

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
May 7, 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 Keenan and Huang
Committeewoman Gural was absent

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

DEPUTY TOWNSHIP CLERK - Margaret Crawford

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. Instructions for participating in this meeting are provided on the Township's website at www.twp.montgomery.nj.us. 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**

Deputy Health Officer Devangi Patel presented the Township's latest COVID-19 data. There are currently 97 cases of the virus in the Township with 5 deaths and 51 presumed recovered. There are currently 18 hospitalization cases, with 7 people in ICU. She stated that they are working on contact tracing and they are waiting for New Jersey to come up with a standard state wide plan. She explained that New Jersey needs approximately 1 full time tracer for every 6,000 residents, and New Jersey currently only has about 100 contact tracers. She stated that New Jersey needs close to 2,000 contact tracers within a month. The goal, if New Jersey is talking about re-opening, is to find every sick person and isolate them and find every exposed person and quarantine them so that the rest of the population can go back to work. This will not be cheap, but this is how it must be done to re-open the economy.

Committeewoman Keenan stated she knows two individuals who are health care practitioners and asked if they should reach out to the Health Department if they are interested in helping. Ms. Patel answered that they definitely should.

Committeeman Huang spoke about contact tracers and inquired if Montgomery Township was going to be hiring contact tracers in coordination with the state. Ms. Patel answered that there would need to be a state level coordinated plan. She stated that Montgomery is hiring nursing students and public health students on a part-time, temporary basis. She explained that they would need to rely on the state for additional capacity.

Mayor Jaffer stated that the Township's parks have re-opened. This does show that the Township has reached a sort of plateau in terms of the numbers of infections state-wide. She explained that there are still a lot of challenges in the future, but this is definitely a sign and with planning and coordination, as long as people continue to follow the guidelines of social distancing and masking, that things are hopefully headed in the right direction. She stated that the montgomerytogether.us website has gone live and it includes items that might be of interest to the community, including ways to help, resources if someone needs help as well as information from the schools. She stated that regarding the budget process, the Township's Finance Department and the elected officials have been thinking about different scenarios and planning as best as they can.

5. **RESOLUTION #20-5-98 - RESOLUTION ESTABLISHING SUPPORT FOR CD7'S EFFORTS TO URGE THE FEDERAL GOVERNMENT TO PROVIDE DIRECT FINANCIAL RELIEF TO MUNICIPALITIES**

WHEREAS, On January 31, 2020, the United States Department of Health declared a public health emergency for the United States in order to aid in preventing the spread of COVID-19; and

WHEREAS, On March 9, 2020, the State of New Jersey declared a Public Health Emergency and State of Emergency due to the danger to public health caused by COVID-19 and its rapid spread through New Jersey; and

WHEREAS, On March 11, 2020, the World Health Organization declared COVID-19 a pandemic, which means it is an epidemic that has spread over several countries or continents and affects a large percent of the population; and

WHEREAS, Municipal residents in the Township of Montgomery may be suffering from one or more financial hardships caused by or related to the COVID-19 pandemic, including but not limited to a substantial loss of or drop in income and additional expenses such as those relating to necessary healthcare; and

(Item #5 Cont.)

WHEREAS, The extreme and unexpected interruption in operations has caused a significant impact on the municipality's ability to effectively serve its citizens; and

WHEREAS, Due to the COVID-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the municipal budget has been severely impacted and the Township of Montgomery has the need for additional funding; and

WHEREAS, The CAREs Act has limited the use of Federal relief funds for the specific purposes of which the Township is in need; and

NOW THEREFORE, BE IT RESOLVED That the Montgomery Township Committee supports CD7's efforts to urge the Federal Government to provide direct financial relief to municipalities and allow municipalities to use those funds as necessary.

- 5-1. Mayor Jaffer explained that this resolution shows Montgomery's support for efforts that would provide more funding to municipalities from the Federal government. She stated this also shows support for Congressman Tom Malinowski who has been trying to get funding for municipalities.
- 5-2. Administrator Nieman stated that he had the opportunity, as part of his volunteer work with AARP, to participate in a phone call requested by the State office of AARP, and the topic of aid to municipalities was part of a conversation with representatives from Bonnie Watson Coleman's office. In that conversation was a discussion of aid to municipalities, vote by mail, extension of SNAP benefits and oversight of long-term care facilities.
- 5-2. 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, Schuldiner, Jaffer
Nays - None
Absent - Gural

6. **POLICE REPORT**

Police Director Jim Gill compared the statistics from this time in 2019 and March of 2020. He stated that half of March, 2020 was almost a normal March for the Police Department. In March, 2019 there were 231 criminal investigation reports. In March, 2020 there were 138 criminal investigation reports. He stated that the big number to look at was thefts. He reported that in March, 2019 there were over \$47,000.00 in thefts. In March, 2020 there were \$0 in thefts. Total arrests in March, 2019 was 48. In March, 2020 there were 15 total arrests. He explained that these numbers are due to COVID-19. He stated that different issues are being seen during the pandemic. The Police Department is seeing an increase in domestic violence incidents. He stated that social distancing and isolation has created additional issues and they have redirected their assets towards those. He stated that there were over 660 motor vehicle stops in March 2019 and in March 2020 there have been 290. He stated that he would have more comparisons at the May 21 meeting.

Mayor Jaffer stated that there would be resources available in the montgomerytogether.us website regarding domestic violence.

7. **DISCUSSION OF TOWNSHIP ROLES, RESPONSIBILITIES AND COMMUNICATIONS**

- 7-1. Attorney Van Hise explained the role of the Mayor and the Township Committee in Montgomery's style of government. He stated that in a township form of government, all power is vested in the Township Committee. The Committee acts as one body by majority vote. He explained that the Mayor has no more or less authority, except that special roles have been carved out by statute and/or the Township's Code. The primary role of the Mayor is to be the Chairperson of the Governing Body to preside over the meeting. The Mayor also does a lot of ceremonial types of things such as ribbon-cuttings, presiding over marriages, etc. In the normal course, the Mayor becomes the face of the municipality by virtue of that Chairman role. In times of emergency, the powers of the Mayor are actually amplified because the statutes recognize that because of the Open Public Meetings Act, notice requirements and the need to react very quickly, the statutes that govern the way that the municipality and its Governing Body must act are not always feasible when dealing with crisis' or emergencies. The Mayor becomes, along with the municipality's Office of Emergency Management coordinator and OEM team, the lead point person for the municipality. He explained that those powers last as long as the emergency or crisis lasts.
- 7-2. Mayor Jaffer asked Attorney Van Hise to explain the relationship between the Governing Body and the Township Administrator. Attorney Van Hise explained that all legislative and executive power of the municipality is vested in the Governing Body. The statutes permit the Governing Body to delegate those authorities because it is simply not feasible, especially with Open Public Meetings Act requirements for the Governing Body to handle day-to-day operations of the municipality. In Montgomery's form of government, the way it is handled is that the Governing Body has all the legislative and executive powers. Most all of the executive functions have been delegated, by virtue of the creation of the position of Township Administrator, and then delegating very specific powers by Code. The Administrator essentially runs the day-to-day operations of the municipality. This frees the Governing Body to act as the legislators and oversight body for the municipality. This makes a more efficient way to run the municipality. The Governing Body is kept in the loop via frequent Administrator's reports. He emphasized that all policy decisions are made by the Governing Body.

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- 7-3. Committeeman Huang stated that Montgomery pandemic rules and regulations is running parallel with the State and noted that Governor Murphy just extended the state of emergency. He asked if, at some point, Governor Murphy does not reauthorize the state of emergency would that imply that the Township's state of emergency is no longer in effect. Attorney Van Hise stated that the Township would have to evaluate that. While the State-wide crisis may have abated sufficiently, local conditions may still dictate that a state of emergency could exist here. It is also possible that the Governor may not release the state of emergency until he is satisfied that enough of the municipalities has been abated, and that would include Montgomery into that consideration.
- 7-4. Committeewoman Keenan asked for further explanation about the "first among equals" that Attorney Van Hise spoke about earlier. She asked how Attorney Van Hise would advise the Township Committee when it comes to responding very quickly to email questions from the residents. Attorney Van Hise stated that it depends on what the issue is and under the Local Government Ethics Act, the Governing Body has to be very careful in answering constituent inquiries. The Governing Body members make clear that they are acting or responding either as an individual with the requisite disclaimers or as a member of the Governing Body but not on behalf of the Governing Body. This is very important. The role of Mayor is unique because, as the Chairman of the Governing Body, the Mayor actually does speak as an individual, as a member of the Governing Body and can speak on behalf of the Governing Body.
8. **RESOLUTION - 51st ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK - May 3 - May 9, 2020**
- WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and
- WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public Servants; and
- WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other level; and
- WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and
- WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community; and
- WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and
- WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.
- NOW, THEREFORE, BE IT RESOLVED, That the Montgomery Township Committee does recognize the week of May 3 through May 9, 2020, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Donna Kukla and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.
- 8-1. Mayor Jaffer amended the resolution to include Deputy Municipal Clerk Marge Crawford.
- 8-2. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Keenan and carried unanimously.
9. **PUBLIC COMMENT**
- 9-1a. The Deputy Clerk stated there was a public comment from Dariusz Kobajlo, owner of La Meche Hair Design, located at Village Shopper II. He updated the Township Committee on the history of the construction and lease agreement with Pugliese Properties and his concerns date back to 2016 about the lack of communication with Mr. Pugliese and when construction would commence on the new shopping center. He stated that in February of 2019, Mr. Pugliese presented new plans for the shopping center. The plan showed which section of the new strip mall and which spaces he could choose for his new business. At that time construction was to begin late spring 2019. On November 5th 2019, he and Mr. Vincent Pugliese met again and he was informed all of the tenants of Village Shoppers II would be moving to new locations in Village Shopper III by the end of February 2020. He expressed his concern that he was not included in any discussions concerning leaving Village Shopper II. He stated his placement in the new mall and how operating his business in the middle of construction was unacceptable.
- 9-1b. Mayor Jaffer inquired as to what the municipality can do as an intervention and how is the municipality related to this issue between the owner of the salon and the property owner. Attorney Van Hise responded that he was not aware of what the prior approvals were or what representations were made in front of the Planning Board. This is a landlord-tenant issue, not a Township issue, that needs to be addressed as that

(Item #9 Cont.)

9-2a. The Deputy Clerk stated there was a public comment from Mr. Clarkson Addis regarding the current economic situation caused by the Covid-19 Pandemic. Mr. Addis stated that while the local governments are highly dependent on revenue from real estate taxes, there may be an opportunity for certain services to be reduced or postponed for a period of time. Examples given, halt weeding and feeding of unused fields of our parks, reduction of recycling services, neighborhood watches to supplement police services, incentives to residents for prepayment of real estate taxes, extension of payment period from May 1 to June 1 and reduce penalty for unpaid taxes for the next three months and funds designated for the new Township Building temporarily redirect to cover immediate essential services.

9-2b. Mayor Jaffer responded that recycling pickup is done by Somerset County and she would be very weary of cutting back on that because of the potential of piling up of recyclables and sanitation purposes. She reassured Mr. Addis that the Township does have the funds for the essential services. She stated that, in terms of school funding having to do with teachers, that is controlled by the Board of Education. She explained that the Township is considering the extension of property tax grace period. A resolution related to this is listed in the Consent Agenda.

Deputy Mayor Schuldiner added that in terms of changing the delinquency interest rate, the Governor banned the lowering of the interest rates on delinquent taxes.

Administrator Nieman spoke about diverting funds from the new Municipal Building. He explained that capital expenditure money cannot be used to fund operating expenses under New Jersey State Finance Law.

Chief Financial Officer Pitts spoke about incentives for pre-payment of taxes. He explained that in the state statutes this is called a discount and it is rarely done by municipalities unless they are having a cash flow issue. He stated that Montgomery is not considering this at this point, as there is no cash flow issue.

Police Director Gill spoke about establishing neighborhood watches. He stated that there was a neighborhood watch program in the Township going back two decades ago. What this does is create a tool to help the Police Department to complete their tasks and missions. It gathers intelligence more than anything else. He explained that there were a lot of legal issues that are created by the idea of limiting Police Officers or reducing the Police force in lieu of neighborhood watch. He stated that it takes months, possibly a year, to create and train a neighborhood watch program. Once a neighborhood watch program is established it actually generates more calls for service from the Police Department.

9-3a. The Deputy Clerk stated that Kevin Kerod of Belle Mead, called to ask how and when will the Township re-open. He asked when the Governor reopens the State, how will the Township reopen businesses and other parts of the community?

9-3b. Mayor Jaffer stated that there are six principles the State is following to address the question of re-opening. The question of if there would be some sort of disconnect with what the Governor mandates and what the Township is doing would not be an issue because the Township never caused the closings of anything that was not in alignment with what the Governor was doing. She emphasized that the Township wants to work toward re-opening, but right now there are still infections and fatalities being seen. She read the six key principles:

- Demonstrates sustained reductions in new COVID-19 cases and hospitalizations;
- Expand testing capacity;
- Implement robust contact tracing;
- Secure safe places and resources for isolation and quarantine;
- Execute a responsible restart;
- Ensure New Jersey's resiliency.

Administrator Nieman stated that the Health Officer, CFO and he have been working on a plan to re-open when there is word from the Governor. He explained that they have ordered plexiglass shields to be put in place to protect the employees. The Governor has said that it will not be a gradual re-opening like other states have done, but rather an all or nothing re-opening.

9-4a. The Deputy Clerk stated that there had been a public comment from Brett Borowski. He conveyed how much he missed the dialogue-style public comment previously enjoyed, and his ability to express, adapt comment to what is heard at a meeting, and engaging with committee members and staff. He acknowledged the unfortunate incidents that occurred while utilizing Zoom and asked the committee if consideration was given to interactive public comment through the zoom meetings another try.

9-4b. Mayor Jaffer stated that the Township Committee certainly wants engagement as possible but they also they have a responsibility for the content that is broadcast over their platforms. She stated she is comfortable with how the public comment portion of the meeting is being handled.

9-5a. The Deputy Clerk stated that there had been a public comment from Jack Garhart who asked that the Township Committee address policy rules for social media and posting in private groups and further questioned if all township employees required to follow the same rules. He then asked if an update on the New Municipal building could be provided and when plans would be available. He also inquired if the Mary Jacob's library will be closed by the end of the year, and if it was part of the Somerset county library system and if so, when and where will the temporary Somerset county library be located and would it be available starting in January.

(Item #9-5 Cont.)

9-5b. Mayor Jaffer stated that at the last meeting, there was discussion regarding how all comments made by Township Committee members on quasi-communal boards and social media will be shared with the Clerk's office and will be available for members of the public. In terms of the policy for Township employees, she believes that this is outlined in the Township's social media policy.

Administrator Nieman stated that the final plans for the new Municipal Building are being reviewed by Somerset County. They are available but he warned that the plans are voluminous. He stated that the latest exterior elevation renderings are the ones that were presented in the January issue of the Montgomery News. As soon as the bid documents become public, tentatively at the end of May, he will make them available.

Committeewoman Keenan responded that there is an agreement in principle with the five parties involved. These five parties are Somerset County, the Somerset County Library System, Montgomery Township, Rocky Hill Borough and the Mary Jacobs Library Foundation to continue library services for the foreseeable future at the Mary Jacobs Library.

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 #20-5-99 - REFUND OVERPAID 2020 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$191.00 be given to Kalpana Desai, 804 Mc Kinley Court, Princeton, NJ 08540 for the overpayment of 2020 sewer charges on Block 37003 Lot 6.784 CONDO.

B. **RESOLUTION #20-5-100 - REFUND OVERPAID 2020 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2020 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
4001	3	QFARM	
		Wells Fargo Real Estate Tax Service	\$ 40.92
16010	14	Wells Fargo Real Estate Tax Service	\$4,362.72
18023	19	H&H Settlement Services, LLC	\$3,898.80
34019	11	Wells Fargo Real Estate Tax Service	\$3,824.75

C. **RESOLUTION #20-5-101 - REDEMPTION OF TAX SALE CERTIFICATES #19-0001 AND 19-0014**

BE IT RESOLVED That a refund in the amount of \$5,048.32 be given to CC1 NJ II, LLC, P.O. Box 123800, Dallas, TX 75312 for the redemption of Tax Sale Certificate #19-0001 on Block 5008, Lot 99.

BE IT FURTHER RESOLVED That a refund in the amount of \$5,246.11 be given to US Bank Cust Actlien Holding Inc, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #19-0014 on Block 37002, Lot 5.37.

D. **RESOLUTION #20-5-102 - EXTEND GRACE PERIOD FOR 2020 SECOND QUARTER PROPERTY TAXES TO JUNE 1, 2020**

WHEREAS, Pursuant to N.J.S.A. 54:4-66(a), second-quarter property taxes are due May 1, 2020; and

WHEREAS, Property taxpayers in the Township may be suffering from one or more financial hardships caused by or related to the COVID-19 pandemic, including but not limited to a substantial loss of or drop in income and additional expenses such as those relating to necessary healthcare; and

WHEREAS, The COVID-19 outbreak has caused substantial disruption for many property taxpayers in the Township, making it difficult for many residents to meet the May 1, 2020 due date for timely payment of real property taxes; and

WHEREAS, Under N.J.S.A. 54:4-67(a), local governments may fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent, and may provide that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became delinquent, thereby establishing a grace period running through May 11, 2020 for second-quarter property taxes in the case of municipalities on a calendar year budget cycle; and

WHEREAS, Governor Philip D. Murphy issued Executive Order No. 130 allowing a governing body of a municipality with a calendar year budget cycle adopt a resolution extending the grace period for the payment of second-quarter property taxes to a date no later than June 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, in the County of Somerset and State of New Jersey that the grace period for the payment of second-quarter property taxes is extended to June 1, 2020; and

BE IT FURTHER RESOLVED That Municipal Clerk shall notify the Director of the Division of Local Government Services in the Department of Community Affairs of this resolution not later than the third business day next following the adoption of said resolution.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #20-5-103 - DECLARING CERTAIN GENERAL EQUIPMENT AS SALVAGE FOR DISPOSAL**

WHEREAS, The Township Director of Wastewater Operations desires to declare certain property as salvage to be disposed of.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee does hereby authorize the disposal of the following items:

Reliance Electric Motor: ID P25G0464B
A.O. Smith Electric Motor: ID 416890
A.O. Smith Electric Motor: ID 2VZU112MS4
Thern Equipment Hoist: ID 50980995
Stainless Steel Lime Vat 250 Gallons for Stage 2 Lime System: No ID or Name Plate
DBI Sala Hoist: ID 010158
DBI Sala Hoist: ID 010160
Thern Equipment Hoist: ID 501056370

F. **RESOLUTION #20-5-104 - ACCEPTANCE OF DONATION - Pike Run, LLC to Montgomery EMS and Montgomery Township Food Bank**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation of \$5,000.00 each to the Montgomery Township Emergency Medical Services and the Montgomery Township Food Bank, from Pike Run, LLC.

G. **RESOLUTION #20-5-105 - RESOLUTION AUTHORIZING EXECUTION OF FIRST AMENDMENT TO STIPULATION OF SETTLEMENT AND SEWER ALLOCATION AGREEMENT BETWEEN THE TOWNSHIP OF MONTGOMERY AND COUNTRY CLUB MEADOWS, LLC**

WHEREAS, The Township of Montgomery ("Township") and Country Club Meadows LLC, Pike Run LLC, Pike Run II LLC and Pike Run Meadows / Cloverleaf Plaza (collectively, "Country Club Meadows") were previously parties in a litigation matter entitled *Country Club Meadows, LLC et al. vs. Township of Montgomery*, Superior Court of New Jersey - Chancery Division, Docket No. SOM-C-12065-10 concerning a 1985 Sewer Agreement and amendments thereto; and

WHEREAS, During the pendency of the litigation, the Township and Country Club Meadows were able to amicably resolve the claims asserted in the litigation, along with other separate matters then pending between them, and entered into a Consent Order and Stipulation of Settlement (the "Settlement") that was approved by the Court on July 10, 2014; and

WHEREAS, Section 5 of the Settlement, entitled "Sewage Treatment Capacity Commitment," set forth the terms and conditions of a sewer capacity reservation (the "allocation agreement") by the Township for connections to be made by Country Club Meadows for development of its properties in accordance with the Settlement; and

WHEREAS, Country Club Meadows has been actively working to effectuate the developments contemplated in the Settlement, but economic conditions, market forces and other circumstances, including the current health crisis, have delayed certain components of the development; and

WHEREAS, Under such circumstances, Country Club Meadows has requested, and the Township has agreed, to provide Country Club Meadows with additional time under the Settlement to proceed with its development; and

WHEREAS, Hackensack Meridian Health - Carrier Clinic ("Carrier") has been working with the New Jersey Department of Environmental Protection and the Township on a plan to decommission its existing on-site wastewater treatment plant and connect its facility to the Township's Pike Brook Wastewater Treatment Plan; and

WHEREAS, Carrier and the Township contemplate that Carrier's connection to the municipal system will be accomplished by way of a connection to and through a collection system currently being constructed by Country Club Meadows that will be conveyed to the Township upon its completion; and

WHEREAS, Country Club Meadows has requested confirmation that the proposed Carrier connection will not change, affect, or modify its rights, interests, or obligations under the Settlement, and in particular, the sewer allocation agreement.

(CONSENT AGENDA Item G Cont.)

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

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Township Clerk are hereby authorized and directed to sign on behalf of the Township a "First Amendment to Stipulation of Settlement and Sewer Allocation Agreement Between the Township of Montgomery and Country Club Meadows, LLC," a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Township Attorney in consultation with the Township Administrator and Township Engineer.
3. The Mayor, Township Administrator, Township Clerk, Township Engineer, Township Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all such further documents and undertake any and all acts necessary to effectuate the above-referenced amendment to the Settlement.
4. This Resolution shall take effect immediately.

H. RESOLUTION #20-5-106 - APPROVAL OF CONSTRUCTION SEQUENCE AGREEMENT - Village Shoppes at Montgomery, LLC.

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Village Shoppes at Montgomery, LLC related to Block 28005, Lots 60, 65, Part of 66, 68 and 69, Stages I and II, subject to review and approval of the Township Attorney and the Township Engineer.

I. RESOLUTION #20-5-107 - APPROVAL OF CONSTRUCTION SEQUENCE AGREEMENT - Sector Site, LLC (Block 25001, Lot 16)

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Sector Site, LLC related to Block 25001, Lot 16, subject to review and approval of the Township Attorney and the Township Engineer.

J. RESOLUTION #20-5-108 - EXTENSION OF TIME FOR THE COMPLETION OF IMPROVEMENTS - Various Projects

WHEREAS, Gail Smith, Township Engineer, has certified on May 1, 2020 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 (24 Sunnyside Lane)	July 11, 2021
Bedens Brook Valley Driveway Apron (24 Sunnyside Lane)	July 11, 2021
Belle Mead Plaza (Wet Ponds)	July 12, 2021
Country Club Meadows - Phase 1 (Site Work)	July 12, 2021
Country Club Meadows - Phase 1 (Landscaping)	July 12, 2021
Country Club Meadows - Phase 1 (Wet Ponds)	July 12, 2021
Princeton Airport Hangar #4, Phase 1	August 4, 2021
Staats Farm Road Development	September 14, 2021

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

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

11. RESOLUTION #20-5-109 - RESOLUTION AUTHORIZING EXECUTION OF CONCESSION AGREEMENT WITH MONTGOMERY BASEBALL LEAGUE

WHEREAS, The Township of Montgomery is the owner of real property known as Montgomery Veterans Park in Belle Mead, New Jersey, at which it owns a structure which presently houses, among other things, a concession stand and two storage areas; and

WHEREAS, Montgomery Baseball League, a non-profit organization operated by volunteers which offers baseball and softball programs for school-aged children in Montgomery Township, Rocky Hill Borough and neighboring communities, seeks to operate the existing concession stand at Montgomery Veterans Park during its softball events during the spring and fall softball seasons, as well as utilize the two storage areas for keeping of softball equipment for an initial term of two years, collectively referred to herein as the "Property"; and

WHEREAS, The Township seeks to grant Montgomery Baseball League the right of use and occupancy of the Property for the foregoing purposes, subject to the terms and conditions set forth in a Concession Agreement between the parties; and

WHEREAS, Montgomery Veterans Park is designated as funded parkland under the rules of the New Jersey Green Acres Program, N.J.A.C. 7:36-1.1 et seq. and in accordance therewith, the Township has submitted this Concession Agreement to the Green Acres Program, for review and approval; and

(Item #11 Cont.)

WHEREAS, On or about April 22, 2020, the Green Acres Program approved the Concession Agreement; and

WHEREAS, Montgomery Baseball League's use and occupancy of the Property is intended to and will support and promote the use of the funded parkland for recreation purposes; and

WHEREAS, The Township Attorney's Office has opined that this Concession Agreement may be executed without public bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34-9.4.

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

1. The Concession Agreement between the Township and Montgomery Baseball League referenced in the "Whereas" clauses above is hereby approved.
2. The Mayor and Township Clerk are hereby authorized and directed to execute said Concession Agreement.
3. Copies of this Resolution and the executed Concession Agreement shall be forward to Green Acres and placed on file in the Office of the Township Clerk.

11-1. 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, Schuldiner, Jaffer
Nays - None
Absent - Gural

12. **RESOLUTION #20-5-110 - 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 \$379,940.50 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, Resolution #19-6-161 adopted on June 20, 2019 authorized the first one-year extension of the contract; and

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 second extended year effective July 5, 2020 through July 5, 2021; 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 second 12-month extension pursuant to the above-described terms.

12-1. 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, Schuldiner, Jaffer
Nays - None
Absent - Gural

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

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 7th day of May 2020 and that notice thereof be published in an official newspaper as required by law.

13-1. 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, Schuldiner, Jaffer
Nays - None
Absent - Gural

14. **APPROVAL OF MINUTES**

The Regular Session minutes of April 16, 2020 were approved as printed.

15. **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.

15-1. 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, Schuldiner, Jaffer
Nays - None
Absent - Gural

16. **TOWNSHIP COMMITTEE UPDATES**

16-1. **ENVIRONMENTAL COMMISSION**

Committeewoman Keenan reported that the Environmental Commission had a successful Virtual Earth Day. Swamp Milkweed was distributed to residents, grown from seed by the Chairwoman's sister and brother-in-law. There was discussion about replacing the current Montgomery Community Energy Aggregation program at contract end in September, 2020 with a renewable Montgomery Community Energy Aggregation program. Sophie Glover, Princeton Environmental Commission Chair and Municipal Policy Specialist for the Watershed Institute, stated that she would share some information about the Energy Aggregation program with the Township. There was discussion about the possibility of adding solar to the new Municipal Building, deer management and single use plastics policy. The Environmental Commission suggested the Township work with the local businesses to create a plan for the single-use plastics policy, and at the June meeting, a presentation on Green Infrastructure.

Deputy Mayor Schuldiner stated he read Pennington Borough adopted an ordinance to ban single-use plastics and believed that Hopewell Borough adopted such an ordinance approximately two years ago.

16-2. **BUSINESS TASK FORCE**

Committeewoman Keenan reported that the Business Task Force, a small group of business owners focused on the needs during this COVID-19 pandemic, requested information for signage that could be placed on doors of open businesses to provide consistent information. They are working with the Health Department with creation.

16-3. **VOLUNTEERS FOR PEOPLE WITH NEEDS**

Deputy Mayor Schuldiner stated his continuing 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.

(Item #16 Cont.)

16-4. CENSUS

Deputy Mayor Schuldiner stated he is working to try to make sure everyone in Montgomery fills out their 2020 census. He reported that there has been a 70.5% response rate, as of earlier in the week. Responding to the census is extremely important for the following reasons:

- The representation that the Township will have, both in the state legislature and as part of New Jersey in Congress and the House of Representatives;
- Funding from the federal government and state government.

He urged everyone that if they have not filled out their census form, they can go on-line at www.2020census.gov and do so. He stated that it only takes a few minutes to do this. He explained that any information is completely confidential by law and any information collected through the census is not available for 75 years.

16-5. COMMUNICATIONS

Mayor Jaffer stated her focus on communications and she is working with the other Township Committee members who are working with various constituencies, community groups, and business groups. She stated that everyone, including Township employees or elected officials, are doing a good job in communicating with the public.

17. 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:
 - Potential acquisition of Block 11001, Lot 61 and Block 7010, Lot 13 for open space, farmland preservation, conservation and municipal purposes.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of land shall be authorized by the Township Committee in a public session.

17-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Keenan and carried unanimously.

18. Meeting reconvened in Open Session and ADJOURNMENT was at 8:50 p.m. on a motion by Deputy Mayor Schuldiner. The motion was seconded by Committeeman Huang and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk