

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
August 20, 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, Committeemembers Gural, Keenan and Huang

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

ASSISTANT CHIEF FINANCIAL OFFICER - Dale Melville

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

3. Mayor Jaffer led the Salute to the Flag.

4. **GREEN INFRASTRUCTURE/STORMWATER MANAGEMENT UPDATE**

Administrator Nieman explained that Environmental Resolutions Inc., the Township's consulting engineer, presented their draft Green Infrastructure/Stormwater Management plan to the Environmental Commission. The draft will be reviewed with staff and then sent back to the Environmental Commission. He stated that the goal is to meet or exceed the existing standards established by the State of New Jersey. Once it is in an acceptable form, it will be adopted by the Planning Board and ultimately the Township Committee. It will be then be included in the Land Development portion of the Township's Administrative Code. He explained that the draft should be completed in September, the review process would then begin and hopefully it would be adopted by the end of 2020.

Committeewoman Keenan stated that this is for the Stormwater Management Plan, which is mandated by the State of New Jersey, and she believes that there has to be something in place by March, 2021.

5. **ROAD/TRANSPORTATION PROJECTS STATUS UPDATE**

Administrator Nieman reported on the following Road/Transportation Projects:

- Orchard Road/Opossum Road - complete;
- Skillman Road - out to bid;
- Blue Spring Road - substantially complete;
- Sycamore Lane neighborhood - complete;
- Township Road paving program - prices from the Morris County Co-Op have started coming in;
- Cherry Valley Road - substantially complete;
- Hollow Road Quiet Zone - up and running;
- Orchard Road Bridge replacement - complete;
- Route 601 Bridge upgrades - complete, but the County plans further studies;
- Replacement bridge over Back Brook - complete;
- Harlingen Road upgrades - complete;
- Route 518/Bedens Brook - complete;
- Crusier Brook bridge - substantially complete;
- Alexander Road Bridge - complete.

Deputy Mayor Schuldiner stated that there had been some resident comments about them continuing to hear the railroad horns in the vicinity of the Hollow Road Quiet Zone. Administrator Nieman responded that the Spring Hill Road and Provinceline Road railroad crossings are not quiet zones and people may be hearing the trains at those crossings.

6. **COVID-19 VIRUS UPDATE**

Health Officer Stephanie Carey spoke about three key items:

1. School reopening: The Health Department has worked tirelessly with the school District and other local Health Departments to develop safe reopening plans with multiple layers of evidenced based mitigation strategies to maximize safety. The State of New Jersey has released a school guidance document to set reopening criteria that are strictly based on the community transmission risk in Somerset County. The school district has decided to start school fully remote and re-evaluate at the end of September.

(Item #6 Cont.)

2. Contact Tracing Program: She commended community members who may have been exposed to the COVID virus and answered the call from the contact tracers. This is a key effort to help control the further spread of the virus and a key to safely reopening. She stated that across the State, the percentage of contact tracing calls ending in completion is approximately 50%, whereas in Montgomery that percentage is approximately 95%.
3. Rapid Antigen Testing: One of the most important tools for safely reopening is to increase the availability of rapid antigen testing in the community, to give people a quick yes/no answer as to whether they may be infectious. The Health Department is working with their partners in Health Departments across the region to compile lists of providers who offering that service and exploring opportunities to try to try and increase its availability in the community.

Deputy Mayor Schuldiner asked about the number of contacts the contact tracers are making with people in town being exposed from traveling out of town. Health Officer Carey responded that it is difficult to determine the jurisdiction of the exposure. She stated that this summer, most exposures are associated with social events and are trending younger.

7. **PUBLIC COMMENT**

- 7-1. Donna Kukla, Township Clerk, reported that there were numerous public comments sent regarding the construction at Village Shopper and how it is affecting Le Meche Hair Design. She read the following email from Nancy Petchok, Knickerbocker Drive:

"I am outraged over the construction taking place in front of a long time Montgomery business, La Meche. I have been a customer and for many years. I also have been trying to support all the small businesses at this difficult time, which apparently the township is not. The fact that approval for construction was given when this business still has 2 years remaining on its lease is disturbing. I saw firsthand today how close the trucks and "protective fences" are to the entrance. It appears extremely unsafe for the staff and customers. What message are you sending to any future businesses?"

Attorney Van Hise explained that this topic is in regard to the construction by Mr. Pugliese and the improvements to the Village Shopper Shopping Center. This project has received all of the approvals from the Planning Board and the Township and has proceeded most recently with the construction of that project. He stated that there is a Master Plan Loop Road that goes along with this project. He explained that the La Meche Salon is a tenant in the building and there have been communications over the last several months between Mr. Pugliese and the owners/managers of La Meche Salon regarding accommodations that were attempted to be made, whether that was relocation or other types of accommodations. The current dispute is between the landlord and the tenant. Administrator Nieman stated that the Township inspectors have been at the site on a regular basis and have reported that everything is in conformance with the Construction Sequence Agreement and there is no legal basis for the Township to stop the project.

Mayor Jaffer stated that she appreciates the support for local businesses and understands the concerns brought about by the long time customers of this business. She has spoken to owners of the salon as well as to the landlord and this really is a matter of whether or not they are in agreement as to what their arrangements are. This is not something that the Township would be deciding upon or adjudicating.

In response to a request from Committeeman Huang, Township Clerk read the names of the other commenters who sent public comments regarding this issue:

Connie Abodeely, Stanley Corngold, Linda Oppenheim, Govi Rao, Gary Maltz, Lauri D Mulvey, Christina DeLillo, and Nancy Difazio.

Mayor Jaffer asked for an explanation regarding the handicapped parking situation at the site and whether there is sufficient handicapped parking. Administrator Nieman explained that parking was being accommodated in the rear of the building.

- 7-2. Township Clerk Kukla reported that Howard Daniels and Jason Drift sent public comments regarding the lack of reliable internet service on Route 601 between Broadway and Dutchtown-Harlingen Road. They asked for the Township Committee's consideration in utilizing the franchise fee revenues collected from each of the communication providers to assist township residents along this corridor to achieve technical relevance. Investing in Montgomery's communication infrastructure would be a great benefit to the community.

Mayor Jaffer stated that this is an issue that has been in discussion. She asked if there were any further thoughts on what the Township can do.

Deputy Mayor Schuldiner stated that this topic has come onto the radar at the State level. Assemblyman Andrew Zwicker has recently held hearings on this exact problem. This shows up in two areas: 1. People who cannot afford to have high speed internet connections in their house; and 2. The rural lack of connectivity. He explained that there are some other programs that are available through the federal government that the Township may be able to tap into. He stated he would look more into any programs that would be able to help.

(Item #7-2 Cont.)

Administrator Nieman explained that the amount of money the Township receives from the franchise fees is approximately \$50,000 per year. This would not provide an answer to all of the homeowners effected, as it would only help about three homes per year.

Committeewoman Gural asked if the Township ever received a service map from Comcast, so that they could see what areas in town are problematic. Administrator Nieman responded that he would call the Township's contact. Deputy Mayor Schuldiner asked Administrator Nieman if he could also request a service map from CenturyLink and a cell service map of town from the cell providers. Committeewoman Gural asked if they could take all the information from these service maps and put together a map of the "hot spots" of the areas that need service.

There was discussion about the power outages occurring during Tropical Storm Isaias. Mayor Jaffer spoke about the need for a comprehensive understanding of what the communication situation is. She inquired as to who should be tasked with creating this and presenting it. Administrator Nieman responded that he would look into this. He stated that Montgomery, Hillsborough and Branchburg met with Verizon and members of the Somerset County Board of Chosen Freeholders to discuss Verizon's overall plan for this region. This was because the Township was upset with the fact that every time an application was made for a cell tower, it was not presented as part of a Master Plan for this area and there was a different set of professionals presenting at each Planning Board or Zoning Board of Adjustment hearing. Verizon was asked for consistency and locations. The two areas of major concern are along the Princeton Ridge and the Millstone River Valley.

8. **CLASSIFICATION OF PERMANENT POLICE OFFICER - Colleen Murphy**

BE IT RESOLVED That Colleen Murphy has completed her probationary period and is now classified as a permanent police officer effective July 18, 2020.

8-1. Police Captain/Director James Gill explained that Officer Murphy began her career with Montgomery Township approximately 14 months ago. Since her graduation from the Mercer County Police Academy and appointment to Montgomery Township, she has proven herself as an asset to the Police Department. He stated his approval of her being classified a permanent Police Officer.

8-2. 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

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 #20-8-165 - REFUND OVERPAID 2020 TAXES**

BE IT RESOLVED That a refund in the amount of \$2,155.80 be given to Mark Hamersky, 29-G Chicopee Drive, Princeton, NJ 08540 for the overpayment of 2020 taxes on Block 37002, Lot 1.046.

B. **RESOLUTION #20-8-166 - APPROVAL OF FIRE HYDRANTS - Meadows at Montgomery**

BE IT RESOLVED By the Montgomery Township Committee that authorization be given to install private fire hydrants at the following locations in Meadows at Montgomery:

Hydrant #1: To be installed on island in front of Building #1;

Hydrant #2: To be installed on island in front of Building #2;

Hydrant #3: To be installed on island in front of Maintenance Buildings.

All locations are in accordance with the recommendations of the Montgomery Township Fire Marshall's Office and Fire Company #45. All locations are shown on plan submitted by New Jersey American Water Company.

C. **RESOLUTION #20-8-167 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Bulletproof Vest Grant**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2020, in the amounts listed below, which item is now available as a revenue form the Bureau of Justice Assistance;

2020 Bulletproof Vest Partnership Grant

\$2,728.78

(CONSENT AGENDA Item C Cont.)

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services

D. **RESOLUTION #20-8-168 - APPROVAL OF PUBLIC HEATH MUTUAL AID AGREEMENT**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the Mercer County Governmental Public Health Partnership Agreement between Ewing Township Health Department, Hamilton Township Health Department, Hopewell Township Health Department, Lawrence Township Health Department, Mercer County Division of Public Health, Montgomery Health Department, Princeton Health Department, West Windsor Health Department and City of Trenton Health Department to provide licensed/certified personnel or specialized equipment when a County or local Health Department requires assistance under emergent conditions.

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 #20-8-169- AUTHORIZING PURCHASE OF TWO 2020 FORD F550 TRUCKS WITH EQUIPMENT THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State CO-OP per N.J.S.A. 40A:11-11; and

WHEREAS, The Township of Montgomery has determined the following cooperative pricing system identifier MCCPC - Contract #15-C, Item #17 has provided the Township with the most competitive price for these items; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for these purchases in Account Number 04-215-55-901-1639G.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the purchase of a 2020 Ford F550 Truck with dump body and equipment at a not to exceed amount of \$68,828.25 and a 2020 Ford F550 truck with snowplow and equipment at a not to exceed amount of \$57,218.25 be authorized through the utilization of the Morris County Cooperative Pricing Council to:

DFE LM, LLC
Ditschman/Flemington Ford
215 Route 202
Flemington, NJ 08822

10-1. 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

11. **ORDINANCE #20-1643 - Conveyance of Kid Connection Facilities to Board of Education - Public Hearing**

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

AN ORDINANCE CONVEYING THE MONTGOMERY TOWNSHIP KID CONNECTION FACILITY TO THE MONTGOMERY TOWNSHIP BOARD OF EDUCATION.

B-1. Mayor Jaffer opened the hearing to the public.

B-2. Attorney Van Hise explained that this is a situation where the municipality has certain assets, predominantly a building and furniture, that is no longer needed by the municipality for public use. He explained that there would be a cost to the municipality to demolish the building and a cost for the Board to construct another needed facility at that site. The building belongs to the municipality, but the land that the building sits on belongs to the Board of Education.

B-3. 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 20th day of August, 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**

Committeeman Huang stated that he would like the following statement by Chief Financial Officer Pitts added to Item #15, Tax Bills, of the August 6, 2020 minutes:

"Interest becomes retroactive to August 1 for any payment received after September 10."

The Regular Session minutes of August 6, 2020 were approved as amended.

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 Committeewoman Keenan and carried on the following:

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

14. **FREQUENT POWER OUTAGES**

Mayor Jaffer explained that there were neighborhoods and residents who frequently experience lengthy power outages during and after storms. She wondered if there was anything that could be done at the Township level, or does the Township need to advocate at other levels to try to mitigate the impact of storms and power outages to those residents. Administrator Nieman explained that after Hurricane Sandy, PSE&G rebuilt their system and increased redundancy, which included all of the "tall-boy" poles. They also created power substations to provide the ability to reroute power. He stated that he inquired as to whether or not any additional upgrades beyond that which was done in the aftermath of Hurricane Sandy are contemplated and at this point in time and in this area, there are none. He explained the other issue in Montgomery is the aggressive tree trimming program that is being pursued by PSE&G. The New Jersey Board of Public Utilities mandated right of way clearing and the like after Hurricane Sandy. He stated that many of the outages were caused by falling trees. When these trees fall on power lines or telephone lines, or are even in close proximity, the Township's Public Works employees are not allowed to touch them. It has to be employees of the utility or their subcontractors who are certified to remove and work in proximity. He stated that CenturyLink is one of the least responsive utilities to deal with.

Mayor Jaffer stated that one of the things that she felt was important for residents to know is that if there is a tree down, the Township can not remove it. This has to be done by the utility. She explained that it is in the best interest of the residents for them to also call the utility companies to report it.

Committeewoman Keenan stated that it should be made clear as to who owns what trees. There is definitely some confusion in that area. Administrator Nieman responded that he was going to ask the Township's contact at PSE&G to make a presentation to the Township as to what homeowners should do proactively. This would also clarify what PSE&G's responsibility is and what the homeowner's responsibility is. He suggested that homeowners should call about a possible problem tree ahead of time, so that it is not a problem when a storm occurs.

15. **AREAS IN NEED OF REDEVELOPMENT**

Mayor Jaffer spoke about areas in need of redevelopment and how to move forward. She asked if the Governing Body could establish an ad hoc committee to look into this or is it something the Township Committee or Planning Board should do.

Attorney Van Hise explained that it really depends on how the Governing Body wishes to proceed. Under the Local Redevelopment Housing Law, it is up to the Governing Body to request that areas that are identified be studied by the Planning Board to determine if they would qualify under the statutory criteria for designation. It can be as easy as requesting that staff make a list of recommended properties to the entire Township Committee then they decide if those properties should be studied or the Township Committee can create a subcommittee to work with the staff and professionals to identify areas in need of redevelopment. At that point, the Governing Body would adopt a resolution requesting that the Planning Board initiate a study. He explained the process after that. The Planning Board would commission a study and hold a hearing. It would then evaluate the designated properties against the statutory criteria and then report its findings back to the Township Committee. It would then be up to the Governing Body to designate those sites that qualify, either in part or in whole. The Governing Body would then commission a plan.

(Item #15 Cont.)

Committeewoman Gural asked if there were additional costs associated with the process and does it become cost prohibitive to pursue this rather than try to work with the property owner to develop the property. Attorney Van Hise responded that it depends how big the scope is that the Governing Body wants to tackle.

16. TOWNSHIP COMMITTEE UPDATES

16-1. VETERANS MEMORIAL COMMITTEE

Committeeman Huang reported that the Veterans Memorial Committee has begun discussing the 2020 Veterans Day ceremony.

16-2. OPEN SPACE COMMITTEE

Committeeman Huang reported that the Open Space Committee discussed the Skillman Road project, a possible planting day in October, improving Township lands and the use of herbicides and pesticides, the rural corridor viewshed, open space acquisitions, Princeton Show Jumping, and potential ordinance updates.

16-3. ZONING BOARD OF ADJUSTMENT

Committeeman Huang reported that the Zoning Board of Adjustment reassigned all of their 2020 meetings to be held via Zoom. They memorialized resolutions on three applications which were approved at prior meetings. There was also a review for a private residence, which was approved.

16-4. BUSINESS TASK FORCE

Committeewoman Keenan reported that the Business Task Force will hold a public meeting on September 23 at 7:00 p.m. on the Township's response from a COVID-19 perspective. The Business Task Force discussed focusing the meeting on economics and outdoor structures. They are working with some of the businesses in town about what services can be offered to parents of school age children.

16-5. BOARD OF HEALTH

Committeewoman Gural reported that the Board of Health will be holding a joint meeting with the Board of Education on August 25 from 7:00 to 7:30 p.m. to discuss safety precautions and what parents need to know about safe school reopening. She pointed out this meeting was put together before the announcement of all virtual schooling, but she felt it should still be held to prepare for the eventual reopening of the school buildings.

16-6. PLANNING BOARD

Deputy Mayor Schuldiner reported that the Planning Board reassigned all of their 2020 meetings to be held via Zoom. They heard and approved four applications. One of these applications was for a major housing development that will be on the property behind the Montgomery Movie Theater.

16-7. CENSUS

Deputy Mayor Schuldiner reminded everyone that if they haven't already filled out their Census form, to do so as soon as possible. He stated that the Census Bureau has started to send Census Takers out to homes. The Federal Government has decided to shorten the period for responses until the end of September.

16-8. MONTY CARES PROGRAM

Deputy Mayor Schuldiner reminded everyone of the Monty Cares program. If you are a person who has a need that is not being filled such as food, transportation etc. contact Montycares.org.

16-9. BOARD OF EDUCATION

Mayor Jaffer reported that Board of Education President Joanne Tonkin has stepped down, which means that Phyllis Bursh becomes President. They will be appointing a new member to fill the unexpired term and are accepting applications or letters of interest through September 29.

16-10. GENERAL ELECTION

Mayor Jaffer stated that the Governor has decided that the General election will be held primarily through mail in ballots, just like the Primary election. Every registered voter will receive a vote by mail ballot. She recommended that those ballots be returned either by mail or to one of the secure drop boxes. People will be able to return their ballots in person either to the Somerset County Board of Elections or at one of the polling places on election day. There will be a few polling locations in town for those who would like to vote provisional or persons who have a vision disability.

(Item #16 Cont.)

16-11. SOMERSET COUNTY SENIOR CENTERS

Administrator Nieman stated that Somerset County will be extending the closure of the senior centers and nutrition sites throughout the County through the end of September. Mayor Jaffer stated while the centers will not be open, services and classes will still be held via Zoom.

16-12. INDOOR DINING

Administrator Nieman stated there will be an announcement from Governor Murphy by August 29 regarding indoor dining.

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 are as follows:
 - Advice of Counsel with Respect to Police Promotional Process.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public.

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

18. Meeting reconvened in Open Session and ADJOURNMENT was at 9:26 p.m. on a motion by Deputy Mayor Schuldiner. The motion was seconded by Committeewoman Keenan and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk