

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
April 16, 2020

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 Schuldiner, Committee members Gural, Keenan and Huang

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: "Although this meeting is the regularly scheduled meeting of the Montgomery Township Committee, due to the State of Emergency that exists as a result of the COVID-19 Coronavirus crisis, and in accordance with Executive Order No. 104 issued by Governor Murphy on Monday, March 16 limiting public gatherings, this meeting is being held virtually by webcast, simulcast on Comcast Cable Channel 29, and public participation is enabled by Zoom Meeting. In light of these special circumstances, it is the Committee's intention to limit the agenda during this State of Emergency to items necessary for the continued operation of the Township and to conclude this meeting as soon as practicable.

3. Mayor Jaffer led the Salute to the Flag.

4. **COVID-19 VIRUS UPDATE**

Health Officer Stephanie Carey stated that New Jersey has over 75,000 cases of COVID-19, the second highest number in the country. There have been over 3,500 deaths in New Jersey. In Somerset County there are over 2,000 positive cases and 121 deaths. She stated that Montgomery has 58 positive cases and unfortunately there has been one death. She thanked the people of the community for supporting and continuing to follow the "Stay At Home" order. She stated that nursing homes and other long term care facilities are experiencing outbreaks. She explained that they are working throughout their jurisdiction with those facilities to make sure that they are following the best available infection control, isolating the sick and quarantining those who are exposed to slow the spread of the virus. Ultimately, the question everyone wants to know is when are we going to reopen. The virus will tell us when. This will be when we're able to make sure that we have both the contact tracing and the testing resources in place across the state to be able to reopen safely. When that happens, it will be a gradual staged reopening. She reminded everyone of the importance of wearing face masks in public. She further reminded everyone that even though they don't have symptoms, they could be carriers of the virus. These face masks are a supplement to, not a substitute for, social distancing and limiting trips out of the house. She stated that there is a steady improvement in the availability of testing. Somerset County has opened their joint testing center with Hunterdon County located at Raritan Valley Community College. This site is by appointment and with a prescription or written order from a physician. She thanked the Governing Body for their foresight over the last couple of years for supporting the Public Health Nursing position. Montgomery has more nursing resources available to the community than most peer Health Departments in New Jersey and this is really making a difference. She thanked the community for rallying together by shopping for others, making Personal Protective Equipment and donating to others who are in need.

Mayor Jaffer expressed condolences to the family who lost their loved one to COVID-19 and congratulated the County on opening the drive through testing site. She commended all of the Township staff for doing an excellent job under these difficult circumstances. She stated that she has been particularly focused on communications, both due to the importance of it in a time of crisis but also due to the demands of the public for timely information and direct communications from the Mayor. To that end, the Township has engaged a consultant from Stepping Stone Strategies to formalize a COVID-19 Communications Plan. She also started creating video updates and aims to release these on a weekly basis. She has featured staff and plans to include other professionals and community leaders in the future. As a way for the Township community members to learn more about the Township Committee and their elected officials she requested that Township Committee members, who are interested, prepare a brief statement about what they are working on in this time of crisis or their messages to the community to be read at the next Township Committee meeting. She will make this into a brief video clip that can be shared publicly. She has also spoken with many community members who are concerned about the closure of parks and she reiterated that the Township Committee all agree that parks are important and are part of all lives in Montgomery. They look forward to reopening them when it is safe and healthy to do so. Montgomery's Office of Emergency Management is coordinating the effort to strategize about the safe reopening of the parks.

5. **PUBLIC COMMENT**

- 5-1. Mayor Jaffer reported on an email from Mr. Jack Garhart asking about social media postings from Township Committee members. She stated that all of the Township Committee's comments that are made in their capacity as elected officials will be documented by the Clerk's office and available to the public.
- 5-2. The Clerk stated that Brett Borowski, York Drive, called thanking Chief Financial Officer Michael Pitts for the sewer information he provided.

(Item #5 Cont.)

5-3. The Clerk read the following email from Michele Ender, Durham Road, into the record:

"Dear Montgomery Township Committee:

Please open our township parks so that people can walk and get exercise during this difficult time of isolation and stress. After a while (and we've been stuck at home for a month now) it's nice to go to a park and walk a trail to get a change of scenery. Most people in our town are very respectful and are following the guidelines of staying 6 feet from others. The limited times I have ventured out, it is like a ghost town around here. People seem to be staying home as much as possible. Going outside and getting fresh air, sunshine and vitamin D is a natural disinfectant of viruses. It's scientifically proven!

Thank you"

Mayor Jaffer acknowledged the email and Ms. Ender's concern. The Township Committee would certainly like open access to the parks as soon as their professional staff advises that this is the safest and healthiest thing to do.

5-4. The Clerk read the following email from Mark Hornung, Servis Road, into the record:

"On April 6, the township's daily COVID-19 case report included a promotion for our township parks, "get close to nature ... while practicing social distancing!" The next day, April 7, the township ordered all township parks closed, "to discourage gathering of groups and the attraction of persons to our parks from other towns, which would occur if our parks remained open while other municipalities closed", a "necessary step to take in the public interest". Given that 3 of our 4 neighboring towns (Princeton, Hopewell, and Hillsborough) have kept their parks open in what they consider to be their public interest; and given that the gathering of groups was apparently not a problem a day earlier; and given the documented health benefits of fresh air and exercise and of spreading out in open spaces rather than being confined in close indoor quarters to reduce spread of the virus, especially for households in which some members are essential workers, and/or who live in dense housing such as apartments; and given the demonstrated public opposition to the closing of state and county parks, with 1/3 of state assembly members on record as opposed; and given the critical need for public support for physical distancing, which has been undermined by the abrupt decision to close state and county parks; and given the exclusion of municipal parks from the governor's order, for the reason of encouraging NJ residents to stay closer to home to reduce spread of the virus; and given the overwhelming bipartisan support over many decades in our town to create open space in general and parks in particular; and given that the township committee reached its decision in private, without the opportunity for the public to observe debate or comment; please explain (1) in more detail the decision-making process, and rationale, to promote use of our parks on April 6, but close our parks on April 7, and (2) why it is in the public interest for our law-abiding residents to drive to parks in neighboring towns, rather than be allowed to use parks in our own neighborhoods, and (3) what measures the township is taking to mitigate the damage to the health of our residents as a result of this order, and (4) what enforcement measures the town is using, and what penalties are being imposed, on residents or non-residents found to be in violation of the order."

Mayor Jaffer stated that the Governor closed the State and County parks on advisement of experts working for him. That did change our reality in terms of the impact that would have on our parks and though it is certainly true that it was left open to the municipalities, she assured the public that, in calls that she has been on with Mayors of other towns that didn't decide to close their parks, they have seen an uptick of crowds and difficulty in maintaining the social distancing there. She thinks that the municipality is in an emergency situation and these are not normal circumstances, especially as the number of infections and fatalities increase. This illustrates the need for emergency measures like these that prevent congregation. Also, it very important that we protect the health and safety of our Police Department and not put them in situations where they themselves could get sick. She stated that fresh air and being in nature is very important, and we still have that ability.

Administrator Nieman stated that as soon as the Governor announced the closure of State and County Parks the Police Director, the Emergency Management Coordinator, Health Officer and he discussed the impact that it would have in Montgomery particularly with two large County parks located within the Township and the Delaware and Raritan Canal being closed. Simultaneously, Franklin Township closed all of their parks. This point needs to be considered in any discussion as to why the parks are closed. He noted that the Township had to removed backboards from basketball equipment because people were congregating on the courts, people were attempting to play tennis and even today people were cutting and trying to remove the plastic fences from the playground equipment.

Administrator Nieman explained that the Township is not issuing fines, rather the objective is to keep people safe. The Police urged people to leave the parks, when they find them there. Captain Gill explained that he has advised all of the officers to use the utmost discretion when dealing with the violations they have witnessed. They are giving multiple warnings and are asking people to disperse. He understands that closing the parks has been a major detriment to everyone everywhere. He stated that most people are observing the social distancing rule, but a small percentage are not and that small percentage could potentially make everyone a victim of this virus.

Committeeman Huang stated that he supported the closure of the parks. He expressed his concern that there is a large segment of town without sidewalks so people are walking on the streets. He asked that motorists be extra cautious on the roads. Committeewoman Keenan also stated that pedestrian should make sure they walk on the correct side of the road facing the traffic.

(Item #5 Cont.)

5-5. The Clerk read the following email from Brett Borowski, York Drive, into the record:

"What's the point of a 3-minute limit if residents can't actually speak to TC during this meeting?"

This is a joke. (And yes, that last line is part of my comment.)"

Mayor Jaffer explained that the three minutes is really just an estimation

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 #20-4-97 - AMENDING RESOLUTION #19-4-111 - AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT** - Stage II WWTP Flood Protection Project Amendment for Additional Design and Permitting Services - Kleinfelder, Inc.

BE IT RESOLVED By the Montgomery Township Committee that Resolution #19-4-111 adopted April 18, 2019, which authorized an increase to the Kleinfelder contract for the Stage II WWTP Flood Protection Project be amended to reflect a change to the account number that will fund the project from 04-215-55-901-1495E to 08-215-55-901-1495C.

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

ROLL CALL - Ayes - Huang, Keenan, Gural, Schuldiner, Jaffer
Nays - None

7. **ORDINANCE #20-1636** - Sale of Block 28005, Proposed Lot 60.02 (Portion of PSE&G Property) - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY AUTHORIZING THE SALE OF REAL PROPERTY TO BE ACQUIRED ON VAN HORNE ROAD (ROUTE 206), AND KNOWN AS BLOCK 28005, PROPOSED LOT 60.02.

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 May 7, 2020 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Huang, Keenan, Gural, Schuldiner, Jaffer
Nays - None

8. **APPROVAL OF MINUTES**

The Regular Session minutes of April 2, 2020 were approved as printed.

9. **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.

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

ROLL CALL - Ayes - Huang, Keenan, Gural, Schuldiner, Jaffer
Nays - None

10. **2020 CENSUS**

Committeewoman Gural stated that she has been posting Montgomery's response rates and Montgomery is doing really well. She urged anyone who has not responded to the Census to please do so as soon as possible. Mayor Jaffer reiterated that and stated that Deputy Mayor Schuldiner is looking into ways to make sure the Township is mobilizing everyone as much as possible.

11. TOWNSHIP COMMITTEE UPDATES

11-1. OPEN SPACE COMMITTEE

Committeeman Huang reported that the Open Space Committee discussed park closures and how some private parks are being closed for safety reasons. They are continuing to look at acquisition of property updates.

11-2. VETERANS MEMORIAL COMMITTEE

Committeeman Huang reported that the Veterans Memorial Committee is working on their Memorial Day ceremony. They are looking to do this virtually and in person if parks are opened by then. They are planning for both scenarios.

11-3. ENVIRONMENTAL COMMISSION

Committeewoman Keenan reported that the Environmental Commission discussed deer management. They also discussed some of the ordinance changes they were encouraging. These changes have been put on hold for the time being. They made the decision to cancel the Earth Day physical event which is scheduled for May 3.

11-4. RECREATION DEPARTMENT

Committeewoman Gural reported that the Recreation Department launched a virtual program called "Around the World with Monty Rec". She explained that every day they post a new country on Facebook and Twitter. This includes links to YouTube videos and other resources regarding the culture, the food and other subjects.

11-5. BUDGET AND FINANCE AD HOC COMMITTEE

Deputy Mayor Schuldiner reported that the Budget and Finance Committee discussed the fact that the budget has not been introduced as yet. The State is having a lot of financial difficulties trying to support all of the things they are doing regarding COVID-19. On top of that the State's revenues will be plummeting because of the lack of sales tax and income tax. He stated that there are a lot of programs in place to help anyone who has lost their jobs because of the pandemic. He stated that the State has announced that they are withholding certain payments.

11-6. SITE PLAN/SUBDIVISION SUBCOMMITTEE

Deputy Mayor Schuldiner reported that the Site Plan/Subdivision Subcommittee discussed Bloomberg's application to put in a solar collector array farm/field. There were some questions as to why they were not going to be put on a roof instead of a field.

11-7. VOLUNTEERS FOR PEOPLE WITH NEEDS

Deputy Mayor Schuldiner stated that he is still continuing to work on a program where the Township can possibly formalize volunteers and people who are at risk or have needs that are not being met. He is working with some of the Township's community groups on that program.

11-8. BOARD OF EDUCATION

Mayor Jaffer stated that she has been meeting with the Superintendent of Schools and President of the Board of Education. They decided to work together to have a shared resource where there can be information for the public. She stated she believed that this is called "Montgomery Together", but she was waiting until they have the official releasing of all that information.

12. 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 contract for shared services with the Board of Education;
 - Contract negotiations regarding Mary Jacobs Library.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Any agreements and/or contracts shall only be authorized by the Township Committee in a public session.

12-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Huang and carried unanimously.

13. Meeting reconvened in Open Session and ADJOURNMENT was at 8:36 p.m. on a motion by Deputy Mayor Schuldiner. The motion was seconded by Committeeman Huang and carried unanimously.

Date of Approval: