

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 3, 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 and Huang
Committeemember Keenan was absent

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 and a moment of silence in remembrance and respect for all who lost their lives on September 11, 2001.

- 3-1. Mayor Jaffer read the following reflection by Toni Morrison called "The Dead of September 11":

"Some have God's words; others have songs of comfort for the bereaved. If I can pluck courage here, I would like to speak directly to the dead--the September dead. Those children of ancestors born in every continent on the planet: Asia, Europe, Africa, the Americas...; born of ancestors who wore kilts, obis, saris, geles, wide straw hats, yarmulkes, goatskin, wooden shoes, feathers and cloths to cover their hair. But I would not say a word until I could set aside all I know or believe about nations, wars, leaders, the governed and ungovernable; all I suspect about armor and entrails. First I would freshen my tongue, abandon sentences crafted to know evil---wanton or studied; explosive or quietly sinister; whether born of a sated appetite or hunger; of vengeance or the simple compulsion to stand up before falling down. I would purge my language of hyperbole; of its eagerness to analyze the levels of wickedness; ranking them; calculating their higher or lower status among others of its kind.

Speaking to the broken and the dead is too difficult for a mouth full of blood. Too holy an act for impure thoughts. Because the dead are free, absolute; they cannot be seduced by blitz.

To speak to you, the dead of September 11, I must not claim false intimacy or summon an overheated heart glazed just in time for a camera. I must be steady and I must be clear, knowing all the time that I have nothing to say--no words stronger than the steel that pressed you into itself; no scripture older or more elegant than the ancient atoms you have become.

And I have nothing to give either--except this gesture, this thread thrown between your humanity and mine: I want to hold you in my arms and as your soul got shot of its box of flesh to understand, as you have done, the wit of eternity: its gift of unhinged release tearing through the darkness of its knell."

4. **RESOLUTION - HONORING ETHAN LIU - COMCAST FOUNDATION LEADERS AND ACHIEVERS SCHOLARSHIP WINNER**

WHEREAS, A community possesses no greater treasure than its young citizens; and

WHEREAS, Montgomery Township student Ethan Liu, has been awarded a \$2,500.00 Comcast Leaders and Achievers Scholarship from the Comcast Foundation; and

WHEREAS, Since 2001, the Comcast Foundation has awarded scholarships to high school seniors across the country as part of the Leaders and Achievers program; and

WHEREAS, Ethan was one of two students chosen from Somerset County; and

WHEREAS, Comcast Leaders and Achievers are High School students who have been selected for their outstanding community service, academic performance, and leadership skills in the community and among their peers.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates Ethan Liu on his outstanding achievement and wishes him continued success all his future endeavors on this 3rd day of September, 2020.

- 4-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Huang and carried unanimously.
- 4-2. The Governing Body congratulated Mr. Liu on this honor and stated that once the Township Committee returns to live meetings, he was invited to attend and have photos taken with the Committee.

5. **COVID-19 VIRUS UPDATE**

Assistant Health Officer Devangi Patel stated that Montgomery Township's region is currently in the moderate range, up from the low range. This region includes Hunterdon, Mercer and Somerset Counties. She stated the following four important rules for people to follow:

- Wear a mask;
- Follow social distancing rules;
- Wash hands regularly;
- Stay home when you are sick.

She reported they are continuing contact tracing; providing training to school nurses; providing guidance to long term care facilities, health care facilities, restaurants and businesses; and working on finalizing the fall flu clinic. There is a tentative date of October 3 for a drive-through flu clinic in Montgomery Township and a September 30 date for a walk up clinic for Senior Citizens. More flu clinic information will be forthcoming.

Committeewoman Gural asked if there would be any regular inspections done now that restaurants will be allowed to have indoor dining. Administrator Nieman responded that Environmental Health Sanitarian, Evan Stampoulos, has been following up with restaurants.

6. **PUBLIC COMMENT**

Mayor Jaffer opened the public comment portion of the meeting. There being no public comment, Mayor Jaffer closed this portion of the meeting.

7. **REVIEW OF ANNUAL AUDIT REPORT & CORRECTIVE ACTION PLAN**

Robert Swisher, Supplee Clooney reviewed the annual audit report and stated it was another year with no recommendations. He commended the Township because it is so much further along when it comes to technology and being able to send documents electronically which really helped in this COVID-19 environment.

8. **RESOLUTION #20-9-170 - REVIEW OF ANNUAL AUDIT REPORT OF 2019**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

(Item #8 Cont.)

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Township of Montgomery, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

BE IT FURTHER RESOLVED That the Montgomery Township Committee has reviewed and approves the Corrective Action Plan as filed.

8-1. 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

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 #20-9-171 - REDEMPTION OF TAX SALE CERTIFICATE #18-0017**

BE IT RESOLVED That a refund in the amount of \$4,121.58 be given to FIG as Custodian for FIG NJ18, LLC, P.O. Box 54472, New Orleans, LA 70154 for the redemption of Tax Sale Certificate #18-0017 on Block 37004, Lot 1.69.

B. **RESOLUTION #20-9-172 - REFUND UNUSED PORTION OF SPECIAL DUTY MONIES**

BE IT RESOLVED That a refund be given to the following business/company for monies owed by the Township of Montgomery for Private Duty Services;

Buckley Cable Construction Company 3601 West 9th Street Trainer, PA 19061 Attn: Courtney Shea \$127.50	Kermesse Sport LLC P. O. Box 224 Pineville, PA 18946 \$1,142.50
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J. Fletcher Creamer and Son, Inc.
101 East Broadway
Hackensack, NJ 07601
Attn: Joseph Telep
\$170.00

C. **RESOLUTION #20-9-173 - TEMPORARY ROAD CLOSING - Small Neighborhood Parade - 22 Sycamore Lane to Oxford Circle**

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of the 22 Sycamore Lane to Oxford Circle to accommodate a small neighborhood parade for September 7, 2020 from approximately 2:45 p.m. - 4:00 p.m. Approval is pending Montgomery Township Police approval provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

D. **RESOLUTION #20-9-174 - RELEASE OF PERFORMANCE GUARANTEE - Road Opening Permit #18-R-54 - 155 Kildee Road**

WHEREAS, Gail Smith, Township Engineer, has recommended the release of a cash performance guarantee to AE Holding Group, LLC. because all work has been satisfactorily completed with respect to a street opening permit at Block 15010, Lot 2 (155 Kildee Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee in the amount of \$3,260.00 be released to AE Holding Group, 155 Kildee Road, Belle Mead, NJ 08502.

E. **RESOLUTION #20-9-175 - RELEASE OF PERFORMANCE GUARANTEE - Road Opening Permit #19-R-43 - 38 Red Oak Way**

WHEREAS, Gail Smith, Township Engineer, has recommended the release of a cash performance guarantee to John Lazorchak, JML Landscaping, Inc. because all work has been satisfactorily completed with respect to a street opening permit at Block 7033, Lot 14 (38 Red Oak Way).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee in the amount of \$690.00 be released to John Lazorchak, JML Landscaping, Inc., P.O. Box 306, Neshanic Station, NJ 08853.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #20-9-176 - RESOLUTION AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO ENTER INTO A NATIONAL COOPERATIVE PRICING AGREEMENT - Sourcewell (formerly National Joint Powers Alliance (NJPA))**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into National Cooperative Pricing Agreements for its administration; and

WHEREAS, Pursuant to N.J.S.A. 52:34-6.2, any contracting unit authorized to purchase goods, or to contract for services, may make purchases and contract for services through the use of a national-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit with the State of New Jersey, or within any other state, when available; and

WHEREAS, On September 3, 2020 the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE BE IT RESOLVED That this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Montgomery; and

BE IT FURTHER RESOLVED That pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Township Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency (Sourcewell); and

BE IT FURTHER RESOLVED That the Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

G. **TOWNSHIP COMMITTEE APPOINTMENT - Tax Map Official**

BE IT RESOLVED That Jeff Baldwin of JT Surveying, LLC. be hereby appointed Tax Map Official, 1 year unexpired term expiring December 31, 2020.

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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

10. **RESOLUTION #20-9-177 - CHANGE ORDER #3 - Final Payment and No Cost Time Extension, Stage II Wastewater Treatment Plant Headworks Upgrade Project**

WHEREAS, Resolution #18-3-63, adopted on March 1, 2018, authorized the award of a contract for the Stage II Wastewater Treatment Plant Headworks Upgrade Project to Eagle Construction Services, Inc. in the amount of \$ 805,514.00; and

WHEREAS, Resolution #19-2-70, adopted on February 21, 2019, authorized Change Order No. 1, increasing the contract amount to \$884,832.00 and extending the time of completion for the project; and

WHEREAS, Resolution #19-11-239, adopted on November 7, 2019, authorized Change Order No. 2, increasing the contract amount to \$925,816.00 and extending the time of completion for the project; and

WHEREAS, The Township Engineer has requested the Committee's approval of Change Order No. 3 for final payment and to further extend the time of completion for the project; and

WHEREAS, Change Order #3 would confirm the final payment and a no cost time extension to March 12, 2020; and

WHEREAS, The work comprising Change Order #3 will result in a decrease in the contract amount by \$ 10,800.00; and

WHEREAS, The new contract amount is \$915,016.00, a net increase of 13.6% over the original contract amount; and

WHEREAS, The Township Engineer has recommended approval of the Change Order; and

WHEREAS, A copy of the proposed Change Order request is available in the Office of the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery as follows:

1. Change Order #3 is hereby approved for this project.
2. This Resolution, when counter-signed by Eagle Construction Services, Inc., shall serve as a contract amendment to the original contract for the purpose of extending the contract completion date from December 2, 2019 to March 12, 2020 with no change in the contract amount.

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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

11. **RESOLUTION #20-9-178 - AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - Skillman Road Pathway and Paving Project - Engineering Services - Menlo**

WHEREAS, By Resolution No. 19-6-162 adopted on June 20, 2019, the Township Committee awarded an agreement for professional services to the firm of Menlo Engineering Associates, ("Menlo") to provide surveying, permitting, engineering design, bid documents, for other services necessary for the construction of a pathway along Skillman Road (between County Route 601 and Burnt Hill Road) and along Burnt Hill Road (between Skillman Road and Main Boulevard), for Skillman Road roadway rehabilitation, associated work, and preparation of contract documents for the Skillman Road Pathway and Paving project ("Project"), for the sum of \$164,450.00 ("Agreement for Professional Services" or "Agreement"); and

WHEREAS, The Township Engineering Department and Open Space Coordinator have requested that the Township Committee authorize Menlo to complete additional engineering services in connection with this Project, and in particular, to extend the scope of Menlo's services to include ADA ramp designs for Wessex Lane, Highfield Road, and Titus Road; the preparation of an environmental evaluation for NJDOT approval; upgrading street name signs along Skillman Road and Burnt Hill Road; field investigation necessary to determine various infrastructure repair work; and to update specifications to meet new NJDOT Local Aid requirements, all of which were not included in the original scope of services for said Project; and

WHEREAS, Menlo submitted a written proposal dated August 3, 2020 to complete these additional services for the sum of \$7,200.00 ("Proposal"), which Proposal shall be incorporated herein by reference; and

WHEREAS, The work set forth in the Proposal extends beyond the original scope of services with Menlo and therefore, the parties seek to memorialize the Proposal's scope of work and estimated cost by amending the existing Agreement for Professional Services; and

WHEREAS, The existing Agreement with Menlo was awarded without competitive bidding as a professional services agreement pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and as a such, the Township Committee may amend same by resolution adopted under N.J.A.C. 5:30-11.6(e); and

WHEREAS, There exists account numbers 04-215-55-901-1542B and 22-288-56-000 which will fund this Agreement amendment; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery as follows:

1. The existing Agreement for Professional Services entered into between the Township and Menlo, is hereby amended, to extend the scope of Menlo's services to include ADA ramp designs for Wessex Lane, Highfield Road, and Titus Road; the preparation of an environmental evaluation for NJDOT approval; upgrading street name signs along Skillman Road and Burnt Hill Road; field investigation necessary to determine various infrastructure repair work; and to update specifications to meet new NJDOT Local Aid requirements, all of which were not included in the original scope of services for said Project, as more specifically detailed in Menlo's August 3, 2020 Proposal, incorporated herein by reference.
2. As a result of the increase in scope of services, the contract amount shall be increased by \$7,200.00, bringing the contract total, as amended, from \$164,450.00 to \$171,650.00.
3. The Mayor and Clerk are hereby authorized and directed to execute an Amendment to the Professional Services Agreement which shall be executed by the parties to confirm the additional scope of services and anticipated cost; the form of the Amendment to Agreement for Professional Services shall be subject to the approval of the Township Attorney.
4. A copy of this Resolution and Amendment to Agreement for Professional Services shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

12. **RESOLUTION #20-9-179 - PROFESSIONAL SERVICES RESOLUTION - Surveying Services for Cherry Brook Drive - JT Surveying, LLC**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional surveying firm to provide surveying services for Cherry Brook Drive, including but not limited to preparation of topography, data collection, mapping of various existing site features, location of right-of-way and property corners, collection of visible utility information, and preparing the land survey for Cherry Brook Drive ("scope of work"); and

WHEREAS, The Township has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law"; and

WHEREAS, The firm JT Surveying, LLC, has submitted a written proposal dated July 30, 2020 ("Proposal"), which Proposal shall be incorporated herein by reference, to provide the sought-after services to the Township for a sum not to exceed \$16,500.00; and

WHEREAS, JT Surveying, LLC has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that JT Surveying, LLC has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44-20.26 and an Affidavit Prerequisite to Execution Agreement Exempt from Public Bidding and in Excess of \$5,000 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract for "professional services" without competitive bidding; and; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #01-201-20-165-251.

NOW, THEREFORE BE IT RESOLVED By the Township Committee of the Township of Montgomery as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with JT Surveying, LLC to provide surveying services described in the Proposal and scope of work. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. JT Surveying, LLC shall be paid a not to exceed fee of \$16,500.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Proposal, the Pay-to-Play forms, and the agreement shall be placed on file in the office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the official newspaper as required by law.

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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

13. **RESOLUTION #20-9-180 - PROFESSIONAL SERVICES RESOLUTION - Surveying Services for Dead Tree Run Road (from Bridgepoint Road to Mill Pond Road)- Banc3 Engineering**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional surveying firm to provide surveying services for Dead Tree Run Road (from Bridgepoint Road to Mill Pond Road), including but not limited to preparation of topography, data collection, mapping of various existing site features, location of right-of-way and property corners, collection of visible utility information, and preparing the land survey for Dead Tree Run Road ("scope of work"); and

WHEREAS, The Township has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law"; and

WHEREAS, The firm Banc3 Engineering, has submitted a written proposal dated July 30, 2020 ("Proposal"), which Proposal shall be incorporated herein by reference, to provide the sought-after services to the Township for a sum not to exceed \$9,850.00; and

WHEREAS, Banc3 Engineering has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Banc3 Engineering has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44-20.26 and an Affidavit Prerequisite to Execution Agreement Exempt from Public Bidding and in Excess of \$5,000 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract for "professional services" without competitive bidding; and; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #04-215-55-901-1521B.

(Item #13 Cont.)

NOW, THEREFORE BE IT RESOLVED By the Township Committee of the Township of Montgomery as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Banc3 Engineering to provide surveying services described in the Proposal and scope of work. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Banc3 Engineering shall be paid a not to exceed fee of \$9,850.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Proposal, the Pay-to-Play forms, and the agreement shall be placed on file in the office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

14. **RESOLUTION #20-9-181 - AWARD OF BID #B03-2020 - Skillman Park Pathway (State Aid Project)**

WHEREAS, The following bids for the Skillman Park Pathway (State Aid Project) were received and publicly opened on Wednesday, September 02, 2020 at 11:00 a.m.:

<u>Bidders</u>	<u>Bid Amount</u>
DeSantis Construction, Inc.	\$1,055,865.82
Paving Materials & Contracting, LLC	\$1,159,160.00
S & G Paving, Inc.	\$1,335,096.50
Reivax Contracting Corp.	\$1,335,374.50
Black Rock Enterprises, LLC	\$1,475,000.00

WHEREAS, DeSantis Construction, Inc., 33 North River Street B1, Hillsborough, NJ 08844, is the lowest responsible bidder; 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; and

WHEREAS, There exists account numbers 02-213-41-900-2020, 04-215-55-901-1521B, and 22-288-56-000 which will fund this project.

BE IT RESOLVED That the Township of Montgomery hereby recommends to the New Jersey Department of Transportation that the contract for Skillman Park Pathway (State Aid Project), in the Township of Montgomery, County of Somerset, be awarded to DeSantis Construction, Inc., whose bid amounted to \$1,055,865.82, subject to the approval of the Department of Transportation.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign said contracts.

14-1. 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

15. **RESOLUTION #20-9-182- AUTHORIZING PURCHASE OF ONE 2020 FORD F550 TRUCK WITH EQUIPMENT AND ONE 2020 FORD F250 REGULAR CAB 4X4 PICK UP 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, Items #8 and #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.

(Item #15 Cont.)

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 F250 Regular Cab 4x4 Pick Up with snow plow equipment at a not to exceed amount of \$44,445.00 be authorized through the utilization of the Morris County Cooperative Pricing Council to:

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

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

16. **RESOLUTION #20-9-183 - AUTHORIZING PURCHASE OF A PACIFIC-TEK PV-500 VACUUM EXCAVATOR TRAILER THROUGH THE ESCNJ EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY**

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 ESCNJ #65MCESSCCPS - Bid #ESCNJ 18/19-42 has provided the Township with the most competitive price for this item; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase 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 Pacific-Tek PV-500 Vacuum Excavator Trailer at a not to exceed amount of \$81,248.85 be authorized through the utilization of the ESCNJ Educational Services Commission of New Jersey to:

Timmerman Equipment Company
P.O. Box 71
Whitehouse, NJ 08888

16-1. 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

17. **RESOLUTION #20-9-184 - AUTHORIZING PURCHASE OF ONE SWENSON STRATOS B50 STAINLESS STEEL SPREADER FOR THE MONTGOMERY TOWNSHIP DEPARTMENT OF PUBLIC WORKS THROUGH SOURCEWELL, A NATIONAL COOPERATIVE**

WHEREAS, The Township of Montgomery intends to participate in the Sourcewell contract to purchase one (1) Swenson Stratos B50 Stainless Steel Spreader; and

WHEREAS, Said equipment is available through Sourcewell contract #080818-SWS awarded for the period of October 29, 2018 through October 29, 2022; and

WHEREAS, Information regarding the contract may be found at the Office of the Township Clerk, Township of Montgomery, during regular business hours, as well as on the Sourcewell website at:

<https://www.sourcewell-mn.gov/cooperative-purchasing/080818-sws>

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in account number 04-215-55-901-1639G.

NOW, THEREFORE, BE IT RESOLVED That it is the intent of the Township Committee of the Township of Montgomery to award a contract to the Swenson Manufacturing dealer:

Trius, Inc.
5049 Industrial Road
Farmingdale, NJ 07727

for the purchase of one (1) Swenson Stratos B50 Stainless Steel Spreader through Trius, Inc. at a not to exceed amount of \$60,545.00.

BE IT FURTHER RESOLVED That this contract shall take affect should no written comments be received on or before 10 days after the Publication of a "Notice of Intent to Award".

17-1. 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

18. **RESOLUTION #20-9-185 - AUTHORIZING RENEWAL OF 2020-21 PLENARY RETAIL CONSUMPTION LICENSES, PLENARY RETAIL DISTRIBUTION LICENSES, AND CLUB LICENSES**

WHEREAS, Applications have been received for three (3) Plenary Retail Consumption Licenses, two (2) Plenary Retail Distribution Licenses, and three (3) Club Licenses; and

WHEREAS, These applications have been made to the State of New Jersey, Division of Alcoholic Beverage Control and filing fees have been paid to the Township and to the State of New Jersey, Division of Alcoholic Beverage Control; and

WHEREAS, The Health Officer, the Police Director and Fire Inspector have inspected the applicants' property and have approved them as per reports filed with the Township Clerk; and

WHEREAS, No objections have been filed with the Township Clerk; and

WHEREAS, Said applications have been examined by the Township Committee and the Township Committee finds that:

- The applicants electronically submitted application forms to the State of New Jersey, Division of ABC and are complete in all respects
- The applicants are qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;
- The applicants have disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Township Clerk is hereby instructed to issue the following Alcoholic Beverage Control Licenses for the year 2020-2021:

CLUB LICENSES

1813-31-004-001	Bedens Brook Club
1813-31-005-001	Princeton BPO Elks 2129
1813-31-006-991	Montgomery Tennis Patrons Associates

PLENARY RETAIL DISTRIBUTION

1813-44-001-009	Steele Built LLC
1813-44-010-003	M Wine and Liquor NJ, Inc.

PLENARY RETAIL CONSUMPTION

1813-33-002-017	AJA Montgomery LLC
1813-33-003-004	Princeton Innkeepers, Inc.
1813-33-013-001	Clubcorp NVI, LLC

18-1. 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

19. **ORDINANCE #20-1644 - Acquisition of Property (Block 11001, Lot 61) and Acquisition by Gift of Property (Block 7010, Lot 13) - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY PROVIDING FOR THE ACQUISITION OF BLOCK 11001, LOT 61 ON THE NORTHEAST CORNER OF ROUTE 518 AND SPRING HILL ROAD AND AUTHORIZING THE ACQUISITION BY GIFT OF PROPERTY OF BLOCK 7010, LOT 13 ON WILLOW ROAD IN THE TOWNSHIP OF MONTGOMERY.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing September 17, 2020 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

19-1. 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

20. **APPROVAL OF MINUTES**

The Regular Session minutes of August 20, 2020 were approved as printed.

21. **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.

21-1. 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, Gural, Schuldiner, Jaffer
Nays - None
Absent - Keenan

22. **INTERNET SERVICE**

Mayor Jaffer requested an update regarding the lack of adequate internet service in some of the areas of Montgomery Township. Administrator Nieman responded that he has asked Comcast to provide a map showing the areas that are not covered. He is also working with the Police Department to identify those areas where there is no coverage. A map will be produced and compared with the Comcast map.

23. **POWER OUTAGES**

Mayor Jaffer requested an update on the subject of power outages in some areas of the Township. Administrator Nieman stated that the Township's contact at PSE&G is preparing a presentation for either the September 17 or October 1 Township Committee meetings. This will be a presentation on not only what residents can do as a preventative but also how PSE&G has rebuilt the system and how they go about triaging the return of power.

24. **TOWNSHIP COMMITTEE UPDATES**

24-1. **BOARD OF EDUCATION**

Mayor Jaffer reported that Phyllis Bursh has been sworn in as the School Board President and Ranjana Rao as Vice President. The Board reviewed their plan for the remote learning process for the upcoming semester.

24-2. **HABITAT FOR HUMANITY**

Mayor Jaffer stated that there would be a dedication for Montgomery Township's first Habitat for Humanity house on September 12 and she hoped there would be more to come.

24-4. **VETERANS AFFAIRS**

Committeeman Huang reported he attended a call hosted by the New Jersey Department of Military and Veterans Affairs. The purpose of the call was to give insight on the resources and tools that the department offers for veterans. He provided the website for information is www.nj.gov/military/veterans and the hotline phone number is 888-865-8367. He explained some of the benefits and services available for the veterans in the community.

Committeewoman Gural stated that the New Jersey State Veterans Chamber of Commerce is a good resource for Veteran business owners.

24-5. **LANDMARKS COMMISSION**

Committeeman Huang reported that the Landmarks Commission reviewed an application for a preservation plan for the John R. Staats house. He stated that on October 2 at 10:00 a.m., the New Jersey State Review Board for Historic Sites will be meeting and the Harlingen Historic District nomination application is on the agenda.

24-6. **AFFORDABLE HOUSING**

Committeewoman Gural reported that there is a lot of misinformation being given about what affordable housing is, who it is for, and what it does to communities. She stated that the Governing Body of Montgomery Township feels very strongly about the value of affordable housing in Montgomery. Mayor Jaffer agreed that having affordable housing in Montgomery is important.

24-7. **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 to the end of September.

25. **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 regarding potential litigation - Princeton Show Jumping/Hunter Farms;
 - Advice of counsel regarding pending investigation/potential lawsuit.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

25-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Huang and carried unanimously.

26. Meeting reconvened in Open Session and **ADJOURNMENT** was at 9:00 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