

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
July 3, 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 and Schuldiner  
Committeeman Quraishi 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. **RESOLUTION HONORING EMS CADETS**

WHEREAS, A community possesses no greater treasure than the dedicated service of its volunteers; and

WHEREAS, When Montgomery EMS was officially formed on June 1, 1972, it consisted of approximately 50 volunteer members who provided emergency medical services 24 hours a day, 7 days a week, 365 days a year; and

WHEREAS, The following Montgomery EMS Cadets have graduated to full members and are to be recognized for their contributions while cadets to this great organization:

Gracious Anithanam	Carolyn Maslanka	Saud Tahir
Soham Dutta	Michael Milano	Aarushi Varshney
Giulia Gerschel	Prianca Nadkarni	Nandita Vasantha
Annie Hathaway	Parin Panji	
Julia Jaklik	Fawaz Tahir	

WHEREAS, These Cadets joined the Montgomery EMS as early as age 16; have completed the full, rigorous 210 hour EMT certification class and passed the State EMT test; volunteered with Montgomery EMS at least 20 hours a month; have assisted in squad fundraising activities and stood by to provide medical support for a multitude of community events; and have served the health and safety of residents through thousands of volunteer hours on 9-1-1 duty shifts.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery Township Committee congratulates the 2019 Montgomery EMS Cadet Program graduates on all their past accomplishments and expresses deep gratitude for their continued commitment to the citizens of Montgomery Township on this 3<sup>RD</sup> day of July, 2019.

- 4-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried unanimously.
- 4-2. Johanna Snedecker, Cadet Advisor for EMS, thanked the Governing Body for recognizing this amazing group of graduates who have been serving the community as volunteers for the past two years. She stated that volunteerism is not dead, it is still very much alive and here in Montgomery the foundation that these young people get from the EMS is amazing because the EMS members know that they are going to go on and continue volunteering. Together these graduates have given 6,332 hours of on-call time. They have responded to over 1,000 emergency calls in the time that they have been serving. This is while keeping their studies up s well as all the other multitude of things they are involved in. They are truly a joy to work with and a pleasure. She recognized Nandita, Fawaz, Parin and Saud for their role as Senior Cadet Leaders and independently they served over 450 hours and responded to over 75 calls to earn that title. She also recognized Aarushi, Carolyn, Guilia and Prianca, who were not able to reach that goal before they graduated from high school but certainly by the end of the summer they will have accomplished it before they leave for college.
5. **PUBLIC COMMENT**  
Mayor Jaffer opened the public comment portion of the meeting. There being no public comment, Mayor Jaffer closed this portion of the meeting.
6. Mayor Jaffer stepped down from the dais.

7. **KID CONNECTION FINANCIAL PRESENTATION**

Chief Financial Officer Michael Pitts explained the following:

- 2019-2020 Kid Connection Pricing per School Year;
- Kindergarten "Fully Loaded";
- Kid Connection Total Enrollment, from 2012 to present;
- Kid Connection Employee Costs for calendar year 2019
- Calendar Year 2019 expense sources;
- Montgomery Township Calendar Year 2019 Budget Impact;
- 3 year old profit & loss (2019-2020 school year);
- 4 year old profit & loss (2019-2020 school year);
- Kindergarten profit & loss (2019-2020 school year);
- 1<sup>st</sup> Grade profit & loss (2019-2020 school year);
- 2<sup>nd</sup> Grade profit & loss (2019-2020 school year);
- Kid Connection Revenues vs Expenses FY 2020;
- Montgomery Township CY 2020 Budget Impact.

8. **RESOLUTION #19-7-164 - APPROVING SHARED SERVICES AGREEMENT BETWEEN MONTGOMERY TOWNSHIP AND BOARD OF EDUCATION - Kid Connection**

BE IT RESOLVED That the Montgomery Township Committee hereby approves a shared services agreement between Montgomery Township and the Board of Education to operate Kid Connection through the end of school year 2020, subject to review and approval by the Township Administrator and Township Attorney.

- 8-1. 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, Trzaska, Gural  
Nays - None  
Absent - Quraishi, Jaffer

- 8-2. Attorney Van Hise explained that based on the last Governing Body meeting and the comments that were made, both by members of the public, staff and the School Board representatives present, the Township Committee determined that they were going to reevaluate and since that time have been in communication with the Board of Education. The Governing Body appreciates the Board of Education for working with the Township to resolve the difficulties of the loss of classroom space and loss of bussing. The Board, at their last meeting, committed to making the classrooms and bussing available. The Township, in approving the shared services agreement, is committed to operating the Kid Connection program through the end of the school year 2020.

- 8-3. Committeeman Trzaska mentioned that making this agreement for the whole school year is a great compromise that will help the Board of Education, the 3<sup>rd</sup> party partner, the parents and the teachers. He thought this was a good idea so that the Board of Education and the 3<sup>rd</sup> party partner can sit down and possibly negotiate for continuing the program going forward.

- 8-4. Committeeman Schuldiner stated that he had attended the Board of Education meeting and the Board mentioned they might undertake a study on the possibility of a full day kindergarten. The Township is committed to running this through June, 2020.

- 8-5. Deputy Mayor Gural stated that the Township Committee formed a subcommittee regarding Kid Connection in January, 2019. The Board of Education also had a subcommittee and there have been a dozen people who have been engaged since the beginning. This whole process has been collaborative. She extended appreciation to the Board and the Township's subcommittees for time spent on this.

- 8-6. 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:

Lisa Stryker, Audrey Starkman, Jane Arrua, Tom McCarthy, David Gaynor, Irene Stein, Mae Potts, Cortney Flores, Barbara Chenot, Hyson Lee, Ramin Rhazmany, Rajagopal Ekkadu, Patty Fox, Lara Katz, Eileen Motherway, Megan Brant, Maureen Boyer.

9. Mayor Jaffer returned to the dais.

10. **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 #19-7-165 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - David Tormey - Car Show**

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BE IT RESOLVED By the Montgomery Township Committee as follows:

1. David Tormey has requested approval of the Township Committee to conduct a car show event at Princeton Airport on October 5, 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 four (4) Private Duty Police Officers at the event.
4. The organizers will obtain the required fire permit from Township Fire Marshall, Roy Mondì.
5. The organizers will obtain the required health certificates from the Township Health Department.

B. **RESOLUTION #19-7-167 - RELEASE OF MAINTENANCE GUARANTEE AND EXTENSION OF RIDER - Johnson & Johnson, Building Renovation and Parking Expansion**

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WHEREAS, Gail Smith, Township Engineer, has certified on June 25, 2019 that all public improvements in a project known as Johnson & Johnson, Building Renovation and Parking Expansion 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 #82387199 and Extension Rider #82387199-Rider in the amount of \$283,033.35 be released to Wells Fargo Bank NA, 1378 Route 206, Skillman, NJ 08558.

BE IT FURTHER RESOLVED That the escrow funds in account PB-08-15 may be released following the billing of inspections.

C. **RESOLUTION #19-7-168 - RELEASE OF PERFORMANCE GUARANTEE - Blawenburg Village - Yardville National Bank**

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WHEREAS, On July 1, 2019 Bruce Norfleet, Director, Blawenburg Associates, LLC requested that the Township cancel the Blawenburg Village - Yardville National Bank approvals and permits with respect to Case Nos. PB-12-06; and

WHEREAS, Since Blawenburg Village Associates, LLC will not proceed with the project, the bonded improvements will not be constructed and bonds can be released.

NOW, THEREFORE, BE IT RESOLVED That Gail Smith, Township Engineer has recommended that the Township Committee consider the release of the posted Performance Guarantee.

BE IT FURTHER RESOLVED That no Maintenance Bond is required and all escrow accounts can be closed and the funds returned upon payment of any current charges. No improvements will be accepted by the Township.

10-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Gural and carried on the following:

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

11. **RESOLUTION #19-7-166 - REDUCTION #1 OF SAFETY AND STABILIZATION GUARANTEE - Fiveighteen Associates, Parking Lot Expansion**

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WHEREAS, Gail Smith, Township Engineer, has certified on June 25, 2019 that a safety and stabilization guarantee posted for Fiveighteen Associates, Parking Lot Expansion (Block 28004, Lot 44.03) may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a safety and stabilization guarantee as specified in the Township Engineer's estimate dated June 25, 2019.

(Item #11 Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced safety and stabilization guarantee amounting to \$5,383.24, reduced from \$5,656.96, be posted as follows:

10% cash	\$ 538.32
90% cash, Letter of Credit, or Surety Bond	\$4,844.92

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 - Trzaska, Gural, Jaffer  
Nays - None  
Absent - Quraishi  
Abstain - Schuldiner

12. **MAYORAL APPOINTMENTS - Environmental Commission**

BE IT RESOLVED That Frank Derby is hereby appointed Environmental Commission Regular Member, replacing Paige Torgerson, 3 year unexpired term expiring December 31, 2021.

BE IT RESOLVED That Marcie Encinas is hereby appointed Environmental Commission Alternate I, replacing Frank Derby, 2 year unexpired term expiring December 31, 2019.

13. **RESOLUTION #19-7-169 - AWARD OF BID #B01-2019 - 2019 Road Improvements Project**

WHEREAS, The following bids for 2019 Road Improvements Project were received and publicly opened on June 26, 2019:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
DeSantis Construction, Inc.	\$ 1,319,993.95
Top Line Construction Corp.	\$ 1,586,272.55

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Engineer that DeSantis Construction, Inc. 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 04-215-55-901-1416B, 04-215-55-901-1494B, 04-215-55-901-1521B, 04-215-55-901-1611B which will fund this project.

NOW, THEREFORE, BE IT RESOLVED BY THE Montgomery Township Committee that the contract for 2019 Road Improvements Project is hereby awarded to:

DeSantis Construction, Inc.  
491 Elizabeth Avenue  
Somerset, NJ 08873

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

13-1. 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, Trzaska, Gural, Jaffer  
Nays - None  
Absent - Quraishi

14. **RESOLUTION #19-7-170 - AUTHORIZING AGREEMENT WITH SOMERSET COUNTY IMPROVEMENT AUTHORITY AND DMR ARCHITECTS FOR ADDITIONAL SERVICES FOR THE NEW MUNICIPAL COMPLEX**

BE IT RESOLVED That the Township Administrator is authorized to execute an extension of an agreement with the Somerset County Improvement Authority and DMR Architects for additional architectural services for the new municipal complex.

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, Trzaska, Gural, Jaffer  
Nays - None  
Absent - Quraishi

15. **RESOLUTION #19-7-171 - TO AUTHORIZE SOMERSET COUNTY IMPROVEMENT AUTHORITY TO FINANCE ADDITIONAL FUNDING FOR THE NEW MUNICIPAL COMPLEX**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Somerset County Improvement Authority to finance additional funding up to \$14 million for the new municipal complex.

15-1. 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, Trzaska, Gural, Jaffer  
Nays - None  
Absent - Quraishi

16. **RESOLUTION #19-7-172 - RESOLUTION AMENDING RESOLUTION NO. 19-5-125 DESIGNATING TWO (2) ADDITIONAL TRACTS OF MUNICIPALLY-OWNED PARKS AND OPEN SPACES TO BE INCLUDED IN MONTGOMERY TOWNSHIP'S DEER MANAGEMENT PROGRAM PURSUANT TO CHAPTER IX, SECTION 9 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) FOR THE HUNTING SEASON BEGINNING IN SEPTEMBER 2019 AND ENDING IN FEBRUARY 2020**

WHEREAS, By Resolution No. 19-5-125 adopted on May 16, 2019, the Township Committee designated which parks and open spaces will be made available for hunting through the Township's municipal deer management program and during which dates for the hunting season beginning in September 2019 and ending February 2020; and

WHEREAS, The Wildlife Committee has recommended that two (2) recently-acquired properties be added to the list of properties designated for hunting identified in Resolution No. 19-5-125, referred to as "Mountainview" and "Fairview."

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY as follows:

1. Resolution No. 19-5-125 is hereby amended to add to the list of properties identified in paragraph 1.A. through S. thereof, on which hunting of white-tailed deer will be allowed, the following two (2) additional properties which were recently acquired by the Township:

T. Mountainview

Designation: Block 32001, Lot 24

Location: 60.4± acres on Northwest Corner of Cherry Valley and Mountainview Roads

Seasons/dates: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2019-2020, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of Resolution No. 19-5-125:

Fall bow: September 14 - October 25, 2019

Permit bow: October 26 - December 24, 2019

December 26 - December 31, 2019

Winter bow: January 1 - February 15, 2020

Permits: No more than six (6) municipal deer management permits, and no more than two (2) Youth Hunting permits, shall be issued for this property.

Other restrictions: Properly licensed persons hunting deer are authorized to take coyotes or foxes during the fall bow, permit bow, and winter bow seasons if the coyote or fox is encountered before said person has taken the season bag limit of deer. However, after the person has taken a daily bag limit of deer he or she must cease hunting immediately.

Properly licensed persons hunting deer who have a valid turkey season permit from the New Jersey Division of Fish and Wildlife are authorized to take turkeys of either sex during the one week of the permit bow season that coincides with the fall turkey season if the turkey is encountered before said permittee has taken the season bag limit of deer. However, after the person has taken a daily bag limit of deer he or she must cease hunting immediately.

Hunting on Sundays shall be strictly prohibited.

Permittees using elevated tree stands on Township property shall use a full-body safety harness.

(Item #16 Cont.)

U. Fairview

Designation: Block 14001, Lot 7

Location: 24.4+ acres on Fairview Road (Supplemental Property)

Seasons/dates: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2019-2020, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of Resolution No. 19-5-125:

Fall bow: September 14 - October 25, 2019

Permit bow: October 26 - December 24, 2019  
December 26 - December 31, 2019

Winter bow: January 1 - February 15, 2020

Permits: No more than two (2) municipal deer management permits, and no more than two (2) Youth Hunting permits, shall be issued for this property. Permit eligibility for this property is restricted to 2018-2019 permittees who (i) harvested at least two (2) deer during the 2018-2019 season in accordance with the terms of their permit and (ii) pay the full permit price for this property to be their primary hunting assignment (i.e., \$100.00).

Other restrictions: Properly licensed persons hunting deer are authorized to take coyotes or foxes during the fall bow, permit bow, and winter bow seasons if the coyote or fox is encountered before said person has taken the season bag limit of deer. However, after the person has taken a daily bag limit of deer he or she must cease hunting immediately.

Properly licensed persons hunting deer who have a valid turkey season permit from the New Jersey Division of Fish and Wildlife are authorized to take turkeys of either sex during the one week of the permit bow season that coincides with the fall turkey season if the turkey is encountered before said permittee has taken the season bag limit of deer. However, after the person has taken a daily bag limit of deer he or she must cease hunting immediately.

Hunting on Sundays shall be strictly prohibited.

Permittees using elevated tree stands on Township property shall use a full-body safety harness.

2. The remaining provisions of Resolution No. 19-5-125 unaffected by this Resolution shall remain in full force and effect, and shall apply in equal force to the "Mountainview" and "Fairview" properties.

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

17. APPROVAL OF MINUTES

The Regular Session minutes of June 20, 2019 were approved as printed.

18. **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.

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

19. **REQUEST FOR CONSTRUCTION FEE REDUCTION FOR ROOF PERMIT - Montgomery Evangelical Free Church**

Administrator Nieman stated that there had been a request from the Montgomery Evangelical Free Church for a fee reduction for a roof permit. He explained that the statute is very specific as to what the Township can waive fees for and unfortunately churches do not fall under that provision. So the Township cannot waive the fees.

20. **EAGLE SCOUT CEREMONY**

Mayor Jaffer stated that she spoke at the June 22 Eagle Scout ceremony.

21. **FIREWORKS**

The Governing Body and Administrator Nieman acknowledged all of the hard work that went into the Township's Fireworks event. They publicly thanked the Recreation Department, Police Department and the Public Works Department.

22. **RARITAN VALLEY COMMUNITY COLLEGE**

Administrator Nieman stated that he and Planning Director Lori Savron met with the Raritan Valley Community College Director of Outreach and Community Education. She would like to set up a meeting with the Governing Body to discuss what the college might do for entrepreneurs and business in Montgomery.

23. **NEW JERSEY TRANSIT**

Administrator Nieman stated that he, Township Engineer Gail Smith and Planning Director Lori Savron attended the Luncheon with the new Director of New Jersey Transit. They articulated the Township's concerns about transportation in Montgomery, the expansion of public bus service, support for the new tunnel into Manhattan, and the West Trenton Line.

24. **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:
  - Labor Contract Negotiations (Police);
  - Advice of counsel regarding shared services agreement with Somerset County Library System.
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.

24-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.

25. Meeting reconvened in Open Session and **ADJOURNMENT** was at 11:20 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Deputy Mayor Gural and carried unanimously.

Date of Approval: