

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 15, 2022
7:00 p.m.

1. Montgomery Township Committee met at 7:00 p.m. on the above date at the Municipal Complex, 100 Community Drive, Skillman, NJ. Those present were:

TOWNSHIP COMMITTEE: Present - Mayor Keenan, Deputy Mayor Bell,
Committeeperson Schuldiner via telephone conference
Absent - Committeepersons Singh and Barragan

ADMINISTRATOR - Lori Savron

TOWNSHIP ATTORNEY - Wendy Rubinstein-Quiroga

DEPUTY TOWNSHIP CLERK - Patricia Gravatt

2. Mayor Keenan stated the following: "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."
3. Mayor Keenan announced the evenings meeting agenda would be presented out of the usual order due to a doctrine of necessity.
4. Mayor Keenan led the salute to the flag.
5. Upon recommendation of counsel, Mayor Keenan moved to alter the order of the agenda due to unforeseen vacancies and move all action items forward. The motion was seconded by Deputy Mayor Bell and carried unanimously.
6. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #22-9-197 - REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #20-0019 in the amount of \$66,966.39;

BE IT RESOLVED that a refund in the amount of \$66,966.39 be given to Greymorr LLC, BMO 85, P.O. Box 1414, Minneapolis, MN 55480 for the redemption of Tax Sale Certificate #20-0019 on Block 37002 Lot 4.17.

Tax Lien Redemption

Certificate Amount	\$ 340.24
Subsequent Charges	\$ 22,910.20
Interest Amount	\$ 4,644.15
Redemption Fee	\$ 6.80
Recording Fee	\$ 53.00
Search Fee	\$ 12.00
PREMIUM	\$ 39,900.00
TOTAL	\$ 67,866.39

B. **RESOLUTION #22-9-198 - REFUND OVERPAID 2022 TAXES**

BE IT RESOLVED that a refund in the amount of \$8,660.59 be given to Lucas & Krystyn Kitto, 35 Johnson Drive, Belle Mead, NJ 08502 for the Overpayment of 2022 taxes on Block 4067 Lot 2. Property is owned by a 100% disabled veteran and receive tax-exempt status beginning February 3, 2022.

BE IT FURTHER RESOLVED that a refund in the amount of \$1,224.82 be given to Navy Federal Credit Union, Attn: Escrow Department, 820 Follin Lane SE, Vienna, VA 22180-4907 for the overpayment of 2022 taxes on Block 11003 Lot 5. Overpayment due to tax overbill.

C. **RESOLUTION #22-9-199 - DECLARING CERTAIN PERSONAL PROPERTY AS SALVAGE FOR SCRAP**

WHEREAS, Montgomery Township desires to declare Recreation Department Equipment as salvage for scrap.

NOW THEREFORE, BE IT RESOLVED that the Montgomery Township Committee does hereby dispose of the following:

Telex FMR-500 sound system	Amplivox portable sound system, Model#222
Monroe 4140 printing calculator	Marantz solid state recorder PMD 670
Logitech X-530 computer speakers(qty.3)	APC Smart-UPS 1000
Harmon/Kardon computer speakers(qty. 2)	Dell Powervault 110T
Dell Optiplex 750	Dell Optiplex GX620
Dell keyboard SK-8115(qty. 5)	Dell keyboard L100
Monroe printing calculator 2020PlusIII	Toshiba phone DKT2010-H(qty.6)
Toshiba phone DKT2010-SD(qty. 3)	Toshiba phone DKT2010-S
Toshiba phone DKT2020-SD	Toshiba phone EKT 6510-H(qty. 3)
Dell monitor E773c	Dell keyboard RT7D50
Zylux monitor speaker AX510	Dell monitor E1215SC

D. **RESOLUTION #22-9-201 - APPROVAL OF OUTDOOR ASSEMBLY - Car Show**

BE IT RESOLVED by the Montgomery Township Committee as follows:

1. Bret Zheng has requested approval of the Township Committee to conduct a car show event at Princeton Airport on September 25, 2022.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
 - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations and shall employ four (4) Private Duty Police at the event.
4. The organizers will obtain the required fire permit from Township Fire Marshall, Roy Mondì.
5. The organizers will obtain the required health certificates from the Township Health Department.

E. **RESOLUTION #22-9-202 - TO AUTHORIZE RELEASE OF PERFORMANCE GUARANTEE FOR ROAD OPENING PERMIT 21-R-56, 139 HOLLOW ROAD, BLOCK 25001 LOT 6**

WHEREAS, Mark Herrmann, Township Engineer, has recommended the release of a cash performance guarantee to Eduardo Roca because all work has been satisfactorily completed with respect to Street Opening Permit 21-R-56 at Block 25001, Lot 6 (139 Hollow Road).

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the cash performance guarantee in the amount of \$970.00 be released to Eduardo Roca, 405 1st Street, Westfield, NJ 07090.

F. **RESOLUTION #22-9-203 - AUTHORIZING RELEASE OF LANDSCAPE BUFFER GUARANTEE FOR HACKENSACK MERIDIAN HEALTH CARRIER CLINIC SECURITY FENCE - BLOCK 2002, LOT 2**

WHEREAS, Mark Herrmann, Township Engineer, has certified on September 8, 2022 that all improvements pertaining to the Landscape Buffer Guarantee for the Hackensack Meridian Health Carrier Clinic Security Fence project have been completed by the developer in accordance with the approved plans and he recommends that the Landscape Buffer Guarantee can be released with the following conditions:

1. Hackensack Meridian Health Carrier Clinic 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 16-9.2d2.(e), which is:

Maintenance Guarantee = \$9,825.00

2. Hackensack Meridian Health Carrier Clinic shall post adequate escrow funds.

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

- 6-1. Deputy Mayor Bell moved to adopt CONSENT AGENDA. The motion was seconded by Committeeperson Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Bell, Keenan
Absent - Barragan, Singh
Nays - None

7. **RESOLUTION #22-9-204 - AMENDING RESOLUTION #20-8-164 - Submersible Pump Repair Services**

WHEREAS, Resolution #20-8-124 adopted on August 6, 2020 awarded a two year submersible pump repair service contract with two (2) one-year options to renew to Municipal Maintenance Company; and

WHEREAS, N.J.S.A. 40A:11-15 provides that a contract may include provisions for no more than one two-year or two one-year extensions subject to the following: the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, the contract will not exceed \$150,000.00 for the extended 2 years effective September 15, 2022 through September 15, 2024; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available for this service in Account Number 08-215-55-901-1685A which will fund these services.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee hereby approve the 24-month extension pursuant to the above-described terms.

- 7-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Bell, Keenan
Absent - Barragan, Singh
Nays - None

8. **RESOLUTION #22-9-205 AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - ORCHARD ROAD IMPROVEMENTS PROJECT - ENGINEERING SERVICES - MENLO**

WHEREAS, by Resolution No. 21-7-187 adopted on July 15, 2021, the Township Committee awarded an agreement for professional services to the firm of Menlo Engineering Associates, ("Menlo") to provide surveying, permitting, design services, bid documents, and other services necessary for improvements to a portion of Orchard Road (approximately 225 feet west of Headquarters Park Drive to Route 206) including new pedestrian route(s) and associated work for the Orchard Road Improvements Project ("Project"), for the sum of \$102,700.00 ("Agreement for Professional Services" or "Agreement"); and

WHEREAS, the Township Engineer is requesting that the Township Committee authorize Menlo to complete additional engineering services in connection with this Project, and in particular, to extend the scope of Menlo's services to include revisions NJDOT requires for the intersection of Route 206 and Orchard Road related to the Highway Occupancy Permit application, changes required by NJDOT Local Aid, additional project administration, coordination, and meetings, all of which were not included in the original scope of services for said Project; and

WHEREAS, Menlo submitted a written proposal dated September 1, 2022 to complete these additional services on a time and material basis for a sum not to exceed \$12,000.00 ("Proposal"), which Proposal shall be incorporated herein by reference; and

WHEREAS, the work set forth in the Proposal extends beyond the original scope of services with Menlo and therefore, the parties seek to memorialize the Proposal's scope of work and estimated cost by amending the existing Agreement for Professional Services; and

WHEREAS, the existing Agreement with Menlo was awarded without competitive bidding as a professional services agreement pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and as such, the Township Committee may amend same by resolution adopted under N.J.A.C. 5:30-11.6(e); and

WHEREAS, there exists account number 04-215-55-901-1686B which will fund this Agreement amendment; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available For this purpose.

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

1. The existing Agreement for Professional Services entered into between the Township and Menlo, is hereby amended, to extend the scope of Menlo's services to include revisions NJDOT requires for the intersection of Route 206 and Orchard Road related to the Highway Occupancy Permit application, changes required by NJDOT Local Aid, additional project administration, coordination, and meetings, all of which were not included in the original scope of services for said Project, as more specifically detailed in Menlo's September 1, 2022 Proposal, incorporated herein by reference.
2. As a result of the increase in scope of services, the contract amount shall be increased by up to \$12,000.00 as billed on a time and material basis, bringing the contract total, as amended, from \$102,700.00 to an amount not to exceed \$114,700.00.
3. The Mayor and Clerk are hereby authorized and directed to execute an Amendment to the Professional Services Agreement which shall be executed by the parties to confirm the additional scope of services and anticipated cost; the form of the Amendment to Agreement for Professional Services shall be subject to the approval of the Township Attorney.
4. A copy of this Resolution and Amendment to Agreement for Professional Services shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

- 8-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Bell, Keenan
Absent - Barragan, Singh
Nays - None

9. **ORDINANCE #22-1690 - Amending Chapter 3-5.4 - Alcohol Beverage Permit - Introduction**

- A. Title: AN ORDINANCE AMENDING SECTION 3-5.1 "CONSUMPTION IN PUBLIC PLACES", OF THE TOWNSHIP OF MONTGOMERY MUNICIPAL CODE
- B. BE IT RESOLVED by the Township Committee of the Township of Montgomery that The foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending ordinance fixing October 6, 2022 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

9-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Bell, Keenan
Absent - Barragan, Singh
Nays - None

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.

10-1. Deputy Mayor Bell moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Bell, Keenan
Absent - Barragan, Singh
Nays - None

10-2. Township Attorney Wendy Rubenstein-Quiroga asked Deputy Township Clerk Patricia Gravatt to have the record reflect all matters were heard that required a quorum and Committeeperson Schuldiner exited the meeting at 8:07 p.m.

11. **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.

11-1. Jeffrey Grant, 6 Livingston Drive, commented on televised meetings by Comcast Channel 29, internet video clarity, the September 11th Memorial Day Event speech given by Mayor Keenan, an anonymous email of complaint from a Township employee, his request to pass a resolution in support of America, and his viewpoint regarding unanswered responses from previous Township Committee meetings.

11-2. Bill Randolph, 20 Boulder Brook Court, inquired about the amount of police presence, his opposition to the building of the new Municipal Complex, and costs related to the project, displeasure with landscape maintenance on municipal grounds, and Mayor Keenan's speech at the September 11th Memorial Day Event. He asked that the previous public comment practices be restored.

11-3. Kevin Kerod, 359 Township Line Road, expressed his displeasure with the Municipal Complex landscaping, and the status of the vacant building formerly known as Gammatech located at 1026 Route 518. Mr. Kerod supported the comments previously made by Mr. Grant and Mr. Randolph.

11-4. Mayor Keenan suggested Mr. Grant file an OPRA request for any additional information he was seeking with regard to the anonymous correspondence he received.

11-5. Administrator Lori Savron responded that a request had been made to Comcast over a year ago for the installation required for televised meetings. The Township has all systems in place. Comcast is having difficulty sourcing material causing the delay. Live viewing of meetings may be seen via the Township's website as an alternative.

- 11-6. Mayor Keenan said Mr. Randolph's comments regarding the cost related to the Municipal Complex were inaccurate and were answered at a previous Committee meeting by former Administrator Donato Nieman. Costs relating to the project were 35 million, with a return of 5 million from the State of New Jersey for the library.
- 11-7. Administrator Savron replied that the fields adjacent to the Municipal Complex are managed meadows previously installed by Convatec who had been the prior owner of the property now known as the new Municipal Complex. The meadows were specifically placed there for ecological purposes, and are maintained once to twice a year. The benefit of meadows are to attract pollinators which lead to the production of fruits and seeds for human consumption.
- 11-8. Mayor Keenan said police presence is provided for the comfort and safety of residents which will continue to be evaluated.
- 11-9. Administrator Savron stated the previous owner of the property formerly known as Gammatech was issued several violations by the Health Department and Code Enforcement. The new owner has obtained permits for demolition. A security fence has been installed, and remediation is underway. Timeline for demolition is 8 to 10 weeks.
- 11-10. Mayor Keenan stated she stands by any public speech that she has made, and her belief in domestic and foreign threats to our nation.
- 11-11. Township Attorney Wendy Rubinstein-Quiroga responded that the additional police presence was an anomaly. Officers were invited to appear for a matter to be discussed during Closed Session, and as the Police Department has not relocated to the new building officers were added for security purposes. She explained that public comment practices were put place to allow for the consideration of everyone in attendance the opportunity to speak. Should time permit, individuals shall be allowed to speak after all other members of the public are given an opportunity to comment. The Committee cannot predict the amount of residents that may attend a meeting, and a back and forth dialogue is not a statutory requirement.
- 11-12. Christine Newman, 158 Springhill Road, thanked the Committee for their service to the community. Ms. Newman stated that she serves on the Board of Health, and attended a presentation at a subsequent Board meeting regarding Roberts Rules of Order, and Public Comment. She understood that a local public body is required to hear comment, and not debate. Ms. Newman gave positive comment on the need for police presence, and supported Mayor Keenan's beliefs regarding domestic threats.
- 11-13. Montgomery Township Captain Thomas Frascella explained security measures for the meeting and he would be available for further questions.
- 11-14. Deputy Mayor Bell expressed her gratitude to Captain Frascella and his department for their service to the community.
- 11-15. Marion Sanders, 32 Harlingen Road, commented on the number of officers present, and her objection to comments made about the wearing of MAGA hats and its association to domestic terrorism.
- 11-16. Jeffrey Grant, 6 Livingston Drive, conveyed his disapproval of comments regarding the January 6th Insurrection and domestic terrorism.
- 11-17. Deputy Mayor Bell moved to close Public Comment. The motion was seconded by Mayor Keenan.
12. **COMMITTEE CORRESPONDENCE**
- 12-1. Mayor Keenan received notification of downed polls located on Sunset Road. Information to for reporting will posted in a future Township E-Bulletin.
13. **NEW & UNFINISHED BUSINESS**
- Veterans Park - Overnight Camp Out**
- 13-1. Administrator Savron asked the Committee for permission to approve a request by Cub Scout Pack 185 the use Veterans Park for an overnight campout from October 15th through the 16th. The organization will apply for a permit from the Recreation Department and Fire Marshal. The Committee unanimously approved the request.
- 13-2. **Shared Services**
- Mayor Keenan said special attention is being paid to the numerous Shared Service Agreements the Township is involved with. The Committee will review all such agreements for their benefits and a cost analysis will be performed. Additional information to follow.
14. **ADMINISTRATOR'S REPORT**
- 14.1 **Police Department**
- A final inspection is scheduled of the Police Department by the Department of Corrections. The move-in date is expected for September 28th. Signage will be made available to the public.
- 14.2 **Handicap Accessibility - Municipal Complex**
- The procurement process has begun to obtain push button access for handicapped residents for the front entrance of the building and Library. More information to follow.

14.3 **Raritan Valley Community College - Shuttle Service**

A resident made an inquiry regarding the opportunity to contact Somerset County or Raritan Valley Community College to obtain shuttle service for Montgomery students. The Township has scheduled a meeting for discussion.

15. **UPCOMING MEETINGS**

15-1. A quarterly financial report will be given by Chief Financial Officer Michael Pitts on October 6th, and a Development Presentation by Township Administrator Lori Savron on October 20th.

16. **COMMITTEE REPORTS**

16-1. Mayor Keenan gave an update on the following;

State Plan/FEMA - Public Hearing

- She attended a discussion with two Montgomery residents. Money spent for FEMA through the HUD Program was discussed. Mayor Keenan encouraged additional funding go toward Blue Acres allowing the opportunity to apply for grant funding.

County Grant

- Montgomery received grant funding in the amount of \$300,000.00 for Recreational facilities. Additional information to follow.

16-2. Deputy Mayor Bell gave an update on the following;

Inclusion & Equity - September 7

- The Committee has partnered with the Coalition of Natives and Allies in presenting a virtual documentary entitled Fighting Indians on Sunday, October 2nd at 4:30 p.m., providing an opportunity to converse with and include Montgomery's indigenous neighbors. Information will be provided on the Township's website.

16-3. Administrator Savron gave an update on the following;

Economic Development Commission

- Restaurant Week will be held from September 15th through the 25th. A listing of the 13 restaurants, menus and special offers is located on the Township website.

Veterans Memorial Committee - September 13

- Preparation for the Annual Veterans Memorial Day Ceremony was discussed. The ceremony will be held at Veterans Park, November 11th at 3:30 p.m.

Orchard Road Public Information Session

- A virtual public information session will be held October 5th from 7:00 p.m. to 9:00 p.m. Information is available on the Township website

17. **PLANET NETWORK PRESENTATION**

Planet Network Founder and CEO Robert Boyle gave a presentation on the technology, services and benefit to the community that his company provides such as;

- Planet Network is licensed by the New Jersey Board of Utilities as a Certified Telecommunications Carrier.
- As a Certified Communications Carrier via State statute, FCC and Congressional ruling, they have the ability to attach to existing Municipal Rights of Way through vertical integration for a price savings.
- They provide high speed Internet fiber, cloud, phone and IT services to businesses of all sizes, multi-tenant office buildings, schools, homes, and high density developments, with the focus in bringing service to underserved areas.
- Fiber network capable of speeds of 100s of gigabits and providing up to 10 gigabit connection directly to residential customers, and explanation of pricing.
- Delivers Internet infrastructure as a managed service. Manage firewall and VPN/remote access.
- Secure Wi-Fi for homes.
- In-house team to engineer and install copper fiber infrastructure.
- Install structured cabling systems, moves, adds, and changes to ensure neat, clearly marked installation.
- Planet Network pays 100% of the cost for construction, marking and installation at no cost to the Township.
- State and Federal planned incentives. Average size of funding is approximately 800 million dollars per State for planning, not expected until 2024.

- 17-1. Deputy Mayor Bell asked what process is used to find available fiber connection in a given neighborhood.
- 17-2. Mr. Boyle said installation is completed neighborhood to neighborhood using a data base by parcel number. The tax parcel number is maintained with information indicating whether the fiber is available at the location.
- 17-3. Mayor Keenan asked where their nearest fiber connection is.
- 17-4. Mr. Boyle responded that they currently have a data center in Somerset, with locations in Sussex, Warren, Morris and Hunterdon County.

ADJOURNMENT was at 9:37 p.m. on a motion by Deputy Mayor Bell. The motion was seconded by Mayor Keenan and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk