

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 20, 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 Quraishi and Schuldiner
Committeeman Trzaska was absent

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

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. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Colleen D. Murphy**

BE IT RESOLVED that Colleen D. Murphy is hereby appointed Probationary Police Officer, effective June 20, 2019.

- 4-1. 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, Gural, Jaffer
Nays - None
Absent - Trzaska

- 4-2. Mayor Jaffer administered the Oath of Office to Probationary Police Officer Colleen D. Murphy.

5. Mayor Jaffer stepped down from the dais.

6. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject to be discussed in this session is as follows:
 - Contract Negotiations.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Any agreements shall only be authorized by the Township Committee in a public session.

- 6-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried unanimously.

7. Meeting reconvened in Open Session and Mayor Jaffer returned to the dais.

8. **RESOLUTION - Recognizing the Month of June as LGBT Pride Month**

WHEREAS, LGBT Americans have made, and continue to make, great and lasting contributions that continue to strengthen the fabric of American society; and

WHEREAS, As long as the promise of equality for all remains unfulfilled, all Americans are affected. If we can work together to advance the principles upon which our Nation was founded, every American will benefit; and

WHEREAS, With each passing year the American people become more receptive to diversity and more open to those who are different from themselves. Our Nation is at last realizing that gays and lesbians must no longer be "strangers among friends," and that we must finally recognize these Americans for what they are: our colleagues, neighbors, daughters, sons, sisters and brothers, friends and partners, and

WHEREAS, Many challenges still lie before us. As we have witnessed from recent acts of "ugly free speech" within this Montgomery Community, prejudice against gays and lesbians can still erupt into acts of hatred and violence; and

WHEREAS, This June, recognizing the joys and sorrows that the gay and lesbian movement has witnessed and the work that remains to be done, we observe Gay and Lesbian Pride Month and celebrate the progress we have made in creating a community more inclusive and accepting of gays and lesbians.

NOW, THEREFORE, BE IT RESOLVED, That the Township Committee of the Township of Montgomery stands committed and united to help break down the walls of fear and prejudice and will work to build a bridge to understanding and tolerance, until gays and lesbians are afforded the same rights and responsibilities as all Americans; and

(Item #8 Cont.)

BE IT FURTHER RESOLVED, That the Governing Body of the Township of Montgomery does hereby call upon its residents, employees and elected officials to work together to promote equal rights for all, regardless of sexual orientation or gender identity and does further encourage all to observe this month with appropriate programs, ceremonies, and activities that celebrate our diversity and recognize the gay and lesbian Americans whose many and varied contributions have enriched our national life.

8-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried unanimously.

9. **RESOLUTION - Recognizing World Elder Abuse Awareness Day**

WHEREAS, Older adults deserve to be treated with respect and dignity to enable them to serve as leaders, mentors, volunteers and vital participating members of our communities;

WHEREAS, In 2006, the International Network for the Prevention of Elder Abuse, in support of the United Nations International Plan of Action, proclaimed a day to recognize the significance of elder abuse as a public health and human rights issue; and

WHEREAS, June 15, 2019 marks the 19th Annual World Elder Abuse Awareness Day. Its recognition will promote a better understanding of abuse and neglect of older adults; and

WHEREAS, The National Center on Elder Abuse (NCEA) and Montgomery Township recognize the importance of taking action to raise awareness, prevent and address elder abuse; and

WHEREAS, As our population lives longer, we are presented with an opportunity to think about our collective needs and future as a nation; and

WHEREAS, Ageism and social isolation are major causes of elder abuse in the United States; and

WHEREAS, Recognizing that it is up to all of us, to ensure that proper social structures exist so people can retain community and societal connections, reducing the likelihood of abuse; and

WHEREAS, Preventing abuse of older adults through maintaining and improving social supports like senior centers, human services and transportation will allow everyone to continue to live as independently as possible and contribute to the life and vibrancy of our communities; and

WHEREAS, Where there is justice there can be no abuse; therefore, NCEA urges all people to restore justice by honoring older adults.

WHEREAS, Join us in our engaging and empowering movement, and putting an end to abuse.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee does hereby proclaim June 15, 2019 as World Elder Abuse Awareness Day in Montgomery Township, and encourage all of our communities to recognize and celebrate older adults and their ongoing contributions to the success and vitality of our country.

9-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried unanimously.

10. Mayor Jaffer stepped down from the dais.

11. **PUBLIC COMMENT**

11-1. Mark Rufolo, Sunset Road, spoke about the issue he had with the Construction Department. He stated that he realized that he escalated the situation much further than it ever should have been. He apologized for his actions. He praised the Construction Official and the Construction Department for continuing to be professional in all of their dealings with him before, during, and after this situation occurred.

11-2. Deputy Mayor Gural read the following statement:

"Within the past week, there has been much speculation on social media and questions from many of you about the future of Kid Connection. As you are aware, for the past thirty years, Kid Connection has been a wonderful pre-kindergarten and kindergarten enrichment program offered by the Township to the families of Montgomery. The Township, Administration and in particular, our teachers and staff, have been proud of the program that has been built, the relationships that have been made, and the services provided to our families. Unfortunately, the tuition received does not cover the program's operating costs. Over the past several years in particular, for a variety of factors, that deficit has become untenable and the Township has been looking at ways to reduce the deficit while continuing the program.

Recently, an opportunity arose to partner with a non-profit provider to essentially take over the program as currently run. That would have allowed the program to continue with minimal changes, allowed our staff to continue to work with our students, and ultimately eliminate the financial impact on the Township. Once we received interest from the provider, we began conversations at the end of last month with the Board of Education to discuss the potential transition of the program.

(Item #11-2. Cont.)

During the course of our discussions with the Board, and in particular our meeting of last Tuesday, we learned that the Board had two issues that would fundamentally alter the program starting in September, whether or not it was run by the Township or another provider: (a) the District has an immediate need for the five classrooms currently used by Kid Connection in the Orchard Hill Elementary School; and (b) that due to the results of an internal security and transportation audit this year, the District would no longer be able to provide bussing to Kid Connection's kindergarten enrichment students this fall. Combined with the declining enrollments already experienced, those changes would profoundly impact the services Kid Connection is able to provide and makes operating the program simply infeasible.

While closing this wonderful program is not something that the Township wants to do, we have no choice. In order to provide for an orderly closure, importantly to allow time for our families and staff to make other arrangements and find new opportunities, it is our intention to continue to operate the program through the end of 2019. We will be working with our families and staff in the upcoming days to provide more details and information on the closure."

- 11-3. The following people spoke about the closing of the Kid Connection program in December and the impact it will have on the children and Kid Connection employees. They asked if it could not be saved, could the closing be extended to June, 2020.

Balaji Yegneswaran, Meghan Brandt, Noel Kitchen, John LaRue, Neena Sampat, Hal Rappaport, Rajagopal Ekkadu, Gaurav Kumar, Barbara Chenot, Kristin Serio, Mae Potts, Minkyo Chenette, Jennifer Lafaman, Tim Fox, Phyllis Birch, Joe Librizzi, Chen Miao, Barbara Preston, Ruth Wood, Hamharan Ugandnu, Lara Katz, Pat Van Ardsdalen, Jimmy Drift, Brett Borowski, Kent Huang, Meg Helms.

12. Mayor Jaffer returns to the dais.

13. **RESOLUTION #19-6-142 - AWARDING LEASE FOR WIRELESS TELECOMMUNICATIONS FACILITY**

WHEREAS, Pursuant to Resolution No. 19-3-103 adopted on April 4, 2019, the Township Committee authorized the lease of a parcel of property situate in the Township, consisting of approximately 3,000 square feet and located within Block 4001, Lot 28.04 on the Tax Assessment Maps of the Township of Montgomery, Somerset County, New Jersey (October 1997, Updated October 2018) ("Property") for purposes of designing, constructing and operating a wireless telecommunications tower and ancillary wireless telephone support equipment, structures and foundations ("Facility"); and

WHEREAS, Pursuant to a duly advertised Notice to Bidders, as amended by Addendum No. 1, on June 14, 2019 one (1) bid was submitted by Global Signal Acquisitions III LLC with a base annual rental amount of \$57,397.80; and

WHEREAS, Global Signal Acquisitions III LLC is a subsidiary of Crown Castle International Corporation; and

WHEREAS, The existing lease of the Property is with CCGS Holdings LLC, also a subsidiary of Crown Castle International Corporation, and expires on November 16, 2019; and

WHEREAS, Under the new Lease Agreement, Global Signal Acquisitions III LLC would continue to operate the existing Facility at the Property; and

WHEREAS, The Local Lands and Buildings Law, N.J.S.A. 40A:12-14, requires that the Township Committee award a lease to the highest responsible and responsive bidder or reject all bids should the highest bid be rejected.

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 foregoing "Whereas Clauses" are hereby incorporated herein as if fully restated.
2. The Township hereby accepts the highest bid as submitted by Global Signal Acquisitions III LLC to lease the Property for purposes operating the existing Facility with an annual base rent of \$57,397.80.
3. The Mayor and Clerk are hereby authorized and directed to execute a Lease Agreement with Global Signal Acquisitions III LLC in accordance with this Resolution, the Contract Documents as defined in the Bidding Documents for "Lease of Public Property for Wireless Telecommunications Facility" and Addendum No. 1 issued on June 7, 2019, copies of which are on file in the Clerk's office.
4. The Mayor, 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, including but not limited to finalizing the Lease Agreement and making minor updates and revisions to the form of Lease Agreement provided in the Contract Documents.

- 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, Gural, Jaffer
Nays - None
Absent - Trzaska

14. **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 #19-6-143 - REFUND OVERPAID 2019 TAXES**

BE IT RESOLVED That a refund in the amount of \$43.51 be given to W Bryce Thompson IV, 195 Nassau Street, Princeton, NJ 08540 for the overpayment of 2019 taxes on Block 32001, Lot 24 QFARM. Taxes cancelled per Township owned property as of 2019.

B. **RESOLUTION #19-6-144 - AUTHORIZING FIREWORKS PERMIT**

BE IT RESOLVED That authorization is granted for the Recreation Department to conduct a fireworks display on June 27, 2019 (raindate - June 28, 2019) at Montgomery High School. Approvals of the Police Department and Fire Protection Inspector Roy Mondt have been received.

C. **RESOLUTION #19-6-145 - WAIVER FROM FIRE INSPECTION FEES - Fireworks Display**

BE IT RESOLVED That fire inspection fees, totaling \$469.00 in connection with the fireworks display to be conducted June 27, 2019 (raindate - June 28, 2019) are hereby waived.

D. **RESOLUTION #19-6-146 - AUTHORIZING CLOSING OF SKILLMAN ROAD - Fireworks**

BE IT RESOLVED That Skillman Road between County Route 601 and Campmeeting Avenue, be closed to all vehicle traffic between the hours of 6:00 p.m. and 10:00 p.m. on June 27, 2019 (raindate - June 28, 2019) for the fireworks event.

E. **RESOLUTION #19-6-147 - TEMPORARY ROAD CLOSING - Block Party - Knickerbocker Drive**

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of a portion of Knickerbocker Drive (between Whispering Lane and the intersection of Willow Run Road) to accommodate a neighborhood block party scheduled for September 7, 2019 from approximately 4:00 p.m. - 9:00 p.m. (raindate - Saturday September 14, 2019). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

F. **RESOLUTION #19-6-148 - APPROVAL OF USE OF TENT & BANNER SIGNS - Montgomery FunFest**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the use of the Township tent for the Montgomery FunFest as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township. The event will be held on September 15, 2019.

BE IT FURTHER RESOLVED That the Montgomery Township Committee hereby authorizes the Zoning Officer to administratively approve banner signs advertising the sponsors of the event for a period of time not longer than two weeks before the event and two weeks after the event (for a maximum of four weeks total). The banners shall be located along the airport fencing, and shall be of a reasonable size.

G. **RESOLUTION #19-6-149 - APPROVAL OF OUTDOOR ASSEMBLY - Montgomery FunFest**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Montgomery Business Association has requested approval of the Township Committee to conduct a Montgomery FunFest event at Princeton Airport on September 15, 2019.
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 a minimum of four (4) Private Duty Police Officers for the event.
4. The organizers will obtain the required health certificates from the Township Health Department.
5. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #19-6-150 - APPROVAL OF OUTDOOR ASSEMBLY - Jersey Devil Bicycle Race**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Bridge Velo, LLC requested approval of the Township Committee to conduct a bicycle race on August 4, 2019. The event will start and end at Johnson & Johnson, 199 Grandview Road, Skillman, NJ.
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 Township 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 a minimum of four (4) Private Duty Police Officers for the event.
4. The organizers will obtain the required health certificates from the Township Health Department, if applicable.

I. **RESOLUTION #19-6-151 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SKILLMAN ROAD IMPROVEMENTS PROJECT**

WHEREAS the Township of Montgomery wishes to apply for Municipal Aid funding from the New Jersey Department of Transportation for improvements related to pavement rehabilitation, construction of a new pathway, and miscellaneous construction on Skillman Road.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2020-Skillman Road Pathway and Road Impro-00218** to the New Jersey Department of Transportation on behalf of the Township of Montgomery.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Montgomery and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

J. **RESOLUTION #19-6-152 - AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN MONTGOMERY TOWNSHIP, INCLUDING THE MONTGOMERY POLICE DEPARTMENT AND MONTGOMERY OFFICE OF EMERGENCY MANAGEMENT, AND THE MONTGOMERY TOWNSHIP VOLUNTEER FIRE CO. #1 AND #2 AND MONTGOMERY EMERGENCY MEDICAL SERVICES - Formation of Rescue Task Force**

BE IT RESOLVED That the Montgomery Township Committee agrees to establish a formal Memorandum of Understanding between Montgomery Township, including the Montgomery Police Department and Montgomery Office of Emergency Management, and the Montgomery Township Volunteer Fire Co. #1, the Montgomery Township Volunteer Fire Co. #2, and Montgomery Emergency Medical Services to facilitate collaborative participation in the Rescue Task Force (herein referred to as the RTF).

K. **RESOLUTION #19-6-153 - AUTHORIZING SETTLEMENT AGREEMENT & RELEASE - HANDLER ESTATES**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Settlement Agreement and Release with Richard M. Grosso, S. and Richard M. Grosso, Jr. with regard to Handler Estates, LLC subject to review and approval of the Township Engineer and Township Attorney.

L. **RESOLUTION #19-6-154 - AUTHORIZING RIGHT-OF-ENTRY AGREEMENT WITH COUNTRY CLASSICS HARLINGEN, LLC - Site Work on Block 6009, Lot 6**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Right-of-Entry Agreement with Country Classics Harlingen, LLC to conduct site work on Block 6009, Lot 6 subject to review and approval of the Township Engineer and Township Attorney.

M. **RESOLUTION #19-6-155 - AUTHORIZING CONSTRUCTION SEQUENCE AGREEMENT - PIRHL ACQUISITIONS, LLC (Block 28004, Lot 7 - PB-01-18)**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with PIRHL Acquisitions, LLC with respect to Block 28004, Lot 7 - PB-01-18 subject to review and approval by the Township Engineer and Township Attorney.

(CONSENT AGENDA Cont.)

N. **RESOLUTION #19-6-156 - RELEASE OF MAINTENANCE GUARANTEE - Country Classics at Fox Brook - Kucera's Two Lots**

WHEREAS, Gail Smith, Township Engineer, has certified on June 14, 2019 that all public improvements in a project known as Country Classics at Fox Brook - Kucera's Two Lots have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond #PAIFSU0713906 in the amount of \$24,241.68 be released to Country Classics at Montgomery, LLC, 36 Bower Lane, Hillsborough, NJ 08844.

BE IT FURTHER RESOLVED That the escrow funds in account PB-11-14CC may be released following the billing of inspections.

O. **RESOLUTION #19-6-157 - RELEASE OF MAINTENANCE GUARANTEE - Village Shopper III Bank Site (Lessee Responsibilities)**

WHEREAS, Gail Smith, Township Engineer, has certified on June 14, 2019 that all public improvements in a project known as Village Shopper III Bank Site (Lessee Responsibilities) have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond #106759620 in the amount of \$13,824.00 be released to Wells Fargo Bank NA, 1378 Route 206, Skillman, NJ 08558.

BE IT FURTHER RESOLVED That the escrow funds in account PB-11-12WF may be released following the billing of inspections.

P. **RESOLUTION #19-6-158 - RELEASE OF PERFORMANCE GUARANTEE - Estates at Montgomery, Phase 2**

WHEREAS, Gail Smith, Township Engineer, has certified on June 14, 2019 that all public improvements in a project known as Estates at Montgomery, Phase 2 have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the reduced performance guarantee in the amount of \$334,504.44 (Bond #S299478 in the amount of \$301,054.00 and \$33,450.44 cash)(original bond amount was \$604,872.60) be released to Fleet Montgomery, LLC and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$604,872.60
15% Maintenance Guarantee	\$ 90,730.89

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

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

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

- a. Remy Court, located within a 50 foot wide right-of-way as shown and described on **Reference Aⁱ**, beginning at approximately Station 2+50 to the cul-de-sac ending at approximately Station 13+53.30 shown on **Reference Bⁱⁱ**.
- b. Road improvements in the aforementioned right-of-way including associated curbing (driveway-depressed curbs excepted), sidewalk, and curb ramps.

Storm Sewers - Storm sewer structures, including but not limited to inlets, catch basins, and collections lines, completely contained within the aforementioned Remy Court right-of-way, and in the Drainage Easement located on Block 6001, Lots 40.12 and 40.13.

Sanitary Sewers - Sanitary sewerage improvements along Remy Court from approximately Station 2+50 to approximately Station 11+42.

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

Driveways - all driveways, driveway aprons, driveway sidewalk, or associated depressed curbing shown on **Reference B** that egress onto Remy Court. These shall be maintained by the property owners.

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

Stormwater Management Facilities - there are no stormwater management basins in this phase. The roof recharge systems on each lot shall be maintained by the property owners.

Other Improvements - located in the aforementioned rights-of-way, if any, shall be considered privately owned.

(CONSENT AGENDA Cont.)

Q. RESOLUTION #19-6-159 - EXTENSION OF TIME FOR THE COMPLETION OF PUBLIC IMPROVEMENTS - Various Projects

WHEREAS, Gail Smith, Township Engineer, has certified on June 19, 2019 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

Development	New Completion Date
Bedens Brook Valley, Landscaping at 24 Sunnyside Lane (Block 31001, Lot 11.06)	July 11, 2020
Bedens Brook Valley, Driveway Apron at 24 Sunnyside Lane (Block 31001, Lot 11.06)	July 11, 2020
Belle Mead Plaza (Site Work)	July 12, 2020
Belle Mead Plaza (Wet Ponds)	July 12, 2020
Country Club Meadows - Phase 1 (Site Work)	July 12, 2020
Country Club Meadows - Phase 1 (Landscaping)	July 12, 2020
Country Club Meadows - Phase 1 (Wet Ponds)	July 12, 2020
Nassau Racquet & Tennis Club Parking Lot Expansion	August 10, 2020
JER/Herring - Sidewalk Along Route 206	June 9, 2020

14-1. Deputy Mayor Gural moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Quraishi and carried on the following:

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

15. RESOLUTION #19-6-160 - AUTHORIZING RENEWAL OF 2019-20 PLENARY RETAIL CONSUMPTION LICENSES AND PLENARY RETAIL DISTRIBUTION LICENSES

WHEREAS, applications have been received for six (6) Plenary Retail Consumption Licenses, three (3) Plenary Retail Distribution Licenses and three (3) Club Licenses; and

WHEREAS, these applications have been made to the State of New Jersey, Division of Alcoholic Beverage Control and filing fees have been paid to the Township and to the State of New Jersey, Division of Alcoholic Beverage Control; and

WHEREAS, the Health Officer, the Police Director and Fire Inspector have inspected the applicants' property and have approved them as per reports filed with the Township Clerk; and

WHEREAS, no objections have been filed with the Township Clerk; and

WHEREAS, said applications have been examined by the Township Committee and the Township Committee finds that:

- The applicants electronically submitted application forms to the State of New Jersey, Division of ABC and are complete in all respects
- The applicants are qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;
- The applicants have disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Township Clerk is hereby instructed to issue the following Alcoholic Beverage Control Licenses for the year 2019-2020:

CLUB LICENSES

1813-31-004-001	Bedens Brook Club
1813-31-005-001	Princeton BPO Elks 2129
1813-31-006-991	Montgomery Tennis Patrons Associates

PLENARY RETAIL DISTRIBUTION

1813-44-001-009	Steel Built LLC
1813-44-010-003	M Wine and Liquor NJ, Inc.
1813-44-014-001	MTC Restaurant IV, LLC

PLENARY RETAIL CONSUMPTION

1813-33-002-017	AJA Montgomery LLC
1813-33-003-004	Princeton Innkeepers, Inc.
1813-33-009-002	MTC I, LLC
1813-33-011-002	MTC II, LLC
1813-33-012-002	MTC III, LLC
1813-33-013-001	Clubcorp NVI, LLC

15-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

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

16. **RESOLUTION #19-6-161 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR CHEMICALS FOR WASTEWATER TREATMENT**

WHEREAS, Resolution #18-7-164 adopted on July 5, 2018 awarded a contract for chemicals for wastewater treatment for 12 months with an option to extend for an additional 12 months to:

Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 19021 in the amount of \$346,940.50 for CES PACI 2000, Hydrated Lime, Citric Acid, and Sodium Hydroxide

Evoqua Water Technologies, 2650 Tallevast Road, Sarasota, FL 34243 in the amount of \$71,000.00 for Bioxide AQ.

Miracle Chemical Company, 1151B Highway 33, Farmingdale, NJ 07727 in the amount of \$32,850.00 for Sodium Bisulfite and Sodium Hypochlorite (Bulk).

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 amounts stated above for the extended year effective July 5, 2019 through July 4, 2020; and

WHEREAS, There exists Account Numbers 07-201-55-542-232, 07-201-55-543-232, 07-201-55-543-292A, 07-201-55-545-232, 07-201-55-547-232, 07-201-55-548-232, which will fund these goods; and

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

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby approves the 12-month extension pursuant to the above-described terms.

16-1. 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, Gural, Jaffer
Nays - None
Absent - Trzaska

17. **RESOLUTION #19-6-162 - PROFESSIONAL SERVICES RESOLUTION - Skillman Road Pathway and Paving Project - Menlo Engineering Associates**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineering firm to provide surveying, permitting, design services, bid documents, and other services necessary for the construction of a pathway along Skillman Road (between County Route 601 and Burnt Hill Road) and along Burnt Hill Road (between Skillman Road and Main Boulevard), and for Skillman Road roadway rehabilitation and associated work (between County Route 601 and Burnt Hill Road); and

WHEREAS, The Township has a need to acquire these services without a "fair and open process" as defined in P.L. 2004, c. 19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, The firm of Menlo Engineering Associates has submitted a proposal dated June 13, 2019 to provide the sought-after services to the Township for a sum not to exceed \$164,450.00; and

WHEREAS, It has been determined that the value of these services over the course of the contract is anticipated to exceed \$17,500; and

WHEREAS, Menlo Engineering Associates 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 Menlo Engineering Associates has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44-20.26 and an Affidavit Prerequisite to Execution Agreement Exempt from Public Bidding and in Excess of \$5,000 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. authorizes the award of a contract as "professional services" without competitive bidding; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #02-213-41-713-000 and #22-288-56-000.

(Item #17 Cont.)

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 Menlo Engineering Associates to provide surveying, permitting, design services, bid documents, and other services necessary for the Skillman Road pathway and road rehabilitation project.
2. Menlo Engineering Associates shall be paid a not to exceed fee of \$164,450.00 for its professional services.
3. A copy of this Resolution, the Certification of Contract Value, the June 13, 2019 proposal, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the official newspaper as required by law.

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, Gural, Jaffer
Nays - None
Absent - Trzaska

18. **RESOLUTION #19-6-163 - PROFESSIONAL SERVICES RESOLUTION - Pike Brook Odor Control Project Proposal for Construction Administration Services - Kleinfelder**

WHEREAS, the Township of Montgomery seeks to retain the services of professional engineering firm to provide construction administrative services during the construction of the Pike Brook Odor Control Project; and

WHEREAS, The Township has a need to acquire these services without a "fair and open process" as defined in P.L. 2004, c. 19, the "Local Unit Pay-To-Play Law", and Kleinfelder has competed and filed with the Township 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 the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A 19:44-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$ 5,000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-To-Play Forms"); and

WHEREAS, The firm of Kleinfelder has submitted a proposal dated February 19, 2019 to provide the sought-after services to the Township for the lump sum cost of \$62,670.00; and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract as "professional services' without competitive bidding; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #08-215-55-901-1543D and #08-215-55-901-1522D.

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 provide professional engineering services during the construction of the Pike Brook Odor Control Project.
2. Kleinfelder shall be paid a total lump sum fee of \$62,670.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the February 19, 2019 proposal, the Pay-To-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection
4. A notice of this action shall be published in the official newspaper as required by law.

18-1. 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, Gural, Jaffer
Nays - None
Absent - Trzaska

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

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-1. Mayor Jaffer opened the hearing to the public.

B-2. Jan Holmstrop, Raritan Valley Habitat for Humanity Executive Director, gave a brief background of the organization and spoke about this particular project.

Meg Helms, Raritan Valley Habitat for Humanity Board President, thanked the Governing Body for allowing this project.

Dave Dunham, Sunset Road, spoke about his involvement with Habitat for Humanity and what a great program this is.

B-3. Committeeman Schuldiner moved that the public hearing be closed. The motion was seconded by Committeeman Quraishi and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 20th day of June, 2019 and that notice thereof be published in an official newspaper as required by law.

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

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

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

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. Mayor Jaffer opened the hearing to the public. There being no comment, Committeeman Schuldiner moved that the public hearing be closed. The motion was seconded by Deputy Mayor Gural and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 20th day of June, 2019 and that notice thereof be published in an official newspaper as required by law.

20-1. 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, Gural, Jaffer
Nays - None
Absent - Trzaska

21. **APPROVAL OF MINUTES**

The Regular Session minutes of June 6, 2019 were approved as printed.

22. **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.

22-1. 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, Gural, Jaffer
Nays - None
Absent - Trzaska

23. **SUMMER MEETING SCHEDULE**

Administrator Nieman stated that there was a question about the meeting of July 3. He asked if there was going to be a quorum. He explained that if there would not be a quorum, the Governing Body could meet on July 11 and then July 18.

The Governing Body stated that there would be a quorum and the meeting would be July 3.

24. **WEAR ORANGE/GUN SAFETY AWARENESS RALLY**

Committeeman Schuldiner stated that he attended the June 7 Wear Orange/Gun Safety Awareness Rally that some Montgomery High School students put together and the Mayor hosted. It was a very solemn event. He was very impressed with the High School students.

Mayor Jaffer stated that she read a poem at the event titled "One Pulse, One Poem" by Richard Blanco. There was also discussion of many practical ways that gun violence could be confronted. She stated that the Township's Health Department offers a gun safety locking device.

25. **TOWN HALL MEETING ON DEVELOPMENT**

Committeeman Schuldiner stated that he attended the Town Hall meeting dealing with development on Jun 10. He recommended that residents watch the video of this meeting which is posted on the Township's website.

Mayor Jaffer stated that Planning Director Lori Savron provided a great overview of the planning process and there were many engaging questions.

26. **JUNETEENTH**

Mayor Jaffer reminded everyone that June 19 was the commemoration of the June 19, 1865 announcement of the emancipation of slaves in Galveston, Texas.

27. **PLAYA BOWLS AND BLOSSOM HAIR & BEAUTY SALON**

Mayor Jaffer stated she attended the Grand Opening events at Playa Bowls and the Blossom Hair & Beauty Salon which are located in the new shopping center at the intersection of Route 206 and Belle Mead-Griggstown Road.

28. **NEW JERSEY AFRICAN AMERICAN CHAMBER OF COMMERCE**

Mayor Jaffer stated that on June 17, Montgomery Township welcomed the New Jersey African American Chamber of Commerce for their annual golf classic at the Cherry Valley Country Club.

29. **COMMITTEE AND SUB-COMMITTEE REPORTS**

29-1. **TRANSPORTATION ADVISORY COMMITTEE**

Committeeman Schuldiner stated that the Transportation Advisory Committee discussed potential uses for autonomous vehicles along the Einstein Alley, which comes into Montgomery. He stated that Administrator Nieman came up with some suggestions for uses at the High School from some of their remote lots and as well as transporting some of the Stonebridge residents who don't have their own cars to some of the shopping areas on Route 206. This project is being done through Princeton University. They also discussed the speed limit changes that the Governing Body approved at a previous Township Committee meeting. It was suggested that, in the future, the Township send a mailer to the residents who will be affected by the speed limit changes. They discussed the 4-way intersection at Opossum Road and Orchard Road and the possibility of making this a 4-way Stop sign.

29-2. **PLANNING BOARD**

Committeeman Schuldiner stated that the Planning Board discussed the subdivision of a property that the Township is buying for Open Space. This property will be added to a park off Campmeeting Avenue near Hollow Road.

29-2. **SHADE TREE COMMITTEE**

Committeeman Quraishi stated that the Shade Tree Committee launched a new Facebook page.

29-3. **VETERANS MEMORIAL COMMITTEE**

Deputy Mayor Gural stated that Wreaths Across America will be coming back again this year. According to members of the Veterans Memorial Committee this is something that doesn't happen, but the Wreaths Across America organizers were so impressed with Montgomery's portion that they want to return.

29-4. **BOARD OF HEALTH**

Deputy Mayor Gural stated that the Board of Health is working on the updated grease trap ordinance. The Board will also be holding a hearing about the renewal or suspension of the Bed & Biscuit's pet boarding license.

29-5. **COMMUNICATION COMMITTEE**

Mayor Jaffer stated that the Communication Committee discussed some changes to the Township's website.

30. Mayor Jaffer stepped down from the dais.

31. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject to be discussed in this session is as follows:
 - Contract Negotiations.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Any agreements shall only be authorized by the Township Committee in a public session.

31-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried unanimously.

32. Meeting reconvened in Open Session and **ADJOURNMENT** was at 10:58 p.m. on a motion by Committeeman Schuldiner. The motion was seconded by Committeeman Quraishi and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk