operations LLC, WSFS as CUST LVTLOPS/FIRSTTRUST, P.O. Box 815, Fort Washington, PA 19034-0815 for the Redemption of Tax Sale Certificate #23-00002 on Block 5005, Lot 7.

Tax Lien Redemption

Certificate Amount	\$ 2,342.82
Redemption Penalty	\$ 46.86
Subsequent Charges	\$ 4,258.66
Interest Amount	\$ 66.01
Recording Fee	\$ 55.00
Search Fees	\$ 12.00
TOTAL	<u>\$11,881.35</u>

D. RESOLUTION #24-3-103 – Authorizing Redemption of Tax Sale Certificate #22-000033

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #22-000033 in the amount of \$40,543.27.

BE IT RESOLVED that a refund in the amount of \$40,543.27 be given to C&E Tax Lien Fund I, Christiana T C/F CE1/Firsttrust, P.O. Box 5021, Philadelphia, PA, 19111-5021 for the Redemption of Tax Sale Certificate #22-000033 on Block 5020, Lot 11.05 CONDO.

15. **CONSENT AGENDA (CONT.)**

Tax Lien Redemption

Certificate Amount	\$ 78.29
Subsequent Charges	\$19,422.80
Year End Penalty	\$ 617.05
Interest Amount	\$ 2,660.13
Recording Fee	\$ 53.00
Foreclosure Fee	\$ 1,407.45
Search Fees	\$ 12.00
PREMIUM	\$17,700.00
TOTAL	<u>\$40,543.27</u>

E. RESOLUTION #24-3-104 – Authorizing Redemption of Tax Sale Certificate #23-00052

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00052 in the amount of \$55.00.

BE IT RESOLVED that a refund in the amount of \$55.00 be given to Pro Cap 8, LLC, Pro Cap 8 FBO Firsttrust Bank, P.O. Box 774, Fort Washington, PA, 19034-0774 for the Redemption of Tax Sale Certificate #23-00052 on Block 37003, Lot 1.139.

Tax Lien Redemption

Recording Fee	\$ 55.00
TOTAL	<u>\$ 55.00</u>

F. RESOLUTION #24-3-105 – Authorizing Redemption of Tax Sale Certificate #23-00005

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00005 in the amount of \$55.00.

BE IT RESOLVED that a refund in the amount of \$55.00 be given to C&E Tax Lien Fund I, Christiana T C/F CE1/Firsttrust, P.O. Box 5021, Philadelphia, PA, 19111-5021 for the Redemption of Tax Sale Certificate #23-00005 on Block 5018, Lot 101.2 CONDO.

Tax Lien Redemption

Recording Fee	\$ 55.00
TOTAL	<u>\$ 55.00</u>

G. RESOLUTION #24-3-106 – Authorizing Refund of Overpaid 2021 Taxes (Block 15001, Lot 93)

BE IT RESOLVED that a refund in the amount of \$5,480.53 be given to Angel Rodriguez, 1906 Boulevard, Seaside Park, NJ 08752 for the overpayment of 2021 taxes on Block 15001, Lot 93.

15. **CONSENT AGENDA (CONT.)**

H. RESOLUTION #24-3-107 – Authorizing Redemption of Tax Sale Certificate #23-00006

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00006 in the amount of \$1,071.66.

BE IT RESOLVED that a refund in the amount of \$1,071.66 be given to Pro Cap 8, LLC, Pro Cap 8 FBO Firsttrust Bank, P.O. Box 774, Fort Washington, PA, 19034-0774 for the Redemption of Tax Sale Certificate #23-00006 on Block 5018, Lot 224.2 CONDO.

Tax Lien Redemption

Certificate Amount	\$	487.66
Redemption Penalty	\$	9.75
Subsequent Charges	\$	499.81
Interest Amount	\$	7.44
Recording Fee	\$	55.00
Search Fees	\$	12.00
TOTAL	\$	<u>1,071.66</u>

I. RESOLUTION #24-3-108 – Amending Resolution #24-1-40 Authorizing Refund of Overpaid 2019 Taxes (Block 19001, Lot 8.19) to Correct Refund Amount

WHEREAS, Resolution #24-1-40 authorizing a refund of overpaid 2019 taxes in the amount of \$2,856.24 for Block 19001, Lot 8.19 was adopted by the Township Committee January 4, 2024; and

WHEREAS, the correct amount is \$2,586.24.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the refund amount for overpaid 2019 taxes for Block 19001, Lot 8.19 is hereby corrected to the amount of \$2,586.24.

J. RESOLUTION #24-3-109 – Authorizing Redemption of Tax Sale Certificate #23-00028

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00028 in the amount of \$24,951.51.

BE IT RESOLVED that a refund in the amount of \$24,951.51 be given to C&E Tax Lien Fund I, Christiana T C/F CE1/Firsttrust, P.O. Box 5021, Philadelphia, PA, 19111-5021 the Redemption of Tax Sale Certificate #23-00028 on Block 17007, Lot 4.

15. **CONSENT AGENDA (CONT.)**

Tax Lien Redemption

Certificate Amount	\$ 778.39
Redemption Penalty	\$ 15.57
Subsequent Charges	\$ 10,146.90
Interest Amount	\$ 243.65
Recording Fee	\$ 55.00
Search Fees	\$ 12.00
PREMIUM	\$ 13,700.00
TOTAL	<u>\$ 24,951.51</u>

K. RESOLUTION #24-3-110 – Authorizing Redemption of Tax Sale Certificate #23-00050

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00050 in the amount of \$9,496.73.

BE IT RESOLVED that a refund in the amount of \$9,496.73. be given to C&E Tax Lien Fund I, Christiana T C/F CE1/Firsttrust, P.O. Box 5021, Philadelphia, PA, 19111-5021 the Redemption of Tax Sale Certificate #23-00050 on Block 37002, Lot 5.97.

Tax Lien Redemption

Certificate Amount	\$ 323.26
Redemption Penalty	\$ 6.47
Recording Fee	\$ 55.00
Search Fees	\$ 12.00
PREMIUM	\$ 9,100.00
TOTAL	<u>\$ 9,496.73</u>

L. RESOLUTION #24-3-111 – Authorizing Redemption of Tax Sale Certificate #23-00014

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #23-00014 in the amount of \$3,258.90.

BE IT RESOLVED that a refund in the amount of \$3,258.90 be given Pro Cap 8, LLC, Pro Cap 8 FBO Firsttrust Bank, P.O. Box 774, Fort Washington, PA, 19034-0774 for the Redemption of Tax Sale Certificate #23-00014 on Block 7009, Lot 3.

Tax Lien Redemption

Certificate Amount	\$ 1,801.12
Redemption Penalty	\$ 36.02
Subsequent Charges	\$ 1,310.85
Interest	\$ 43.91
Recording Fee	\$ 55.00
Search Fees	\$ 12.00
TOTAL	<u>\$ 3,258.90</u>

15. **CONSENT AGENDA (CONT.)**

M. RESOLUTION #24-3-112 – Amending Resolution #23-2-69 Authorizing the Redemption of Tax Sale Certificate #19-00015 to Correct Total Redemption Amount

WHEREAS, Resolution #23-2-69 authorizing redemption of tax sale certificate #19-00015 was adopted by the Township Committee February 16, 2023; and

WHEREAS, there were errors in the Tax Lien Redemption amounts; and

WHEREAS, the correct Tax Lien Redemption amounts are as follows:

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	<u>\$ 60,877.03</u>

NOW, THEREFORE, BE IT RESOVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the total redemption amount is hereby corrected to \$60,877.03.

N. RESOLUTION #24-3-113 – Authorizing Release of Performance Guarantee for Brecknell Way, Montgomery Crossing Development

WHEREAS, improvements for the above referenced project pertaining to the Performance Guarantee have been completed by the developer, Sharbell Building Company, LLC, and the completed improvements are acceptable to the Township Engineer; and

WHEREAS, the Township Engineer is recommending that the Township Committee consider the release of the Performance Guarantee.

It is recommended that the Performance Guarantee release include the following conditions:

1. Sharbell Building Company, LLC shall post a two-year maintenance guarantee in the amount of fifteen percent (15%) of the original cost of installation of the public improvements, in accordance with Township Code Section 16-9.2d2.(e)(1). The original cost of these specific improvements is \$168,931.00, therefore, the required fifteen percent amount is

Maintenance Guarantee = \$25,140.15

2. Sharbell Building Company, LLC shall post adequate escrow funds.
3. Sharbell Building Company, LLC shall complete remaining punch list work to the satisfaction of the Engineering Department, including but not limited to the submission of a revised final as-built survey, providing surveyor certification for right-of-way monuments and property markers, finalizing and filing deeds for the Township and Somerset County right-of-way dedications, completion of intersection lighting and utility work, and opening Brecknell Way to traffic.

15. CONSENT AGENDA (CONT.)

Upon satisfactory completion of these conditions, it is recommended that the **Township accept** the following:

Reference A: Map entitled, “Final Major Subdivision Plat – Phase III for Sharbell Building Company, LLC, Block 28005, Lot 66; Tax Map Sheet #55, Georgetown-Franklin Turnpike (CR 518) & Research Road, Somerset County, New Jersey”, prepared by Dynamic Survey, LLC, dated 09/07/2018, revised through February 22, 2021 (revision 13), filed in the Somerset County Clerk’s office on March 19, 2021 as Instrument #2021018011.

Reference B: Plans entitled, “Preliminary and Final Major Subdivision & Site Plan for Sharbell Building Company, LLC, Proposed Planned Residential Development, Block 28005, Lot 66; Tax Map Sheet #55 - Latest Rev. Dated 2012, Georgetown-Franklin Turnpike (CR 518) & Research Road, Somerset County, New Jersey”, prepared by Dynamic Engineering, dated August 5, 2019 (revision 15), with sheets revised through February 4, 2022 (revision 22).

Reference C: Map entitled, “Village Walk at Montgomery, Montgomery Township, Somerset County, New Jersey, Final Map, Block 28005, Lots 60.02, 65, 66.01, 66.02, 68, & 69, Tax Map Sheet: 55, 10.97 Acres”, prepared by Menlo Engineering Associates, Inc., dated July 2, 2018, revised through June 24, 2020 (revision 7), filed in the Somerset County Clerk’s office on September 22, 2022 as Instrument #2020044256.

Reference D: Declaration of Taking filed in the Somerset County Clerk’s office on June 6, 2022 as Instrument # 2022024288, as amended by an Amended Declaration of Taking filed in the Somerset County Clerk’s office on September 28, 2022 as Instrument #2022040623.

Roads and Rights-of-Way public improvements – as follows:

Brecknell Way – from the intersection with Georgetown Franklin Turnpike (County Route 518) to approximately 70 feet east of the Tamworth Drive centerline, which is also described from approximately Station 0+20 – Station 5+10 shown on **Reference B**, and is the westerly limits of the Brecknell Way right-of-way dedication area for the Village Walk development as shown in **Reference C**. The right-of-way limits are shown on **Reference A** and **Reference D**.

Road Improvements – including associated curbing, sidewalk, curb ramps, street signs, striping, and shade trees (if any) within the Brecknell Way right-of-way. Other improvements in the rights-of-way, if any, shall be considered privately owned.

Storm Sewers – storm sewer structures, such as inlets and catch basins, and collections lines completely contained within the roads or rights-of-way listed above.

Sanitary Sewers – there are no sanitary sewerage improvements to accept along Brecknell Way at this time; a future sewer extension anticipated for the proposed Malvern School project will be addressed at a later time.

Easements – the acceptance of the Brecknell Way right-of-way and public improvements is subject to existing easements of record, including but not limited to those shown in

15. **CONSENT AGENDA (CONT.)**

The following improvements **will not be accepted** by the Township:

Stormwater Management Facilities (e.g., detention basins, wet ponds, etc.) – no stormwater management facilities were constructed as part of this guarantee. All Stormwater Management Facilities in the Montgomery Crossing Development are owned and maintained by the developer until such a time that the developer is released from all guarantees and the stormwater management facilities are transferred to the Homeowner's Association.

Storm sewer collection lines – storm drainage collection lines from lands, roads, or right-of-way other than those listed above to be accepted. This includes collection lines that run through private lands and connect to structures to be accepted by the Township.

Driveways – all driveways, driveway aprons, driveway sidewalk, or associated depressed curbing shown on **Reference B** that egress into roads and rights-of-ways to be accepted by the Township. These shall be maintained by the property owners.

Private Easements – easements to agencies or entities other than the Township.

Public Utilities (e.g., water, gas, electric, telecommunications, etc.) – shall be owned and maintained by the appropriate utility company.

Other Improvements – any other improvements not specifically listed above as being accepted by the Township shall not be owned and/or maintained by the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Performance Guarantee posted in the amount of \$202,717.20 plus any accrued interest be released to Sharbell Building Company, LLC per conditions set herein.

O. **RESOLUTION #24-3-114 – Authorizing Release of Performance Guarantee for Village Walk at Montgomery Phase 1A**

WHEREAS, improvements for the above referenced project pertaining to the Performance Guarantee have been completed by the developer, Village Shoppes at Montgomery, LLC and the completed improvements are acceptable to the Township Engineer; and

WHEREAS, the Township Engineer is recommending that the Township Committee consider the release of the Performance Guarantee.

It is recommended that the Performance Guarantee release include the following conditions:

1. Village Shoppes at Montgomery, LLC shall post a two-year maintenance guarantee in the amount of fifteen percent (15%) of the original cost of installation of the public improvements, in accordance with Township Code Section 16-9.2d2.(e)(1). The original cost of these specific improvements is \$204,309.90, therefore, the required fifteen percent amount is

Maintenance Guarantee = \$30,646.49

15. **CONSENT AGENDA (CONT.)**

2. Village Shoppes at Montgomery, LLC shall post adequate escrow funds.
3. Village Shoppes at Montgomery, LLC shall complete remaining punch list work to the satisfaction of the Engineering Department, including but not limited to the submission of a revised final as-built survey, providing surveyor certification for right-of-way monuments and property markers, finalizing and filing a deed for the Township right-of-way dedications, and opening Brecknell Way to traffic.
4. Pursuant to the First Amended Construction Sequence Agreement dated February 16, 2023, Village Shoppes at Montgomery, LLC, or their successors and assigns, at a minimum, shall be required to have a licensed professional engineer perform structural evaluations of the retaining wall supporting portions of Brecknell Way every 5-years to ensure the wall's integrity and perpetual maintenance.

Please be aware that these amounts are only for a portion of the existing Letter of Credit, which includes the Safety and Stabilization Guarantee for Phase 1A. You will receive a separate memo for the Safety and Stabilization Guarantee portion release.

Upon satisfactory completion of conditions 1 through 3, it is recommended that the **Township accept** the following:

***Reference A:** Map entitled, "Village Walk at Montgomery, Montgomery Township, Somerset County, New Jersey, Final Map, Block 28005, Lots 60.02, 65, 66.01, 66.02, 68, & 69, Tax Map Sheet: 55, 10.97 Acres", prepared by Menlo Engineering Associates, Inc., dated July 2, 2018, revised through June 24, 2020 (revision 7), filed in the Somerset County Clerk's office on September 22, 2022 as Instrument #2020044256.*

***Reference B:** Plans entitled, "Village Walk at Montgomery, Amended Preliminary and Final Major Subdivision & Site Plan, Block 28007, Lots 1, 2, 3, & 4, Block 28009, Lots 4, Montgomery Township, Somerset County, New Jersey", prepared by Menlo Engineering Associates, Inc., dated March 16, 2018, revised through April 5, 2023.*

***Reference C:** Map entitled, "Final Major Subdivision Plat – Phase III for Sharbell Building Company, LLC, Block 28005, Lot 66; Tax Map Sheet #55, Georgetown-Franklin Turnpike (CR 518) & Research Road, Somerset County, New Jersey", prepared by Dynamic Survey, LLC, dated 09/07/2018, revised through February 22, 2021 (revision 13), filed in the Somerset County Clerk's office on March 19, 2021 as Instrument #2021018011.*

Roads and Rights-of-Way public improvements – as follows:

Brecknell Way – from the intersection with US Highway Route 206 to approximately 70 feet east of the Tamworth Drive centerline, which is also described from approximately Station 0+25 – Station 4+96 shown on **Reference B**, and is the easterly limits of the Brecknell Way right-of-way dedication area for the Montgomery Crossing development as shown in **Reference C**.

15. **CONSENT AGENDA (CONT.)**

Road Improvements – including associated curbing, sidewalk, curb ramps, street signs, striping, and shade trees (if any) within the Brecknell Way right-of-way and abutting sidewalk easements. Sidewalk improvements within the Route 206 right-of-way shall also be accepted if not accepted by the New Jersey Department of Transportation. Other improvements in the rights-of-way, if any, shall be considered privately owned. The sidewalks abutting commercial properties shall be maintained by the abutting commercial property owner in accordance with Township Code Section 11-5, subject to change from time to time.

Storm Sewers* – storm sewer structures, such as inlets and catch basins, and collections lines completely contained within Brecknell Way.

*connections to storm sewers connected to the Village Walk stormwater management facility shall be restricted pursuant to the deed of dedication

Sanitary Sewers – there are no sanitary sewerage improvements to accept along Brecknell Way.

Easements – the acceptance of the Brecknell Way right-of-way and public improvements is subject to existing easements of record, including but not limited to those shown in **Reference A**.

The following improvements **will not be accepted** by the Township:

Stormwater Management Facilities (e.g., detention basins, wet ponds, etc.) – no stormwater management facilities were constructed as part of this guarantee. All Stormwater Management Facilities in the Village Walk development are owned and maintained by the property owner.

Storm sewer collection lines – storm drainage collection lines from lands, roads, or right-of-way other than those listed above to be accepted. This includes collection lines that run through private lands and connect to structures to be accepted by the Township.

Driveways – all driveways, driveway aprons, driveway sidewalk, or associated depressed curbing shown on **Reference B** that egress into roads and rights-of-ways to be accepted by the Township. These shall be maintained by the property owners.

Guide rail – guide rail along Brecknell Way will be maintained by the owners of Block 28007, Lots 1, 2, 3 and 4.

Retaining wall – retaining wall along Brecknell Way will be maintained by the owners of Block 28007, Lots 1, 2, 3 and 4.

Private Easements – easements to agencies or entities other than the Township.

Public Utilities (e.g., water, gas, electric, telecommunications, etc.) – shall be owned and maintained by the appropriate utility company.

Other Improvements – any other improvements not specifically listed above as being accepted by the Township shall not be owned and/or maintained by the Township.

15. **CONSENT AGENDA (CONT.)**

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Performance Guarantee remaining in the amount of \$126,026.12 plus any accrued interest be released to Villages Shoppes at Montgomery, LLC per conditions set herein.

P. RESOLUTION #24-3-115 – Authorizing Guarantee Extensions for the Completion of Improvements – Various Projects

WHEREAS, the period for the completion of improvements on the following projects have recently expired or will expire soon. The developers for the projects below are working on completing the guaranteed improvements or are working on punch lists.

WHEREAS, Mark Herrmann, Township Engineer, has recommended that the Township Committee consider extending the time for completion of bonded improvements as follows:

<u>Development</u>		<u>New Completion Date</u>
Village Shoppes/Village Walk 1A Refile Correct Final Map	Performance Guarantee	4/14/2025
Cummings (Block 20001, Lot 21)	Performance Guarantee	4/16/2025
24 Sunnyside Lane (Block 31001, Lot 11.08)	Driveway Performance Guarantee	4/23/2025
24 Sunnyside Lane (Block 31001, Lot 11.08)	Landscaping Performance Guarantee	4/23/2025
Montgomery Place – Pike Run Plaza Area 2	Performance Guarantee	4/25/2025
Montgomery Place – Pike Run Plaza Area 2	Safety & Stabilization Guarantee	4/25/2025
Bloomberg Business Park – Attended 101 Parking Area	Performance Guarantee	5/10/2025
Waldorf School of Princeton, Phases 1 & 2 Building Additions & Pathway	Performance Guarantee	5/13/2025
125 Harlingen Road	Road Opening Guarantee	5/26/2025
125 Harlingen Road	Safety & Stabilization Guarantee	5/26/2025
125 Harlingen Road	Landscape Buffer Guarantee	5/26/2025

15. **CONSENT AGENDA (CONT.)**

65 Belle Mead Griggstown Road (Block 6001, Lot 4)	TCO Guarantee	6/07/2025
Meadows at Montgomery Active Adult Community	Performance Guarantee	6/11/2025
Meadows at Montgomery Active Adult Community	Safety & Stabilization Guarantee	6/11/2025
Meadows at Montgomery Active Adult Community, Route 206 & CSX	Landscape Buffer Guarantee	6/11/2025
Meadows at Montgomery Active Adult Community, Country Club Meadows Phase 3	Landscape Buffer Guarantee	6/11/2025
1377 Route 206	Performance Guarantee	6/14/2025
1377 Route 206	Safety & Stabilization Guarantee	6/14/2025
1377 Route 206	Landscape Buffer Guarantee	6/14/2025
Country Club Meadows, Area 1 Outstanding Site Work for Area 3	Performance Guarantee	6/14/2025

Q. RESOLUTION #24-3-116 – Authorizing Release of Performance Guarantee for Street Opening Permit 23-R-25 – 23 Van Doren Way (Block 18022, Lot 6)

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Peter Mosca because all work has been satisfactorily completed with respect to Street Opening Permit 23-R-25 – 23 Van Doren Way (Block 18022, Lot 6).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the cash performance guarantee in the amount of \$560.00 be released to Peter Mosca, 23 Van Doren Way, Belle Mead, NJ 08502.

MOTION to adopt Consent Agenda, **Resolutions #24-3-100 to #24-3-116** _____ Second _____

15. **CONSENT AGENDA (CONT.)**

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

16. **RESOLUTIONS**

A. RESOLUTION #24-3-117 – Authorizing Award of Bid No. 01-2024 – Lease of Public Property for Wireless Telecommunications Facility

WHEREAS, the Township of Montgomery, in accordance with N.J.S.A. 40A:12-14, formally advertised for sealed bids to lease a portion of municipality owned property located at Block 20001, Lot 10.05, under Bid No. 01-2024 for the right to lease ground space for the installation of communication equipment at The Township of Montgomery Municipal Center property, with simultaneous leasing of additional carriers at the site; and

WHEREAS, the Township received bid submissions from two carriers:

Sectorsite Tower Assets, LLC, 22 Paris Ave., Rockleigh NJ 07647:

\$41,000 annually

30% revenue share (from 2nd broadband subtenant and any subtenant thereafter)

Diamond Towers V, LLC, 120 Mountain Ave., Springfield NJ 07081:

\$41,111 annually

25% revenue share (from 3rd broadband subtenant and any subtenant thereafter)

\$25,000 one-time upfront fee

WHEREAS, the bids have been reviewed by the Township's Consultant Ace Telecom, Township CFO/QPA, Township Administrator/Planning-Zoning Director and Township Attorney, and the consultant and professionals have recommended award to Sectorsite Tower Assets, LLC as it will generate the higher revenue over the term of the lease.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the lease agreement for the municipality owned property located at Block 20001, Lot 10.05, under Bid No. 01-2024 is awarded to Sectorsite Tower Assets, LLC.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the Lease Agreement with Sectorsite Tower Assets, LLC.

BE IT FURTHER RESOLVED, that the Township Clerk shall forward copies of the resolution to the bidders.

16. **RESOLUTIONS (CONT.)**

MOTION to adopt Resolution #24-3-117 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

B. RESOLUTION #24-3-118 – Rejecting Bid for Municipal Center Snow Plowing

WHEREAS, a request for bids for the Montgomery Township Municipal Center snow plowing was issued, as described in Bid No. 04-2024; and

WHEREAS, after the required legal advertisement was published, sealed bids were received in the meeting room of the Montgomery Township Municipal Building on Friday, February 23, 2024 at 10:15 a.m.; and

WHEREAS, only one bid was received within the stipulated timeframe; and

WHEREAS, that bid was submitted by Anthony Yaros Industries, 350 Basin Rd., Trenton, NJ 08619 in the amount of \$131,000; and

WHEREAS, upon review and evaluation of the bid submitted by Anthony Yaros Industries, it has been determined that the proposed price exceeds the allocated budget for the Montgomery Township Municipal Center snow plowing; and

WHEREAS, the Township Committee recognizes the importance of prudent financial management and adherence to budgetary constraints while ensuring the highest standards of quality and value for taxpayers; and

WHEREAS, considering the singular bid received and its pricing exceeding the budgetary provisions, the Township Committee finds it necessary to reject the bid in accordance with the relevant procurement regulations; and

WHEREAS, N.J.S.A. 40A:11-13.2 states said rejection is just cause to reject all bids received.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the bid submitted by Anthony Yaros Industries for Bid No. 04-2024 is hereby rejected due to the proposed price exceeding the allocated budget for Montgomery Township Municipal Center snow plowing.

MOTION to adopt Resolution #24-3-118 _____ Second _____

16. **RESOLUTIONS (CONT.)**

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

C. RESOLUTION #24-3-119 – Accepting Donation of Artwork for Municipal Building from Township Committee Member Devra Keenan

BE IT RESOLVED that the Montgomery Township Committee hereby accepts the donation of artwork by local Montgomery artist, Clem Fiori, from Montgomery Township Committee Member, Devra Keenan for display in the Montgomery Township Municipal Building.

MOTION to adopt Resolution #24-3-119 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

D. RESOLUTION #24-3-120 – Authorizing the Appointment of Christopher Rentko to Assistant Township Engineer

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that Christopher Rentko is hereby appointed Assistant Township Engineer effective February 19, 2024 at a salary of \$86,801.72.

MOTION to adopt Resolution #24-3-120 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

16. **RESOLUTIONS (CONT.)**

E. RESOLUTION #24-3-121 – Approving Outdoor Assembly Permit and Use of Township Tent for Montgomery-Rocky Hill Rotary Club’s Run with Rotary Event

WHEREAS, the Montgomery-Rocky Hill Rotary Club has requested approval of the Township Committee to conduct a Run with Rotary Event on April 28, 2024 at Skillman Park; and

WHEREAS, the Montgomery-Rocky Hill Rotary Club has requested the use of the Township tent.

BE IT RESOLVED that 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.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, hereby approves the use of the Township tent as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township.

MOTION to adopt Resolution #24-3-121 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

F. RESOLUTION #24-3-122 – Authorizing the Use of Competitive Contracting Process - Lead Evaluation Contractor

WHEREAS, P.L. 2021, c. 182, was enacted by the Senate and General Assembly of the State of New Jersey, regarding certain lead-based paint hazards, residential rental property, and establishing lead-based paint hazard programs, supplementing P.L.2003, c.311 (C.52:27D437.1 et al.), and amending various parts of the statutory law; and

16. **RESOLUTIONS (CONT.)**

WHEREAS, N.J.S.A. 52:27D-437.1 established the Lead Hazard Control Assistance Act lead-based testing program for residential rental properties; and

WHEREAS, N.J.S.A. 52:27D-437.16 now requires all municipalities to inspect every single-family rental, two-family rental and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, the Township of Montgomery (the “Township”) is authorized to procure concession services utilizing the competitive contracting provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (LPCL); and

WHEREAS, pursuant to the LCPL, the Township must adopt a resolution authorizing the use of competitive contracting in the procurement of the Concession Services, and the issuance of a Request for Proposals for one or more Lead Evaluation Contractors to perform the statutorily required inspections for the Township (the “RFP”),

WHEREAS, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process to be administered by a designated Authorized Agent who may be a purchasing agent pursuant to N.J.S.A. 40A:11-9, or by legal counsel of the contracting unit, or by the chief administrative officer of the contracting unit; and,

WHEREAS, the Township Committee has determined that the procurement of Lead Evaluation Contractors through the use of competitive contracting is in the best interest of the Township.

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

1. The aforesaid recitals are incorporated herein as if set forth at length; and
2. The Township Purchasing Agent, Township Administrator, or their designee, or at their direction the Township Attorney, are hereby authorized to issue the RFP utilizing the competitive contracting process under the Local Public Contracts Law for the solicitation of proposals for Concession Services for one or more Lead Evaluations Contractors, and from time to time may issue any addenda thereto as deemed necessary; and
3. The Township Clerk or her designee shall advertise the RFP in the official newspapers and cause the RFP to be posted on the Township’s website.

MOTION to adopt Resolution #24-3-122 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

16. **RESOLUTIONS (CONT.)**

G. RESOLUITON #24-3-123 – Authorizing Outdoor Assembly Permits for 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 Equestrian Events at 246 Burnt Hill Road, Skillman, NJ 08558 on April 17-21; April 24-28, May 8-12, May 15-19, June 5-9, June 12-16, June 26-30, July 3-7, July 17-21, July 24-28, August 14-18, August 21-25, and September 25-29 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 only valid for the dates specified and is not to be considered approval to conduct similar events on other dates.
 - 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.
 - d. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
 - e. The organizers will obtain the required health certificates from the Township Health Department, if applicable.
 - f. The organizers will obtain the required tent permits from the Township Fire Prevention Department.
 - g. To the extent that the proposed activities require approvals from any other local, county or State agency, this approval is conditioned upon the applicant receiving such required approvals.

MOTION to adopt Resolution #24-3-123 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

16. **RESOLUTIONS (CONT.)**

H. RESOLUTION #24-3-124 – Authorizing Change Order No. 1 for Bid #06-2022 Stage II Flood Protection Project (Increase)

WHEREAS, Resolution #23-1-52 adopted on January 19, 2023 authorized an award of contract for the Stage II Wastewater Treatment Plant Flood Protection Project to Allied Construction Group, Inc. in the amount of \$18,258,600.00; and

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

WHEREAS, Change Order No. 1 would allow for bid item quantity adjustments as outlined on said Change Order; and

WHEREAS, the work comprising Change Order No. 1 will result in a net increase in the original contract amount by \$370,334.38 or +2.03%; 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, County of Somerset, New Jersey as follows:

1. Change Order No. 1 is hereby approved as the change order for this project.
2. This Resolution, when counter-signed by Allied Construction Group, Inc., shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$370,334.38 for a total contract amount of \$18,628,934.38.

MOTION to adopt Resolution #24-3-124 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

16. **RESOLUTIONS (CONT.)**

I. RESOLUTION #24-3-125 – Authorizing Award of Bid No. B03-2024 – Skillman Road Pathway Phase 2

WHEREAS, the following bids for the Skillman Road Pathway Phase 2 project were received and publicly opened on March 13, 2024:

<u>Bidders</u>	<u>Bid Amount</u>
Top Line Construction	\$285,550.10
Halecon, Inc.	\$297,223.00
DeSantis Construction	\$322,721.75
Black Rock Enterprises	\$374,858.00
Reivax Contracting	\$476,479.75

WHEREAS, it is the recommendation of the Purchasing Agent and the Township Engineer that Top Line Construction be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, the Chief Financial Officer has certified that there are available funds for this purchase in Account Number 08-215-55-901-1661A.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the contract for the Skillman Road Pathway Phase 2 project is hereby awarded to:

Top Line Construction
22 Fifth Street
Somerville, NJ 08876

BE IT FURTHER RESOLVED that the Mayor and Township Clerk area hereby authorized to sign said contracts.

MOTION to adopt Resolution #24-3-125 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

J. RESOLUTION #24-3-126 – Advising the Somerset County Commissioners of Municipal Participation in the Update of the Somerset County Multi-Jurisdictional Hazard Mitigation Plan

16. **RESOLUTIONS (CONT.)**

WHEREAS, the current Somerset County All-Hazards Mitigation Plan approved by the Federal Emergency Management Agency (FEMA) includes a Jurisdictional Annex for the Township of Montgomery through which the municipality is eligible for potential pre- and post-hazard mitigation planning and mitigation funding; and

WHEREAS, in order to continue to reduce hazard risks, strengthen community resiliency, and remain eligible for potential FEMA funding, the Township of Montgomery hereby commits to participating in the development of the second update of the Somerset County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, at the end of the project, when FEMA deems the updated plan approvable, the Township of Montgomery is required to pass a resolution formally adopting the final updated Somerset County Multi-Jurisdictional Hazard Mitigation Plan, which will include an updated municipal annex. This resolution will be provided immediately to the Somerset County Office of Emergency Management for submittal to FEMA, who requires the resolution on file.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of March, 2024, by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that:

1. The Township of Montgomery agrees to participate in the update of the Somerset County Multi-Jurisdictional Hazard Mitigation Plan.
2. The following two municipal representatives Adam Verducci, Municipal Hazard Mitigation Officer and Thomas Connell, Jr. Alternate Municipal Hazard Mitigation Officer are hereby authorized to serve on the Multi-Jurisdictional HMP Planning Committee; actively participate as requested throughout the process, and lead a Municipal Hazard Mitigation Planning (HMP) Committee tasked with carrying out local participation requirements.
3. The following additional members are hereby named to the Municipal HMP Committee Neena Singh, Mayor; Arthur Villano, Public Works Director; Lori Savron, Township Administrator/Planning Director and Mark Herrmann, Township Engineer.

BE IT FUTRHER RESOLVED that an electronic copy of this Resolution will be provided to the Somerset County Office of Emergency Management.

MOTION to adopt Resolution #24-3-126_____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

16. **RESOLUTIONS (CONT.)**

K. RESOLUTION #24-3-127 – Mayoral Appointment to the Landmarks Commission - Sonya Hunt

BE IT RESOLVED by the Mayor of the Township of Montgomery, County of Somerset, New Jersey, that Sonya Hunt is hereby appointed as the Class B Member to the Landmarks Commission for the unexpired four-year term to December 31, 2025.

MOTION to adopt Resolution #24-3-127 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

L. RESOLUTION #24-3-128 – Mayoral Appointments to the Environmental Commission

BE IT RESOLVED by the Mayor of the Township of Montgomery, County of Somerset, New Jersey, that the following appointments to the Environmental Commission shall be made for their respective terms effective March 21, 2024:

Kathy Lynch, Regular Member	3-year unexpired term to December 31, 2026
Ratna Revanko, Alternate I Member	2-year unexpired term to December 31, 2025
Vacant, Alternate II Member	2-year unexpired term to December 31, 2024

MOTION to adopt Resolution #24-3-128 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

16. **RESOLUTIONS (CONT.)**

M. RESOLUTION #24-3-129 – Authorizing the Township of Montgomery Police Department to Acquire a Mine Resistant Ambush Protected Vehicle from the Federal 1033 Program

WHEREAS, the Montgomery Township Police Department has been authorized to participate in the 1033 Program by the Montgomery Township Committee, and as a result is eligible to receive equipment via the 1033 Program; and

WHEREAS, the Montgomery Township Police Department has advised the Montgomery Township Committee that the Montgomery Township Police Department wants to obtain one (1) Mine Resistant Ambush Protected (MRAP) Vehicle without any cost to Montgomery Township; with the exception of transportation and maintenance fees related to obtaining and maintaining the MRAP; and

WHEREAS, the MRAP would be a useful tool for the Montgomery Township Police Department to assist with responses to handling active shooter incidents, barricaded suspect incidents, hostage incidents, and confined space incidents that may occur in the Township of Montgomery; and

WHEREAS, the MRAP will be deployed and maintained in accordance with State and Federal laws and guidelines that are applicable to the use of an MRAP.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby authorizes the acquisition of one (1) Mine Resistant Ambush Protected Vehicle from the Federal 1033 Program for use by the Montgomery Township Police Department. This authorization is valid from January 1, 2024 through December 31, 2024, which satisfies the requirements of NJSA 40A:5-30.2, as it applies to the participation and acquisition of equipment through the 1033 Program in the State of New Jersey.

MOTION to adopt Resolution #24-3-129 _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

17. **APPROVAL OF MINUTES**

- a. **MOTION** to approve the Regular Meeting Minutes of February 15, 2024 _____ Second _____ Favor _____ Opposed _____ Abstain
- b. **MOTION** to approve the Executive Session Meeting Minutes of February 15, 2024 _____ Second _____ Favor _____ Opposed _____ Abstain
- c. **MOTION** to approve the Special Meeting Minutes of March 4, 2024 _____ Second _____ Favor _____ Opposed _____ Abstain

18. **RESOLUTION #24-3-130 - 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,
County of Somerset 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 to adopt Resolution #24-3-130_____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

19. **CORRESPONDENCE**

- a. Resident emails in opposition to the sale of 48 Fairview Road
- b. Resident email regarding “dangerous traffic” – Griggstown Causeway
- c. Resident request for ground-mounted solar in conservation easement

20. **NEW BUSINESS**

- a. Farm Lease Agreements – one-year extension

21. **TOWNSHIP COMMITTEE REPORTS**

22. **ADMINISTRATOR’S REPORT**

23. **FUTURE AGENDA ITEMS**

24. **RESOLUTION #24-3-131 – Executive Session**

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, 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:
 - Potential Acquisition for Open Space, Conservation, Recreation and/or Municipal Purposes:
 1. Block 8001, Lots 7.01 & 8 (“Staats”)
 2. Block 27001 Lot 57 (“Braverman/ Washington Well”)
 3. Block 12001 Lot 15 (“Irish”)
 - Attorney-Client Privilege
 1. Financial Agreement
 - Litigation:
 1. Docket #SOM-L-000685-23 – Settlement Agreement
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of property and settlement of litigation shall only be approved by the Township Committee in a public session.
4. The Township Committee will return to Regular Session and may take further action.
5. This Resolution shall take effect immediately.

MOTION to adopt Resolution #24-3-131_____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Ahn				
Taylor Todd				
Keenan				
Barragan, Deputy Mayor				
Singh, Mayor				

MOTION to CLOSE Executive Session and open Regular Session _____ Second _____ Favor ____ Opposed _____

25. **ADJOURNMENT**

MOTION to adjourn _____ Second _____ Favor _____ Opposed _____