

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 18, 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. **EAGLE SCOUT PROCLAMATION** - Avhan Misra, Ethan Rizzi and Rohan Shah

WHEREAS, The prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Avhan Misra, Ethan Rizzi and Rohan Shah; and

WHEREAS, The standards established for this honor are high and very difficult to achieve; and

WHEREAS, Those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED That with great pride, the Montgomery Township Committee congratulates Avhan Misra, Ethan Rizzi and Rohan Shah on this remarkable achievement and extends its sincere wishes for continued success.

- 4-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried unanimously.
- 4-2. Rohan Shah's Eagle Scout project involved placing trail markers along the trail through the woods in Mill Pond Park and ending at the road. He chose this project because he runs Cross Country on these trails and wanted to pick a project whereby he could let more people know about this specific trail. He thanked Open Space Coordinator Lauren Wasilauski, Police Sergeant Brian Hofacker and the PBA for their donation, the Open Space Committee, the Mayor and the Scouts for their help and support.
- 4-3. Ethan Rizzi's Eagle Scout project involved a 9-11 Memorial event at the Mary Jacobs Library. There was a donation of a stone, a podium and refreshments as part of the event. The main focus of this event was bringing the community together to reflect on a time that was tragic in our nation's history, and the dedication of a flag with a proper flag ceremony for Rocky Hill resident, William Fallon, who perished in the 9-11 attacks and was very important to the library. He thanked all those who helped him with this project.

5. **PUBLIC COMMENT**

- 5-1. Jessie Havens, Ludlow Avenue, spoke about the potholes in Montgomery Veterans Park, between the parking lot and the pavilion. She stated that the drainage looked good at the moment, but explained that the drainage will be a problem when the ground is frozen in the winter. She urged the Governing Body to look into fixing this problem before the winter.
- 5-2. Brett Borowski, York Drive, stated that he inquired at the Health Department if there was a medicine drop off permanently installed in town and the response he received is that there is a 24/7 drop off box at the Hillsborough Police Department. He suggested that once the new Municipal Building is built there could be such a drop off there. Administrator Nieman stated that there is no space for it at present but there have been conversations about having one at the new building.

Mr. Borowski asked about the \$14 million bond authorization that appeared on the July 3 agenda, which authorized an addition to the Somerset County Improvement Authority. He wondered if that was another part of the original \$25 million dollars. Administrator Nieman explained that this was authorization to start the process for an additional amount of money to complete the Municipal complex project. Mr. Borowski stated that he thought that, at an earlier Township Committee meeting, it was stated that \$25 million was set because they didn't want to have to come back and ask for more money. He asked about updates on the design of the new complex, as he has not heard anything recently. He thought that the change of design of the exterior and the use of different materials was to reduce costs. Mayor Jaffer replied that the \$35+ million was already the cost when they started discussions in January of 2019. She explained that the Township is currently fine tuning the design with the architects.

(Item #5-1 Cont.)

Mr. Borowski stated that he has become aware that the Mary Jacobs Foundation announced that they have sent termination notice to the Somerset County Library System in December of 2018, because they needed to give them two years notice to get out of the Mary Jacobs Library building. He asked what the time frame was to go out to bid on the new complex. Administrator Nieman stated that, as of right now, it was expected that the bid would be going forward in January of 2020. Mr. Borowski inquired as to where Montgomery and Rocky Hill residents would go for a Somerset County library. Administrator Nieman explained that the Somerset County Library System has been in discussion with Mary Jacobs Library to see if there could be an extension of time. He also understood that they were looking at alternative locations that they can still provide service to Rocky Hill and Montgomery.

Mr. Borowski asked if the Hollow Road Quiet Zone was what the Governing Body discussed a couple of years ago. Administrator Nieman stated that the discussion had actually begun approximately 15 years ago, and it took CSX well over two years to get back to the Township with a design.

6. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #19-7-173 - APPROVAL OF OUTDOOR ASSEMBLY - Hackensack Meridian Health Carrier Clinic - Walk of Hope**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Hackensack Meridian Health Carrier Clinic has requested approval of the Township Committee to conduct an Outdoor Assembly for the Walk of Hope at 252 Route 601, Belle Mead, NJ 08502 on September 21, 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 Montgomery Township Police Department has reviewed and approved the application.
4. The organizers will obtain the required health certificates from the Township Health Department, if applicable.
5. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments, if applicable.

B. **RESOLUTION #19-7-174 - AUTHORIZING AN AGREEMENT FOR SEWER CAPACITY RESERVATION AGREEMENT IN SKILLMAN VILLAGE SEWAGE TREATMENT PLANT FOR TULADHAR EDUCATIONAL SERVICES, INC. (d/b/a The Goddard School)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement with Tuladhar Educational Services, Inc. (d/b/a The Goddard School) for reservation of remaining sewer capacity in the Skillman Village Sewage Treatment Plant for Block 28006, Lot 67, subject to review and approval by the Township Engineer and Township Attorney as to form and content.

C. **RESOLUTION #19-7-175 - AUTHORIZING AN AGREEMENT FOR INFRASTRUCTURE UPGRADE AND CAPACITY IN PIKE BROOK SEWAGE TREATMENT PLANT WITH HACKENSACK MERIDIAN HEALTH-CARRIER CLINIC**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement with Hackensack Meridian Health-Carrier Clinic for reservation of infrastructure upgrade and capacity in the Pike Brook Sewage Treatment Plant for Block 2001, Lot 2, subject to review and approval by the Township Engineer and Township Attorney as to form and content.

6-1. Deputy Mayor Gural moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Schuldiner and carried on the following:

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

7. **RESOLUTION #19-7-176 - RESOLUTION AUTHORIZING CONSTRUCTION AGREEMENT WITH CSX TRANSPORTATION, INC. FOR ESTABLISHMENT OF THE PROPOSED HOLLOW ROAD QUIET ZONE.**

WHEREAS, Pursuant to rules established by the Federal Railroad Administration ("FRA"), and in cooperation with the FRA, local governments may prohibit the sounding of locomotive horns at grade crossings through the establishment of a "Quiet Zone" and the implementation of railroad grade crossing improvements; and

WHEREAS, There is a railroad grade crossing located on Hollow Road, a roadway owned and maintained by the Township; and

WHEREAS, The Township has determined that the implementation of a Quiet Zone for the Hollow Road railroad grade crossing (US DOT Crossing No. 592920K / Rail Mile Post 45.29) serves the public health, safety and welfare; and

WHEREAS, The Township has made application to create a Quiet Zone for the Hollow Road railroad grade crossing that would restrict the routine sounding of railroad horns twenty-four hours per day, seven days a week, and that would involve the placement of a four-quadrant gate (the "Project"); and

WHEREAS, CSX Transportation, Inc. ("CSXT") is the railroad company that currently operates over the crossing within the proposed Quiet Zone; and

WHEREAS, As required for the establishment of a Quiet Zone, the Township has requested that CSXT proceed with the necessary preliminary engineering services; changes in communication and signal lines work; flagging and other protective services; and construction engineering and inspection services for the Project to facilitate the parties' consideration of the Project and has agreed to reimburse CSXT for the costs of such services; and

WHEREAS, CSXT has estimated that the total costs and expenses for the preliminary engineering services; changes in communication and signal lines work; flagging and other protective services; and construction engineering and inspection services for the Project to be approximately \$571,775; and

WHEREAS, CSXT as the owner / operator of the railroad crossing is the only entity CSXT will permit to perform the necessary preliminary engineering services; changes in communication and signal lines work; flagging and other protective services; and construction engineering and inspection services for the Project, and CSXT has the skills and resources necessary to do so; and

WHEREAS, Due to the scope and nature and projected cost of the specified services, pursuant to N.J.S.A. 40A:11-5(1)(a)(ii), the services being provided by CSXT are extraordinary unspecifiable services that are not subject to the public bidding requirements of N.J.S.A. 40A:11-3(a) and 40A:11-6.1(a); and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available to pay for said services in Account #04-215-55-901-1542B.

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

1. A certain agreement entitled "Construction Agreement" by and between the Township of Montgomery and CSX Transportation, Inc. for preliminary engineering services; changes in communication and signal lines work; flagging and other protective services; and construction engineering and inspection services for the proposed Hollow Road Quiet Zone is hereby approved, and the Mayor and Clerk are authorized to execute the same.
2. A true copy of the executed agreement shall remain on file in the office of the Township Clerk.

7-1. 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

8. **RESOLUTION #19-7-177 - RESOLUTION AUTHORIZING EXECUTION OF LEASE FOR WIRELESS TELECOMMUNICATIONS FACILITY**

WHEREAS, By Resolution No. 19-6-142 adopted on June 20, 2019, the Township Committee awarded the "Lease for Public Property for Wireless Telecommunications Facility" ("Lease Agreement") to Global Signal Acquisitions III LLC; and

WHEREAS, Upon the effective date of the Lease Agreement, Global Signal Acquisitions III LLC will be maintaining and operating the existing cell tower that CCGS Holdings LLC is presently maintaining and operating; and

WHEREAS, Prior to execution of the Lease Agreement, Global Signal Acquisitions III LLC has requested that the following amendments to be made to section 8 of the form of Lease Agreement regarding insurance requirements, and as set forth in the revised form of Lease Agreement which is on file with the Clerk's office: (1) amendment to standard notice of cancellation language; (2) removal of specific requirement that the tenant's subcontractors maintain the identical coverage as the tenant; and (3) removal of waiver of subrogation language; and

(Item #8 Cont.)

WHEREAS, The requested changes are reasonable and consistent with the intent of the Lease Agreement.

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 revised form of Lease agreement is hereby approved. The Mayor and Clerk are hereby authorized and directed to execute same.
3. All remaining provisions of Resolution No. 19-6-142 adopted on June 20, 2019 not inconsistent herewith shall remain in full force and effect

8-1. 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

9. **APPROVAL OF MINUTES**

The Regular Session minutes of July 3, 2019 were approved as printed.

10. **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.

10-1. 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

11. **BOARD OF EDUCATION**

Committeeman Schuldiner stated that he attended the Board of Education meeting to ensure that they approved the shared services agreement for Kid Connection, that the Governing Body approved at their last meeting.

12. **SHARED SERVICE AGREEMENTS**

Administrator Nieman stated that Pennington Borough has renewed their Shared Services with the Board of Health. The Boroughs of Rocky Hill and Hopewell are also in the process of renewing their Shared Services with the Board of Health.

13. **MUNICIPAL BUILDING AIR CONDITIONING**

Administrator Nieman stated that the air conditioning in half of the Municipal Building failed and has been out for almost two weeks. He explained that there had been temperatures in excess of 95 degrees in the rear of the building and in the upper 80's in the Police Department. He acknowledged and thanked the employees for their sacrifices and service during this really difficult situation.

14. **TAX RATES**

Chief Financial Officer Michael Pitts stated that the Township will be receiving their tax rates on July 19 from the County. The tax bills are planned to be mailed out by the end of the following week. There will be notices put out on Social Media and the website. The grace period will be extended from August 10 to probably the end of August.

15. COMMITTEE AND SUB-COMMITTEE REPORTS

15-1. PLANNING BOARD

Committeeman Schuldiner stated that the Planning Board approved the walkway at Stonebridge at Montgomery which went from one part of the building to the other. He explained that there was an elevation difference of approximately six (6) feet, and because a number of the residents are in wheelchairs or have difficulty with walking, they wanted to have some easier way of moving the residents between the two buildings.

16. 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:
 - Advice of counsel regarding Country Club Meadows;
 - Potential acquisition of property for open space, farmland, conservation and municipal purposes (Block 10001, Lot 8 {Spencer}).
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. Any agreements shall only be authorized by the Township Committee in a public session.

16-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried unanimously.

17. The meeting reconvened in Open Session and ADJOURNMENT was at 8:24 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