

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 6, 2019

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Jaffer, Deputy Mayor Gural, Committeemembers Trzaska, Quraishi and Schuldiner

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, Esq.

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

2. Mayor Jaffer 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 Jaffer led the Salute to the Flag.

4. **RESOLUTION - DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY**

WHEREAS, Every day, 100 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

WHEREAS, On May 31, 2019, 11 people were killed and four wounded in an armed attack at Virginia Beach Municipal Center, in Virginia Beach, Virginia; and

WHEREAS, On February 13, 2018, 17 people were killed and seventeen wounded in an armed attack at Marjory Stoneman Douglas High School, in Parkland, Florida; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other high-income countries; and

WHEREAS, Support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, In January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 22nd birthday; and

WHEREAS, To help honor Hadiya - and the 100 Americans whose lives are cut short and the countless survivors who are injured by shootings every day - a national coalition of organizations has designated June 7, 2019, the first Friday in June, as the 5th National Gun Violence Awareness Day; and

WHEREAS, The idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, Anyone can join this campaign by pledging to Wear Orange on June 7th, the first Friday in June in 2019, to help raise awareness about gun violence; and

WHEREAS, By wearing orange on June 7, 2019 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, We renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED That the Township Committee of the Township of Montgomery declares the first Friday in June, June 7, 2019, to be National Gun Violence Awareness Day and encourages all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

- 4-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried unanimously.
 - 4-2. Mayor Jaffer announced that there will be Wear Orange/Gun Safety Awareness rally in the Montgomery Township Municipal Building on June 7, 2019 from 4:00 p.m. to 6:00 p.m. There are a number of high school students who are helping to organize this event.
5. **RESOLUTION - TOURETTE SYNDROME AWARENESS DAY - June 7, 2019**

WHEREAS, Tourette Syndrome (TS) is an inherited neurological disorder that is characterized by involuntary physical and vocal tics that occur many times a day; and

WHEREAS, Tourette Syndrome is often accompanied by other conditions, such as attention deficit and obsessive compulsive disorder, learning disabilities and depression; and

WHEREAS, The neurological disorder known as Tourette Syndrome (TS) affects 1 in 100 children; more than 20,000 school-age children in the State of New Jersey alone are dealing with TS and, although some of these cases are aided by medication, there is no standard treatment or known cure for this disorder; and

(Item #5 Cont.)

WHEREAS, There is an important need for more professional help with interest and expertise to identify, counsel and treat people with TS, with the lag time between initial onset of symptoms and proper diagnosis for those who do seek help still averaging more than seven years; and

WHEREAS, Positive actions to assist those children and families dealing with TS would result from a broadening of public and professional knowledge and acceptance of TS; and

WHEREAS, The New Jersey Center for Tourette Syndrome & Associated Disorders, Inc. (NJCTS) is the Nation's first Center of Excellence for Tourette Syndrome, and they are actively providing services to families, educating medical professionals, teachers and social workers, and supporting research to better understand the signs and treatments of TS.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery do herein declare that June 7, 2019 will be recognized as "Tourette Syndrome Awareness Day" in Montgomery Township as a special day to promote understanding, compassion and acceptance of all of our fellow citizens who deserve and need our support to break the stigma that surrounds Tourette Syndrome.

5-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried unanimously.

6. **REQUEST FOR RELIEF FROM ROAD OPENING MORATORIUM ON CHERRY VALLEY CONNECTOR ROAD - Jaguar-Land Rover Dealership**

Chief Financial Officer Michael Pitts explained that that the Jaguar-Land Rover dealership dug into the road and connected to the water line without proper permits. The Engineer was made aware of this and seeing how it is already connected, Jaguar-Land Rover is asking for the relief from road opening moratorium. The Engineering Department is recommending that conditions must be met before the relief is granted. Without these conditions being met the Engineering Department is asking that a Certificate of Occupancy not be issued.

It was the consensus of the Governing Body to grant this relief as long as the conditions are met.

7. **PUBLIC COMMENT**

7-1. Brett Borowski, York Drive, asked if the Cherry Valley Road reconstruction project was still on schedule. He received a notice from Princeton that construction is suspended until the end of June due to New Jersey Department of Environmental Protection permits. Committeeman Trzaska stated that he thought that the suspension was planned.

Mr. Borowski asked about the status of the Orchard Road construction. This work was announced and then suspended. Committeeman Trzaska stated that he heard it was a three or four month delay. Mr. Borowski expressed his concerns about the Cherry Valley Road project and the Orchard Road project being conducted at the same time.

Mr. Borowski asked about Item E in the Consent Agenda regarding the endorsement of a New Jersey Department of Environmental Protection Treatment works approval application and what this means in regards to Montgomery Promenade. Attorney Van Hise explained that this is the NJDEP permit that allows the project to tie into the treatment works facility, because of the size of that site. Committeeman Trzaska further explained that this is also to make sure that when they tie into the system, with the volume, that the system will function properly and there won't be any unforeseen issues with regard to the piping, the manholes, and the operation of the sewer system.

8. **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 #19-6-127 - REFUND OVERPAID 2019 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2019 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
1001	14.02	QFARM Carrier Clinic Foundation	\$ 159.90
2001	2	QFARM Carrier Clinic Foundation	\$ 239.85
4001	8	QFARM SLS Home Loans, c/o Core Logic	\$ 757.99
4020	67	Country Club Meadows	\$23,330.54
4026	15	Country Club Meadows	\$24,388.45
5005	14	Cheuk M. & Aurora M. Ng	\$ 245.40
6001	40.11	Wells Fargo Home Mortgage	\$ 5,198.29
13001	1	QFARM Elizabeth & Matthew E. Galante	\$ 498.15
15001	49.01	QFARM Benjamin R. & Rachel Lindagraf	\$ 39.98
27001	8	QFARM Andrew & Jie J. Hayes	\$ 62.98
31001	192	Leighton H. Jr. & Nancy Laughlin	\$ 24.58
34001	61	E1004A	\$ 2,470.75
34001	62	E1004A	\$ 2,688.00
37002	11	Bharskar Pramanik & Era Poddar	\$ 2,527.49

(CONSENT AGENDA Cont.)

B. RESOLUTION #19-6-128 - REFUND OVERPAID 2019 SEWER CHARGES

BE IT RESOLVED That refunds be given to the following for the overpayment of 2019 sewer charges:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
7019	61.24	John L. & Colleen Lang	\$ 91.80
31001	171	Hua Tang	\$822.66

C. RESOLUTION #19-6-129 - ACCEPTANCE OF DONATION - Earth Day Fair - Rocky Hill Cleaners

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donation for the Earth Day Fair.

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
Rocky Hill Cleaners	\$200.00	3628

D. RESOLUTION #19-6-130 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Clean Communities Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2019, in the amounts listed below, which items is now available as a revenue from the State of New Jersey;

FY 2019 CLEAN COMMUNITIES GRANT	\$62,362.15
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BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

E. RESOLUTION #19-6-131 - ENDORSEMENT OF NJDEP TREATMENT WORKS APPROVAL APPLICATION - Montgomery Promenade

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

F. RESOLUTION #19-6-132 - AUTHORIZING SHARED SERVICE AGREEMENT BETWEEN MANVILLE BOROUGH AND THE TOWNSHIP OF MONTGOMERY FOR FINANCE ASSISTANT

WHEREAS, The "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, The Parties have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, The Parties wish to enter into a Shared Services Agreement ("Agreement") for the position of Finance Assistant; and

WHEREAS, Montgomery has agreed to provide Manville with the services of Finance Assistant, pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County, New Jersey, that the Township Committee approves the Township's participation in the shared services agreement with the Borough of Manville for Finance Assistant; and further that the Mayor and Clerk are authorized and directed to execute the shared services agreement; and

BE IT FURTHER RESOLVED That a copy of the shared services agreement will be available, pursuant to N.J.S.A. 40A:65-5.b., at the office of the Township Clerk for public inspection.

8-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

9. **RESOLUTION #19-6-133 - AUTHORIZING SHARED SERVICE AGREEMENT WITH THE MUNICIPALITY OF PRINCETON - Cherry Valley Road from Province Line Road to Great Road/Somerset County Route 601**

WHEREAS, Cherry Valley Road serves as a boundary between Princeton, Mercer County, and the Township of Montgomery, Somerset County (Montgomery), and is in need of improvement; and

WHEREAS, Montgomery is responsible for the maintenance (including resurfacing) of the eastern portion of Cherry Valley Road and Princeton is responsible for the maintenance (including resurfacing) of the western portion of Cherry Valley Road and the Transcontinental pipeline easement being the approximate dividing line; and

WHEREAS, Montgomery participates in the Morris County Cooperative Pricing Council (Morris County Co-op) to, among other things, resurface roadways within Montgomery utilizing the advantageous pricing available through the Morris County Co-op; and

WHEREAS, Tilcon New York, Inc. currently has the milling and paving road resurfacing contract #6 with the Morris County Co-op; and

WHEREAS, Montgomery plans to utilize Tilcon's contract through the Morris County Co-op to resurface a number of Township roadways as part of its 2019 roadway improvement program; and

WHEREAS, The Princeton Engineering Department has determined that resurfacing improvements are warranted along Cherry Valley Road from Province Line Road to Great Road / Somerset County Route 601; and

WHEREAS, The New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 authorizes and encourages local government units to join together to provide services in such a fashion so as to reduce expenses to taxpayers; and

WHEREAS, Princeton and Montgomery will adopt reciprocal Resolutions authorizing the sharing of the cost for the work subject to the review and approval by the Township Attorney and the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Council of Princeton as follows:

1. The Mayor and Clerk of the Township of Montgomery are hereby authorized and directed to enter into a Shared Services Agreement with Princeton for the milling and resurfacing of Cherry Valley Road for a cost not to exceed \$210,000.00. The Agreement authorized by this Resolution is on file in the office of the Municipal Clerk and may be inspected during regular office hours.
2. This Resolution shall take effect upon the adoption of a reciprocal Resolution by Princeton.
3. Pursuant to N.J.S.A. 40A:66-4 et seq., a copy of this Resolution and the Agreement hereby authorized shall be authorized to the New Jersey Department of Community Affairs, Division of Local Government Services and to the Clerk of Princeton, Mercer County, New Jersey upon its adoption.

9-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

10. **RESOLUTION #19-6-134 - AUTHORIZING STAFF TO EXECUTE A MINOR SUBDIVISION OF BLOCK 25001, LOTS 3 AND 7 AND CORRESPONDING ADJUSTMENT IN PRICE OF OPEN SPACE ACQUISITION**

WHEREAS, The Township Committee of the Township of Montgomery adopted Ordinance No. 19-1614 on May 16, 2019 authorizing the acquisition of real property known as Block 25001, Lot 7, comprised of approximately 6.98± acres (the "Property") on Camp Meeting Avenue in the Township for two hundred seven thousand five hundred (\$207,500.00) dollars; and

WHEREAS, In furtherance of the acquisition, the Township did a survey of the Property along with a title search, which revealed encroachments of two structures on the western side of the Property boundary; and

WHEREAS, Prior to completing the acquisition of the Property, the Township wishes to address the encroachments on the western boundary by making an application to the Township Planning Board for a minor subdivision with bulk variances (the "Application"); and

WHEREAS, The Application will facilitate the Township's acquisition of open space that will be preserved due to its natural values, scenic character, proximity to other preserved lands and location in the environmentally sensitive area that aids in the protection of water quality and Rock Brook; and

WHEREAS, The Application will allow the Township to acquire the property unencumbered by existing structures, and therefore provide a public benefit to the residents of the Township; and

WHEREAS, If granted, the Application will result in the Property being reduced in size by 0.189+ acres, leaving 6.662+ acres, after right-of-way dedication, to be acquired by the Township, which will result in a corresponding reduction in the purchase price of the Property.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 22-288-56-000.

(Item #10 Cont.)

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

1. Township staff and professionals are hereby authorized to prepare and file an application with the Township Planning Board for a minor subdivision with bulk variances for Block 25001, Lots 3 & 7 to address existing encroachments on the Property
2. Upon approval and perfection of the minor subdivision, the purchase price for the property shall be pro-rated to reflect an adjustment in the size of the parcel being acquired in an amount not to exceed two hundred seven thousand five hundred (\$207,500.00) dollars.

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

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

11. **RESOLUTION #19-6-135 - AUTHORIZING PURCHASE OF THREE (3) MOWERS THROUGH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State CO-OP per N.J.S.A. 40A:11-11; and

WHEREAS, The Township of Montgomery has determined the following cooperative pricing system identifier MRESC #65MCESCCPS - Bid #ESCNJ 18/19-25 has provided the Township with the most competitive price for these items; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 04-215-55-901-1611G.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the purchase of a Parks Wide Area Mower at a not exceed amount of \$57,300.81 and two (2) Basin Mowers and attachments at a not to exceed amount of \$82,000.00 be authorized through the utilization of the Middlesex Regional Educational Services Commission Cooperative to:

Wilfred MacDonald, Inc.
10 New Maple Avenue
Suite 303
Pine Brook, NJ 07058-8805

11-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

12. **RESOLUTION #19-6-136 - AUTHORIZING PURCHASE OF SEWER MASON DUMP TRUCK THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State CO-OP per N.J.S.A. 40A:11-11; and

WHEREAS, The Township of Montgomery has determined the following cooperative pricing system identifier MCCPC - Contract #15-C, Item #17 has provided the Township with the most competitive price for this item; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 08-215-55-901-1610G.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the purchase of a Sewer Mason Dump Truck at a not exceed amount of \$65,000.00 be authorized through the utilization of the Morris County Cooperative Pricing Council to:

Ditschman Ford (DFF LM, LLC)
215 Route 202
Flemington, NJ 08822

12-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

13. **RESOLUTION #19-6-137 - AUTHORIZING VARIOUS ROAD OVERLAY PROJECTS THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State Co-Op per N.J.S.A.40A:11-11; and

WHEREAS, The Township of Montgomery has determined that the 2019 Morris County Co-op Anticipated Pricing - District #1 has provided the Township with the most competitive price for the following road overlay projects:

Sleepy Hollow Road
Ichabod Crane Lane
Harlingen Road
Bedens Brook Road
Willow Road
Camp Meeting Avenue
Dutchtown-Zion Road

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for these projects in account numbers 04-215-55-901-1611F, 02-213-41-718-000, 02-213-41-714-000, 02-213-41-721-000, 08-215-55-901-1610E.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the various road overlay projects, at a not to exceed amount of \$1,350,000.00, be authorized through the utilization of Morris County Cooperative Pricing Council Contract #15-C, Identifier #6MOCCP to:

Tilcon New York Inc.
9 Entin Road
Parsippany, N.J. 07054

13-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

14. **RESOLUTION #19-6-138 - PROFESSIONAL SERVICES RESOLUTION - Feasibility Study - Pike Brook Wastewater Treatment Plant, Upgrade to Treat Carrier Foundation Wastewater - Kleinfelder, Inc.**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer to evaluate the feasibility and cost of upgrading the Pike Brook Wastewater Treatment Plant to treat wastewater generated by the Carrier Foundation; and

WHEREAS, There exists a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law); and

WHEREAS, The firm of Kleinfelder has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of the acquisition over the course of the contract is anticipated to exceed \$59,800.00; and

WHEREAS, Kleinfelder has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that Kleinfelder has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 *et seq.* authorizes the award of a contract for "professional services" without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals.

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #08-215-55-901-1320.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Kleinfelder to evaluate the feasibility and cost of upgrading the Pike Brook Wastewater Treatment Plant to treat wastewater generated by the Carrier Foundation.
2. Kleinfelder shall be paid a not to exceed fee of \$59,800.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.

14-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

15. **RESOLUTION #19-6-139 - THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - Riverside and Oxbridge Consolidation Project, Engineering Services - Kleinfelder, Inc.**

WHEREAS, By Resolution No. 17-8-184 adopted on August 3, 2017, the Township Committee awarded an agreement for professional engineering services to Kleinfelder to provide Construction and Administrative Services for the Riverside and Oxbridge plant demolition, forcemain, and pump station installation ("Project"), for the sum of \$ 296,240.00 and

WHEREAS, At that time, the Township and Kleinfelder, executed Kleinfelder's June 20, 2017, Proposal for purposes of memorializing the scope of services between the parties, which became the agreement for professional services ("Agreement for Professional Services" or "Agreement"); and

WHEREAS, By Resolution No. 18-5-116 adopted on May 17, 2018, the Township Committee approved an amended Agreement For Professional Services to Kleinfelder for change in scope of services for this Project, bringing the contract total, as amended, to \$381,640.00 ("First Amendment"); and

WHEREAS, By Resolution No. 19-2-56 adopted on February 7, 2019, the Township Committee approved an amended Agreement For Professional Services to Kleinfelder for change in scope of services for this Project, bringing the contract total, as amended, to \$401,640.00 ("Second Amendment"); and

WHEREAS, The Township Engineering Department has requested that the Township Committee authorize Kleinfelder to complete additional engineering services in connection with this Project, and in particular, to extend the scope of Kleinfelder's services to include additional work, as follows, additional surveying services related to finalizing and documenting conservation deed restriction for the riparian zone mitigation required under the Flood Hazard Area permit for the Riverside Pump Station, review of deed restriction language for the riparian zone mitigation conservation easement, continued follow-up and inspections related to final punch list items, technical support and inspections related to change-out of rotating assemblies by Gorman-Rupp at the Riverside Pump Station, technical support and inspections related to installation of pressure gages at air release chambers on the Riverside Force Main and Continued review of final close-out submittals, all of which were not included in the original scope of services said Project; and

WHEREAS, Kleinfelder submitted a written proposal dated May 24, 2019 to complete these additional services for the sum of \$19,200.00 ("Proposal"), which the Proposal is attached hereto as Exhibit A; and

WHEREAS, The work set forth in the Proposal extends beyond the original scope of services with Kleinfelder 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 Township authorized the execution of this Third Amendment to Agreement for Professional Services by Resolution No. 19-6-139 adopted on June 6, 2019; and

WHEREAS, There exists account numbers 04-215-55-901-1495E and 04-215-55-901-1495D 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 scope of Kleinfelder's professional engineering services for the Project is hereby amended by extending the scope thereof to include additional work, as follows, additional surveying services related to finalizing and documenting conservation deed restriction for the riparian zone mitigation required under the Flood Hazard Area permit for the Riverside Pump Station, review of deed restriction language for the riparian zone mitigation conservation easement, continued follow-up and inspections related to final punch list items, technical support and inspections related to change-out of rotating assemblies by Gorman-Rupp at the Riverside Pump Station, technical support and inspections related to installation of pressure gages at air release chambers on the Riverside Force Main and Continued review of final close-out submittals, all of which were not included in the original scope of services for said Project, as more specifically set forth in Kleinfelder's May 24, 2019 Proposal, attached as Exhibit A hereto and incorporated as if fully restated.
2. As a result of the increase in scope of services, the contract amount shall be increased by \$19,200.00, bringing the contract total, as amended, to \$420,840.00.
3. All remaining provisions of the Agreement between the parties not inconsistent herewith shall be in full force and effect.
4. 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.

(Item #15 Cont.)

5. 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.

15-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

16. **RESOLUTION #19-6-140 - AWARD OF BID - Electrical Services Contract**

WHEREAS, The following bids for an Electrical Service Contract were received and publicly opened on May 30, 2019:

<u>BIDDER</u>	<u>AMOUNT</u>
AMEC ELECTRIC, LLC	HOURLY RATE
<u>Licensed Electrician:</u>	
Regular (8:00 a.m. to 5:00 p.m.)	\$ 106.00
<u>Electricians Assistant/Helper</u>	
Regular (8:00 a.m. to 5:00 p.m.)	\$ N/A
<u>Total:</u>	\$26,500.00
MAGIC TOUCH CONSTRUCTION	HOURLY RATE
<u>Licensed Electrician:</u>	
Regular (8:00 a.m. to 5:00 p.m.)	\$ 92.50
<u>Electricians Assistant/Helper</u>	
Regular (8:00 a.m. to 5:00 p.m.)	\$ 54.90
<u>Total:</u>	\$27,515.00
MUNICIPAL MAINTENANCE	HOURLY RATE
<u>Licensed Electrician:</u>	
Regular (8:00 a.m. to 5:00 p.m.)	\$ 130.00
<u>Electricians Assistant/Helper</u>	
Regular (8:00 a.m. to 5:00 p.m.)	\$ 56.00
<u>Total:</u>	\$36,900.00
SAL ELECTRON COMPANY, INC	HOURLY RATE
<u>Licensed Electrician:</u>	\$ 115.00
<u>Electricians Assistant/Helper</u>	
Regular (8:00 a.m. to 5:00 p.m.)	\$ 75.00
<u>Total:</u>	\$34,750.00

WHEREAS, The award is to be based on the lowest price of the total regular hours; and

WHEREAS, It is the recommendation of the Purchasing Agent and the Superintendent of Public Works that AMEC Electric, LLC be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and filed in the office of the Township Clerk.

WHEREAS, There exists account numbers 01-201-26-310-268, 07-201-55-542-200, 07-201-55-543-200, 07-201-55-544-200, 07-201-55-545-200, 07-201-55-546-200, 07-201-55-547-200, 07-201-55-548-200 which will fund this project.

NOW, THEREFORE, BE IT RESOLVED BY THE Montgomery Township Committee that the contract for Electrical Repair Services is hereby awarded to:

AMEC Electrical, LLC
125 Liberty Street
Metuchen, NJ 08840

BE IT FURTHER RESOLVED That the contract period is July 1, 2019 to June 30, 2021 and may be extended for two additional years under the term of "Multi-Year Contracts" if mutually acceptable to the vendor and the Township.

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

16-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

17. **RESOLUTION #19-6-141 - RESOLUTION AUTHORIZING ISSUANCE OF ADDENDUM NO. 1 IN CONNECTION WITH LEASE OF PUBLIC PROPERTY FOR WIRELESS TELECOMMUNICATIONS FACILITY**

WHEREAS, Pursuant to Resolution No. 19-4-103 adopted by the Township Committee of the Township of Montgomery ("Township") on April 4, 2019, the Township advertised for the receipt of sealed bids for the "Lease of Public Property for a Wireless Telecommunications Facility" on May 8, 2019 and May 15, 2019 for a bid receipt date of June 14, 2019; and

WHEREAS, Consistent with the Bidding Documents issued in connection with said lease, a prospective bidder has submitted a written question in connection therewith, and in response thereto the Township Administrator and Township Attorney's Office recommend that the Bidding Documents be amended by the issuance of Addendum No. 1, a copy of which is on file in the Clerk's office.

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

1. The Township Administrator and Township Attorney are authorized to issue Addendum No. 1 in connection with the "Lease of Public Property for a Wireless Telecommunications Facility" advertised on May 8, 2019 and May 15, 2019 substantially in the form on file in the Clerk's office.
2. The Administrator and Clerk shall cause a Notice to Bidders of issuance of Addendum No. 1 to be advertised pursuant to law; any Notice to Bidders of issuance of Addendum No. 1 that has been submitted for advertisement is hereby ratified.
3. All remaining terms and conditions of the Bidding and Contract Documents not amended by Addendum No. 1 shall remain in full force and affect.
4. The Administrator, Clerk and other appropriate Township staff and officials are hereby authorized to undertake any and all acts and execute any and all documents as may be necessary and proper to effectuate the terms hereof.
5. Should the Township Administrator determine that any subsequent revisions to the Bidding and Contract Documents are necessary to effectuate the intent of the Bidding and Contract Documents (as amended), the Township Administrator shall be authorized to issue one or more additional addenda.

17-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

18. **ORDINANCE #19-1617 - Authorizing Conveyance of Real Property Located on Willow Road to Raritan Valley Habitat for Humanity (Block 7002, Lot 5) - Introduction**

A. Mayor Jaffer read the title of the ordinance as follows:

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED ON WILLOW ROAD (BLOCK 7002, LOT 5 ON THE MONTGOMERY TOWNSHIP TAX MAP) TO RARITAN VALLEY HABITAT FOR HUMANITY.

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 June 20, 2019 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

18-1. Township Planning Director Lori Savron explained that Habitat for Humanity was asking to build a single family residence on property for sale on Willow Road. This would count towards the Township's affordable housing COAH credit. She stated that Habitat for Humanity has conducted or is in the process of conducting all necessary testing on the property and so far all have come back acceptable for building.

18-2. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

19. **ORDINANCE #19-1618 - Releasing and Discharging Dedications of Unimproved Portions of a Roadway-Village Drive (formerly Research Road) - Introduction**

A. Mayor Jaffer read the title of the ordinance as follows:

ORDINANCE OF THE TOWNSHIP OF MONTGOMERY RELEASING AND DISCHARGING DEDICATIONS OF UNIMPROVED PORTIONS OF A ROADWAY KNOWN AS VILLAGE DRIVE (FORMERLY KNOWN AS RESEARCH ROAD).

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 June 20, 2019 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

(Item #19 Cont.)

- 19-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

20. **APPROVAL OF MINUTES**

The Regular Session minutes of May 16, 2019 were approved as printed.

21. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Chief Finance 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.

- 21-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

22. **TOWN HALL PUBLIC INFORMATION SESSION**

Mayor Jaffer stated that there was a Town Hall Public Information session on development scheduled for Monday, June 10 at 7:00 p.m. There will be discussion of the Master Plan and how the planning process works.

23. **D-DAY**

Committeeman Schuldiner noted that June 6, 2019 is the 75th Anniversary of D-Day.

24. **SOMERSET COUNTY LIBRARY**

Committeeman Schuldiner stated that there had been a meeting with the Somerset County Library to go through some of the changes that were made on the library portion of the proposed Municipal Building.

25. **ZION CROSSING**

Committeeman Schuldiner stated on May 20 he joined Mayor Jaffer at the newest park, Zion Crossing, for a ribbon cutting. This beautiful park is located at the very top of Hollow Road.

26. **SOMERSET COUNTY MEETING**

Committeeman Schuldiner stated that he attended a meeting at Somerset County regarding the upcoming 2020 Census. He explained that the Township needs to gather a committee that will meet with all of the County committees. There was discussion about the fact that the United State Supreme Court is considering whether current administration can put a question on the Census about people's citizenship. There is a concern that this will discourage people from filling the census questionnaire out. It is very important to municipalities that every single person fill this out because the census numbers go towards the municipality's representation at both the federal and state levels, as well as funding that is given out at both the federal and state levels.

27. **CVS**

Committeeman Trzaska noted that the CVS at the corner of Route 206 and Belle Mead-Griggstown Road is finally starting to be built. There had been a year-long delay because of issues with the contractor.

28. **TRAILS DAY**

Deputy Mayor Gural stated that Trails Day was a success. The weather was beautiful and everyone had a good time. She noted that one of the Girl Scout troops painted approximately one dozen rocks and hid them along the trails for people to find.

29. **MEMORIAL DAY EVENT**

Mayor Jaffer spoke at the Memorial Day ceremony. Deputy Mayor Gural stated that the event was very well attended.

30. **LUBAS FIELD RE-DEDICATION**

Deputy Mayor Gural spoke about the Lubas Field Re-Dedication. She stated it was very well attended and a wonderful time.

31. **RAINBOW PRIDE MONTH**

Deputy Mayor Gural stated that all of the towns in the area were asked by the LGBT groups if they would be willing to fly a flag for Pride Month. Montgomery has agreed and the flag can be seen flying in front of the Municipal Building.

32. **BUSINESS AND GOVERNMENT FAIR**

Mayor Jaffer stated that she spoke at the Business and Government Fair at Montgomery High School. They are trying to get some of the bright, young minds interested in public service as a career.

33. **GOVERNOR'S IFTAR**

Mayor Jaffer stated that she spoke at the Governor's Iftar, which is the meal at the end of the day of fasting for Ramadan. She noted that there was a wonderful crowd of people of all faiths in attendance.

34. **CAPITAL HILL IFTAR**

Mayor Jaffer stated that she attended an Iftar on Capital Hill. There were many Senators and Congress members from all different States in attendance.

35. **MANAVI GALA**

Mayor Jaffer stated that she spoke at a gala for Manavi, which is an organization that supports South Asian women who experienced domestic violence and sexual abuse. There were some really powerful women speakers in attendance.

36. **ASIAN AMERICAN PACIFIC ISLANDER GRADUATION**

Mayor Jaffer stated that she spoke at the Asian American Pacific Islander graduation ceremony at Princeton University. She met a Montgomery student and his family at the event. She congratulated everyone who has graduated over the past few weeks, including Deputy Mayor Gural.

37. **MUNICIPAL CLERK**

Chief Financial Officer Michael Pitts congratulated Open Space Coordinator Lauren Wasilauski on passing the Municipal Clerk's Exam this past week.

38. **COMMITTEE AND SUB-COMMITTEE REPORTS**

38-1. **PLANNING BOARD**

Committeeman Schuldiner stated that the Planning Board appointed the Planning Board Attorney for the remainder of 2019.

38-2. **SHADE TREE COMMITTEE**

Committeeman Quraishi stated that the Shade Tree Committee discussed trees in various Township locations by the Department of Transportation:

Mill Pond Park;
Route 206 near the Municipal Building;
The Montgomery Dog Park;
Montgomery Veterans Park

There was discussion of an Eagle Scout project at the Otto Kaufman Community Center, the Arboretum, and Administrator Nieman's suggestion that the Township hire an Arborist and an Assistant to the Arborist.

Committeeman Trzaska thanked the Shade Tree Committee and all who helped with work at Lubas Park, the Dog Park, Montgomery Veterans Park, the Arboretum, Mill Pond Park and all other parks.

38-3. **ECONOMIC DEVELOPMENT COMMISSION**

Mayor Jaffer stated that the Economic Development Commission met with the Somerset County Business Partnership and the Montgomery Business Association. This is the first time the three groups have come together. They discussed shared goals and how to make Montgomery more economically exciting, but also how to fit into a lot of the programming that is happening in Somerset County.

39. 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:
 - Potential acquisition of property for open space, farmland, conservation, municipal purposes: Block 12001 Lot 20 (Fenton/Safro); Block 4002 Lot 1 (Carrier Clinic); Block 3006 Lots 14 & 18, Block 3007 Lot 14.01 (Thompson Old Belle Mead); Block 17004 Lots 1, 2 & 3 (Matthews); Block 25001 Lots 3 & 7 (Whidden); Block 10001, Lot 8 (Spencer);
 - Contract Negotiations regarding the potential acquisition or purchase of real property - PSE&G Service Corp., Route 206, Block 28005, Lot 60.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of property shall only be authorized by the Township Committee in a public session.

40-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried unanimously.

41. Meeting reconvened in Open Session and ADJOURNMENT was at 8:41 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeeman Schuldiner and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk