

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 4, 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. 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. **RESOLUTION CONDEMNING ALL ACTS OF RACISM AND RACIST VIOLENCE, INCLUDING POLICE VIOLENCE, THROUGHOUT THE COUNTRY, AND CALLING FOR DIALOGUE, UNITY AND HEALING**

WHEREAS, We are haunted by the vision of George Floyd's tragic killing by Minneapolis police as his pleas for help were ignored by those charged to serve and protect; and

WHEREAS, We understand that this was not an isolated incident. The list of names and similar tragedies are unconscionably long, and an undeniable part of the history and the present of this nation; and

WHEREAS, We extend our sincere condolences to those who knew and loved George Floyd, Breonna Taylor, Ahmaud Arbery and all those whose lives have been taken by racist violence; and

WHEREAS, Systemic racism against Black people has existed on this land since the arrival of the first slave ship in 1619; and

WHEREAS, White supremacist groups have become emboldened in our country and bias crimes across the United States have risen significantly since 2016; and

WHEREAS, Black people have experienced racial discrimination by having police called on them by non-Black people solely for their racial identity; and

WHEREAS, As public officials, these tragedies make us reflect on our own practices, behavior, and attitudes. We question whether we are doing enough, are we vigilant enough, have we fostered a true culture of respect and honesty? We strive to remain ever-thoughtful in our work - as public officials - to ensure that all members of our community are safe, protected, respected, and served by their public servants; and

WHEREAS, As public officials, it is our duty to use our legal and moral authority to protect all members of our community no matter their race or ethnicity. It is our duty to foster a community free of bias, fear, intimidation, and violence - a community in which people are not targeted or hurt unnecessarily - and provide equal protection under the law; and

WHEREAS, We know we can do better as a country and as a community to confront the historic, ongoing, and systemic racism that has brought us to this place; and

WHEREAS, Many people in our country and our community have seen the video of George Floyd's killing and other distressing tragedies and are trying to process the trauma. This is especially painful for those who experience racism in their daily lives. However, the current public health crisis makes it more difficult to connect with sources of support; and

WHEREAS, Many people in our country and our community are disgusted with the current state of affairs and have taken to the streets in protest.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee:

1. Condemns all forms of racism and racist violence, including police violence, and calls for an end to the use of excessive force and militarized policing practices in the United States;
2. Demands that all bias crimes, including those perpetrated by law enforcement, are properly investigated and prosecuted to the fullest extent of the law;
3. Honors those police and other law enforcement officers who put their lives on the line daily while lawfully serving and protecting the public and looks forward to continuing to work in partnership with our local police department to pursue our shared goal of equal protection under the law;

(Item #4 Cont.)

4. Stands in solidarity with peaceful protesters, calls on protesters to eschew violence, and calls on law enforcement agencies throughout the country to protect the civil rights of peaceful protesters and indeed to join with them in their effort to combat systemic racism;
5. Reaffirms our commitment to equality. We will work together with all our community leaders to determine the best ways for us to engage in an honest and open dialogue about how true equity, unity, and healing can be achieved.

4-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Huang and carried unanimously.

5. **STATEMENTS BY TOWNSHIP COMMITTEE MEMBERS**

5-1. Mayor Jaffer read the following statement:

"Over the past several weeks our nation has witnessed far too many cases of anti-Black racism and violence, including the tragic killing of George Floyd in Minneapolis police custody. As Mayor, and as a person of conscience, I condemn anti-Black racism and prejudice of any kind. I stand together with Montgomery Township's Police Director Captain James Gill in striving for fairness, equity, and compassion in all policies and interactions with the public.

I understand there is work to be done, and am planning to meet with community stakeholders to address their questions and concerns. I am committed to a transparent and participatory process as we take time to reflect, listen, and improve.

I take seriously my responsibility to represent and serve our entire community. We often speak about the many things that make Montgomery a wonderful place to live, but it is not immune to racism. Racism is a systemic problem that permeates our society and we must work together to pursue a more equitable and just future."

5-2. Deputy Mayor Schuldiner read the following statement:

"At the start of each of our meetings, we say the *Pledge of Allegiance* which ends with "And Liberty and Justice for All." This is supposed to be the promise of America. But we know in reality, this is not the case for everyone. Black Americans have and continue to be treated unfairly by government and people alike. What happened to George Floyd, Ahmaud Arbery, and Christian Cooper are only the most recent examples. I condemn in the strongest terms what happened to them and all others who have been hurt, killed or discriminated against because of their race or skin color. I also send my condolences to the families of those who have been wrongfully killed.

As many of you know, I am a professional mediator. My training and those skills give me a different insight into conflict and human behavior. At the start of each mediation I tell the parties that this is an opportunity for them to sit down and focus on their issues and resolve them. I am hoping that we as a society have finally reached the point where we can all sit down and have that conversation about race.

Mediation is first and foremost about listening - not just for the mediator but for all of the parties. We want people to hear what the other side experienced. My life experience is as a white, male American. I need to listen and hear more about the daily experiences of black Americans. They are far different than mine.

When aggrieved people do not feel like they are being heard, anger ensues. That is why we are seeing mass protests, rallies, and even violence. Calls from some to impose discipline upon protesters only re-enforces their anger instead of letting them know we're listening. We all need to start listening.

We mediators also ask everyone who participates in these discussions to listen with an open mind. These discussions are uncomfortable. We all need to be mindful not to become defensive, which causes people to stop listening. This is especially true for white Americans and members of the police.

I want to thank Captain Jim Gill and all of the members of the Montgomery Township police. In normal times, they all have a very difficult job. Even though they had nothing to do with any of these publicized incidents, all police are often painted with the same brush. That is unfortunate. I was happy to see police in Newark, Camden and many other places across New Jersey and the country march with the protesters. I look forward to working with our police department to continue to raise the high standards they currently uphold.

So, let's get the conversations and the listening started without delay. I am happy to help facilitate those discussions. Thank you all for listening."

5-3. Committeewoman Gural read the following statement:

"We have all been watching the events of the last 9 days unfold united in collective sadness and heartbreak."

So first, I want to reassure you all that from the day we began inhabiting this space, we have been working to bring members of our community together because those are our values, not because it is trending on social media. Bringing our Police Department and members of historically marginalized communities together to better understand how they can protect all of us better was top of mind for us before it became part of a 24-hour news cycle. In 2016, parents in our community watched the police shooting of Charles Kingsy, an unarmed African American man who was caring for an Autistic man who was not complying with police instructions because of the characteristics inherent with Autism.

(Item #5-3 Cont.)

When my own son turned 17 and got his driver's license, I had to have "the talk" with him, as a young Latino man, who also happens to have multiple disabilities including Tourette's Syndrome, which causes vocal and motor tics, and could easily be misinterpreted by law enforcement.

Last Spring, we had a beautiful event bringing together our special needs community and the police department that resulted in the first of its kind program that allows our community to fill out information about the specific needs of their family member which will be provided to the central dispatch for our Police Department and will give them the context needed to be as empathetic as possible should they be called to their home. As of last year, every Montgomery Police Department squad car has a kit to meet the sensory needs of the Special Needs community. These kits could de-escalate a situation in concert with the intense training they have. After the efforts the MTPD made to better understand the special needs community as well as the sensitivity and de-escalation training they received, I felt more comfortable that if my son ever gets stopped in Montgomery that he will be treated with respect and understanding. This is what we stand for and what is in our DNA. You made that happen by electing a diverse Township Committee with shared principles propelled into action through the lens of the principals we believe are in Montgomery's DNA. We have taken what this town has always stood for and acted on it.

That said, I don't have this same confidence once my son leaves the borders of Montgomery, and that is a problem we need to address.

Since the COVID-19 Pandemic began, we've been watching as vulnerable populations, specifically in the black community are the ones with less access to testing and treatment, experiencing higher rates of illness and death, suffering from higher rates of unemployment, poverty, homelessness, and food insecurity. That inequality is systemic, and the pandemic has shone a light on just how dire the situation is. Included in this long list of ways that we see disparate treatment of black people in our country is the issue of police brutality, incarceration, excessive civil asset forfeiture, and recidivism. I think you can believe that police officers are overwhelmingly good public servants and people but also believe that institutional racism exists, that police brutality exists and that the anger of the black community is 100% justified.

I have sat up night after night this week watching peaceful protests and escalations between police and protesters asking myself what I can do as a white woman, and an elected official. I have been thinking deeply about how to put my values into actionable steps that I can take as a person who has been put in a position to create policy. I have hope and inspiration that if people come together with plans instead of just rhetoric, they can influence meaningful changes.

I personally have been concerned about the lack of representation in municipal police departments nationwide. In fact, I have shared the graduate research I did last November on diversity hiring in municipal government with our Township Committee, our Police Department and The Montgomery News. I am happy to share this research with any of you, post it to our website, and continue the conversation.

So, if you are watching this, first, thank you, participation is the cornerstone of what it means to be an American, but also I am empathetic to why you are watching, you are wondering what MORE we can do given this collective heartbreak we are all feeling. What we can do is take our approach and continue to expand upon it. Scaling our accomplishments to our neighbors becomes its own pandemic of equality. Thought leadership leads to actionable steps. This is the result of a diverse community selecting a diverse township committee. I want all the people who live here to feel that they belong here. We have aims to expand our existing programs, but we are also introducing inclusive traditions within our town that will hopefully be honored for years to come. For example, Montgomery was one of the only towns in Somerset to fly the pride flag last year - we are entering pride month prepared to fly it again and be an example for the other 20 towns in Somerset county.

Studying public policy, I have learned a few tough lessons - you can't boil the ocean. Policy making is iterative and you often don't see the impacts of policies until months or years after implementation, as hard as you may try to predict outcomes. You try to do the most good and the least harm and align that to your personal values. My career is based on problem solving and improving processes. We say that a problem well defined is a problem half solved. If we are not prepared to openly identify and define our problem, we will never be able to make meaningful change. Few towns are as well positioned as Montgomery to make these changes and serve as thought leaders on how police departments can improve community relationships.

As I look at what ELSE I can do, I am looking to other communities for ideas - just as I hope other local governments will look to us for leadership that produces real change. In February 2019, Sandusky Ohio, a town of approximately the same size and population as Montgomery Township, passed a resolution swapping Columbus Day as a paid holiday with a paid holiday for Election Day, giving township professional staff the day off so they can vote in the general election. I contacted Sandusky this afternoon to obtain a copy of their resolution and hope to bring a version for Montgomery to our next township committee meeting.

That is a concrete, actionable step that a local government took to promote equality, equity and civil rights. Our holidays reflect our values.

The holding of Election Day on a Tuesday most greatly disadvantages middle and low income workers for whom it is the most difficult to take time off from work to vote; and, I support the designation of Election Day as a paid holiday and urge my colleagues and our leadership at the state and federal level to support similar legislation such as HR1: The For the People Act. My hope is that this among concrete and material changes we can make to begin to dismantle institutional racism in our community."

(Item #5 Cont.)

- 5-4. Committeeman Huang thanked all of the resident who have reached out to the Governing Body to share their thoughts and suggestions. He stated that the Governing Body is always looking for the best ideas wherever they may come from. He read the following statement:

"Race and racism is a very difficult topic for non-Black people to talk about. When it doesn't affect us personally, it's all too easy to ignore that it's occurring at all. But recent events, from the tragic killing of George Floyd to the false accusations against Christian Cooper, requires all of us to address the reality that there are members of our society who endure racism and prejudice, either explicitly or implicitly, on a regular basis. The weight of this racism, whether its structural or interpersonal, is directly linked to the disparities that we see today in areas such as the achievement gap, housing segregation, incarceration, economic opportunity, and health and wellness.

We all play a role in addressing racism and prejudice, and the inequalities that results from them, whether that is in our private lives, our professional endeavors, or our social and civic engagements. We must be willing to take actions that enhance our highest standards of humanity and community. We must be willing to reflect on ourselves and our institutions, celebrating those who conduct themselves with the highest standards, supporting those who strive to get better.

I am committed to being part of the solution, to take concrete actions that strive to reduce racism and prejudice, that address and corrects the inequalities in our society, that promotes racial reconciliation, and that fosters a more inclusive and welcoming community for all.

Thank you."

- 5-5. Committeewoman Keenan was unable to present her statement due to audio technical difficulties. She will present her statement at the June 18th meeting.

6. **POLICE DIRECTOR'S COMMUNITY ADDRESS**

Police Director James Gill stated that it is with a heavy heart that he speaks at this time. He read the following statement:

"Recently members of the community have contacted our Police Department and the Montgomery Township Committee members with questions following the death of George Floyd in Minneapolis on May 25th. I have seen the publicly available images and video of Mr. Floyd's death and the actions of the Police Officers involved. I, as many of you, find the images of his senseless death deeply disturbing.

I am here this evening to provide a statement on behalf of the Montgomery Township Police Department to our community. Not an easy task to answer the multitude of questions we all have succinctly in a brief statement. I wish to reinforce the message provided earlier by the Somerset County Prosecutor Michael Roberts, released in coordination with all 21 County Prosecutor offices in New Jersey.

Mr. Floyd's death is being investigated not only by the Hennepin County Attorney's Office, the U.S. Attorney's Office, and the FBI in Minneapolis, but by the U.S. Department of Justice Civil Rights division, as it should be.

As the chief law enforcement officer in Montgomery Township, I am entrusted with the solemn responsibility to ensure the men and woman of our agency are providing professional police services to ALL within our jurisdiction in a fair and respectful manner. We recognize that so much of law enforcement's relationship with the community is built upon trust. We trust the members of our community to follow the law and cooperate with our efforts to enforce it; our community has the right to trust that they will be treated fairly and justly by the officers who serve them.

We are very fortunate to have developed positive relationships with our residents, our visitors, business owners, our Township Administrator and the members of our Township Committee through the years. Our police officers routinely conduct themselves with the utmost professionalism and respect for ALL they serve. This has been particularly apparent over the past few months as our officers have managed the added responsibility of enforcing significant restrictions on our normal activities with sensitivity to the stress that our residents are experiencing in the midst of this public health crisis.

This trust and cooperation is not by accident. It is through the hard work of our community members and officers. It has been earned through transparency and communication. Our daily goal is to provide our services in an equitable manner to the people who need help when they need it. By working to examine and improve upon past events it helps us to build a stronger relationship with our community and to provide better services as we continually evolve.

The command staff here in Montgomery is comprised of myself and three lieutenants and between the four of us, we have in excess of 100 years of law enforcement experience. With that, racially sensitive incidents are no stranger to us. To name a few, Rodney King, the riots in Los Angeles, the Ferguson incident and now the George Floyd travesty. We have lived through these events and they have helped develop and improve police policy here in New Jersey.

The State of New Jersey is leaps and bounds beyond other states in their application of fair and impartial police practices. The New Jersey Attorney General's office has mandated guidelines that direct police actions, that are followed and administered through the County Prosecutor's office. The policies are then added to the general orders we have and implemented here in Montgomery. All of your officers receive extensive training in all of these policies and procedures.

(Item #6 Cont.)

Our officers begin their training in the Police Academy, in which among other things, cultural diversity training occurs as well as racially influenced policing is addressed and they are instructed that there is a zero tolerance for any form of policing that is in direct correlation to one's race, color, creed, religion or sexual orientation. There is also extensive training in the use of force continuum. What occurred in Minneapolis would not occur here in Montgomery because of the vetting of our officers as well as the training and education we receive

A few people have asked questions specifically about the status of the Montgomery Township Police Department:

- Yes, we have mobile video recorders. We have had them for over 20 years. We currently utilize a digital system that is easily reviewed, retrievable and saved for further analysis.
- Yes, all members of the Montgomery Township Police force have received bias incident training with ongoing information and updates.
- Yes, all members of the Montgomery Township Police force have received de-escalation training.

I will further explain what it takes to become a police officer in Montgomery.

Although the minimum requirement to be an officer in New Jersey is a high school diploma, here in Montgomery we have a minimum standard of 60 colleges credits. All of our officers have this education and many possess a bachelor's degree as well as master's degrees. We are a highly educated agency. To continue with our hiring process, a written and physical agility examination is conducted follow by a minimum of three intense interviews in an attempt to determine the most qualified applicant and the most fitting applicants that will specifically meet the needs of our community. We are continually trying to diversify our agency to mirror the community through our recruitment process. Once selected, a comprehensive background investigation is conducted, in which every aspect of the potential hire's life is thoroughly scrutinized and if the needs of the background are satisfied, a drug screening and psychological examination are conducted. The recruit is then hired as a probationary officer. They spend nearly six-month in a police academy that has instruction mandated by the Police Training Commission. Cultural diversity, racially influenced policing, law enforcement responsibility to provide community service, among many other blocks of instruction are all covered. Upon graduation the recruit then enters a four-month field training program and a year of probation. To allow us to fully examine that officer and their performance to determine if they are a proper fit for our agency as well as the community we serve.

Once a full-time officer, officers are not only guided by policy, procedure, rules and regulations, and general orders, but also by an Internal Affairs policy that in certain circumstances examines the actions of our officers to ensure that we are all performing to the high standard that our community demands of us. There are then quarterly and annual reports that are required to be submitted to the Somerset County Prosecutor's office for further review and scrutiny. This method of checks and balances ensures that we are all operating in a fair and equitable manner.

I can assure you every day we work to serve Montgomery Township and provide the best police services in the highest standards to all people we interact with. I emphasize ALL PEOPLE!!!

We are an open book. If you have a question, ask one of our officers.

We are all approachable, we are happy to answer any questions when appropriate about how and what we do and why. I am proud of the Montgomery Township Police Department. As I look and compare, I believe our Officers and support staff are the best. They are an amazing group of men and woman serving our community 24 hours a day 365 days a year.

As always, anyone who believes they have been treated unfairly, unprofessionally or worse, victimized by a member of law enforcement is encouraged to take the time to file a complaint. We take all complaints seriously, they are accepted in any form and at all times. All complaints will be thoroughly investigated.

I will close with the mission statement of the Montgomery township police department

'The primary objectives of the Montgomery Township Department of Police Services are to ensure the safety of all citizens and their property, and provide services to the community through contingent tasks, education guidance and help for those in need.'

It is important that all citizens be safe in their homes and businesses and that they feel free to live, work, drive and play without fear.

We will provide all services with courtesy, respect and integrity.

Thank you."

7. **COVID-19 VIRUS UPDATE**

Health Officer Stephanie Carey reported improvement in reported cases in Montgomery and across New Jersey. The number of new cases, hospitalizations and deaths are down and testing is easier to obtain. New Jersey is moving towards Stage 2 of the re-opening process with requirements that include capacity limits, social distancing and masking. The Montgomery Township Health Department is working with businesses to assure that safety rules are in place. Montgomery is supporting the re-opening through a robust contact tracing program with a team that has been assembled for detailed follow-up of individuals who may be sick or possibly exposed to the virus. Moving forward they will be researching ways to improve emergency preparedness, restocking of protective equipment, and what is driving the disparities in sickness and death associated with COVID-19.

Deputy Mayor Schuldiner stated his concerns after a recent rally in Princeton. The Princeton Health Department suggested that anyone at the rally should be tested for COVID-19. He wondered how effective contact tracing might be when there are rallies and/or protests of several thousand people. Health Officer Carey stated she would not try to minimize the difficulty of contact tracing at a mass event, as many people at these rallies and protests have been wearing masks, but many have not and everyone who attends these events should get tested.

Committeeman Huang asked Health Officer Carey about antibody testing. Ms. Carey stated that antibody testing is a rapidly evolving science and antibody testing does not detect whether a person is infectious, but whether they have been exposed. It is a good source for epidemiology data, but does not assist with control of further spread.

8. **PUBLIC COMMENT**

8-1. Township Clerk Donna Kukla read the following comments from the public.

Jessica Kia, Belle Mead reported her concerns regarding the difficulty of traveling abroad and the United States Government detaining Iranian-American citizens at the border returning to the United States. She thanked Committeewoman Catherine Gural for being in a position to advocate for her, giving her peace of mind during a difficult time far from home. She is exactly the kind of person she wants representing her in government.

Mayor Jaffer stated that she spoke to Ms. Kia recently about her experience and the importance of immigrant families who may need special types of support.

Ms. Kia's son Cameron inquired about the reopening of the Township's playgrounds and asked for Committeewoman Gural and Police Director Gill to provide the answer.

Committeewoman Gural replied that she didn't know when the playgrounds would open and explained that the main concern is for children's safety. Police Director Gill stated that the parks are closed to keep everyone safe. He invited Cameron to come to Police Headquarters for a visit.

8-2. Barbara Preston, Montgomery News, stated she was glad to hear Police Officers are accessible to the public to answer questions. She questioned the use of the knee to subdue a suspect and if Montgomery Police ever used this technique. She also asked what the Police Department is doing to recruit officers of color.

Police Director Gill responded that Montgomery's Police Officers are not trained in the tactics of using the knee or chokehold, nor is it utilized. The use of that technique would rise to the level of deadly force in their use of force continuum and would not be utilized in Montgomery nor in New Jersey as it is deemed illegal. With regard to hiring a more diverse law enforcement agency, when the Township Police Department does advertise for hiring they contact many groups of different racial backgrounds and reach out to the law enforcement community, colleges, and other educational institutions.

8-3. Richard Ober, Stonebridge, stated he has no issue with deer management, but is concerned that there are marked walking trails on the Stonebridge Township preserve used by quite a few residents, particularly during the present pandemic. He asked if the Township would consider the following additional actions:

- Prohibit hunting from 10 am to 4 pm each day;
- Require that all hunting be from elevated tree stands;
- Require that tree stands be easily visible;
- Require that all stands be located at least 150 feet from marked trails.

Committeewoman Keenan, liaison to the Wildlife Management Committee, explained that the Open Space Coordinator was asked to map out a couple of options for buffers around the trails. Elevated tree stands are in place at the property and the Wildlife Management Committee and Open Space Coordinator felt prohibiting hunting during the hours of 10 am to 4 pm would be problematic from the hunters' perspective.

8-4. Jack Garhart, Bayberry Lane, asked for an update on the Municipal Building plans.

Administrator Nieman stated that the bid specifications were published on May 28, and a copy of the bid specifications and blueprints are available in his office for inspection. Bids will be received on July 1, and upon the receipt of a final bid price, Chief Financial Officer Pitts will work with the Somerset County Improvement Authority to finalize the financing.

(Item #8 Cont.)

- 8-5. Tony Lan asked if Penn East was still planning a pipeline through the Sourlands and how could the Township stop this from happening.

Administrator Nieman responded that the Williams-Transco pipeline that was planned through the Trap Rock Tract has been stopped because the New Jersey Department of Environmental Protection refused to issue permits. He stated he was not aware of any movement on the Penn East Pipeline.

9. **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 #20-6-122 - REDEMPTION OF TAX SALE CERTIFICATE #2017-06**

BE IT RESOLVED That a refund in the amount of \$146,805.79 be given to Christiana T C/F Firstrust, P.O. Box 5021, Philadelphia, PA 19111-5021 for the redemption of Tax Sale Certificate #2017-06 on Block 6006, Lot 5.

B. **RESOLUTION #20-6-123 - REFUND OVERPAID 2017 TAXES**

BE IT RESOLVED That a refund in the amount of \$1,153.12 be given to Geoffrey B & Colleen R Seiler, 32 Waverly Court, Belle Mead, NJ 08502 for the overpayment of 2017 taxes on Block 7021, Lot 50.06.

C. **RESOLUTION #20-6-124 - REFUND OVERPAID 2020 TAXES**

BE IT RESOLVED That a refund in the amount of \$4,496.46 be given to Aires, LLC, 100 Reserve Road, Suite G300, Danbury, CT 06810 for the overpayment of 2020 taxes on Block 22030, Lot 13.

D. **RESOLUTION #20-6-125 - RELEASE OF PERFORMANCE GUARANTEE - Dana L. Castro - Street Opening Permit #19-R-39 (Block 34001, Lot 5)**

WHEREAS, Gail Smith, Township Engineer, has recommended the release of a cash performance guarantee to Dana L. Castro because all work has been satisfactorily completed with respect to a street opening permit at Block 34001, Lot 5 (1085 Cherry Hill Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee in the amount of \$555.00 be released to Dana L. Castro, 1085 Cherry Hill Road, Princeton, NJ 08540

- 9-1. 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, Gural, Schuldiner, Jaffer
Nays - None

10. **RESOLUTION #20-6-127 - RESOLUTION OF MONTGOMERY TOWNSHIP AUTHORIZING THE PURCHASE OF NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, The Montgomery Township has determined to move forward with the EMEX Reverse Auction in order procure natural gas for the and Montgomery Township; and

WHEREAS, The Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and

WHEREAS, Montgomery Township has utilized the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, The auction was conducted pursuant to the "Act".

NOW, THEREFORE, BE IT RESOLVED That the Township Administrator, Donato Nieman is hereby authorized to execute on behalf of Montgomery Township the natural gas contract with Plymouth Rock Energy, which submitted a bid of \$0.53110, lower than the PSE&G 24-month price of \$0.53824 in the EMEX Reverse Auction.

- 10-1. 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

- 10-2. Administrator Nieman explained that earlier in 2020 the Township bid the electrical supply for the Municipal Building and satellite facilities. This is a bid for natural gas for the Municipal Building and other municipal facilities, it is not part of a community aggregation.

11. ORDINANCE #20-1637 - Providing for 3.5% CAP - Public Hearing

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2020 BUDGET AND
TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14

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 4th day of June 2020 and that notice thereof be published in an official newspaper as required by law.

11-1. 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

12. APPROVAL OF MINUTES

The Regular Session minutes of May 21, 2020 were approved as printed.

13. 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.

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, Gural, Schuldiner, Jaffer
Nays - None

14. 2020-2021 MUNICIPAL DEER MANAGEMENT UPDATE

Committeewoman Keenan stated due to the COVID-19 pandemic hunting permit applications and safety meetings will be done on-line. There will be a few new properties added and the number of hunters on certain properties are being reviewed.

Committeeman Huang inquired if a second wave of COVID-19 would have an impact on the hunting program. Township Clerk Kukla stated that the New Jersey Division of Fish and Game would have authority over that. The hunters are isolated for the most part, and not all hunters are on a property at the same time. Tree stands must be a certain distance apart.

15. COMCAST

Committeewoman Gural spoke about the difficulty of residents with Comcast in the area of Route 601 regarding connectivity and signal strength. The franchise agreement is written in such a way that they cannot get another hookup near their homes causing issues for people who are working remotely and children attending school virtually. She stated she knew of discussions with a representative from Comcast, and wondered if there was a pathway toward assisting people in town to obtain a signal. Administrator Nieman stated that the Township has no authority over this. The franchise agreement is only for cable TV, and explained that it is the homeowner's responsibility to run the cable to their home. The cost is approximately \$15,000.00. The only alternative was Verizon for DSL if in their area code and CenturyLink which offers DSL.

16. CONTAINER FACILITY

Committeeman Huang reported that the Township's Container Facility will be open in June. Administrator Nieman explained the plans for the opening on June 20 which will be by appointment only. More information will be posted on the Township's website.

17. TOWNSHIP COMMITTEE UPDATES

17-1. EID

Mayor Jaffer explained that Eid is a holiday after the month of Ramadan. She wished happy Eid to whoever was celebrating.

(Item #17 Cont.)

17-2. MEMORIAL DAY

Mayor Jaffer stated that the Memorial Day virtual ceremony had taken place. She thanked the Veterans Memorial Committee for organizing this ceremony.

17-3. ONE MONTGOMERY

Mayor Jaffer reported that the One Montgomery Committee will be hosting a "Montgomery Speaks Out Against Racism" virtual event via Zoom on Saturday, June 6 at 8:00 p.m. This event will be followed by a candlelight vigil at 8:46 p.m.

17-4. BUSINESS FORUM

Mayor Jaffer stated that there will be a Business Forum on Tuesday, June 9 at 7:30 p.m. She explained that all business owners can find registration information at www.twp.montgomery.nj.us. Information will also be sent out via the Township's E-Bulletins.

17-5. LANDMARKS COMMISSION

Committeeman Huang reported that the Landmarks Commission approved a resolution to get the Tunis House on the Historic Register so deed restrictions could be sent to Somerset County.

17-6. ECONOMIC DEVELOPMENT COMMISSION

Committeewoman Keenan reported that the Economic Development Commission met and the focus was on the Business Forum scheduled for June 9. She stated that they are still working on printing the Business Directory.

17-7. ENVIRONMENTAL COMMISSION AND SUSTAINABLE MONTGOMERY

Committeewoman Keenan reported that the Environmental Commission and Sustainable Montgomery discussed the Green Infrastructure. There was a presentation by the Watershed Institute. The Green Infrastructure must be put into the Township's Master Plan sometime in 2021.

17-8. MASK UP PROGRAM

Committeewoman Keenan spoke about the Mask Up program she and Administrator Nieman have been involved in. She stated that the Department of Public Works has printed "Mask Up" signs and will be placing them at the parks and pathways in the Township to remind people to wear masks.

17-9. PRIDE MONTH

Committeewoman Gural reminded everyone that June is Pride Month.

17-10. MONTY CARES PROGRAM

Deputy Mayor Schuldiner stated that the Monty Cares program will be launching on June 5. He stated he attended a meeting regarding the issues of food sufficiency among residents in town. He stressed that the Montgomery Food Pantry is in need of donations.

17-11. CENSUS

Deputy Mayor Schuldiner reminded the public to fill out the census form. He reported that Montgomery is up to a 75% response rate.

17-12. PLANNING BOARD

Deputy Mayor Schuldiner reported the Planning Board approved an application to put in a solar collector field at the Bloomberg facility. The discussion was regarding a parcel of property the Township purchased from PSE&G on Route 206, part of which will be used as a service road. The Planning Board received the report on declaring the Convatec site as an area in need of redevelopment.

17-13. SITE PLAN/SUBDIVISION SUBCOMMITTEE

Deputy Mayor Schuldiner reported that the Site Plan/Subdivision Subcommittee reviewed an application from Country Classics for an apartment building that is slated to be built on Route 206 behind the movie theater and next to Tamarack Circle. They are proposing two buildings with both affordable and market units.

17-14. FUNCTIONAL STORMWATER AND GREEN INFRASTRUCTURE

Deputy Mayor Schuldiner stated he attended a Functional Stormwater and Green Infrastructure webinar where the subject was "How do we manage the stormwater?".

ADJOURNMENT was at 8:43 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