

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
September 17, 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

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 on the Township's website. Instructions for participating in this meeting are provided on the Township's website at [www.twp.montgomery.nj.us](http://www.twp.montgomery.nj.us)."

3. Mayor Jaffer led the Salute to the Flag.

4. **COVID-19 VIRUS AND ANIMAL CONTROL UPDATE**

- 4-1. Health Officer Stephanie Carey provided some clarification on the Health Department and Animal Control's policy on managing dog bites. If a dog bites for the first time, the Health Department will issue a notice of bite and confinement and verify that the dog has an updated rabies vaccination. When a dog is verified as biting for a second time, the Health Department has taken the proactive policy of issuing a guidance and warning letter to the owners. This emphasizes that biting is a learned behavior and training is recommended. If a dog bites a third time or more, particularly if it involves the death of another animal or serious bodily injury to a human, the Health Department has the option to proceed with a potentially dangerous dog action. This usually involves a court hearing. There are opportunities for the owners to avoid a court hearing by surrendering the animal to Animal Control or by going through the training process and being able to demonstrate that the dog is not a hazard. If a dog is found to be potentially dangerous, there are special requirements for heavy duty fencing, liability insurance, and signing. She stated that one of the barriers is that people often do not report bites of dogs. She clarified the difference between potentially dangerous and vicious dogs. She stated that if anyone is bitten by a dog or if their dog bites someone, they should report it immediately to either the Health Department or the Police Department so proper steps can be taken.

Committeeman Huang asked for clarification regarding the first incident of a dog bite. Health Officer Carey explained that if it is a minor bite, the Police Department will make a report and contact the Animal Control Officer (ACO) the next business day. The ACO will then follow up. If the incident requires immediate intervention by the ACO, the Police will dispatch the ACO on an emergency call.

- 4-2. Health Officer Carey stated that there has been an uptick in cases of COVID-19 in the past two weeks. Most of these cases have been college age individuals or young adults. There is also some association with vacation travel, Labor Day activities, and summer time activities. 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 that 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 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.

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. She stated that the CDC is encouraging everyone to get a flu shot this year.

Deputy Mayor Schuldiner spoke about the difficulties the contact tracers have had either making contact with people or getting the information that they need to be able to properly quarantine potentially infected people. He asked if Montgomery had any issues on a municipal level with this. Health Officer Carey responded that while there have been a few individuals who have avoided the contact tracers, for the most part people have been cooperative.

(Item #4-2 Cont.)

Deputy Mayor Schuldiner asked about indoor dining. Ms. Carey responded that restaurants are following strict guidelines and sticking with the 25% capacity. Mayor Jaffer asked about the use of face masks in restaurants. Health Officer Carey responded that in New Jersey once a diner is seated at a table they may remove the mask. She recommended that people keep the mask on unless eating or drinking. She reminded people that we don't wear masks for ourselves, we wear masks for other people.

Committeeman Huang stated that the New Jersey Department of Health is streamlining procedures and as a result may be transferring cases between jurisdictions. He asked if this was completed or still in the process. Health Officer Carey responded that this is a continuing issue. Committeeman Huang asked if a college student from Montgomery is attending school out of state, are they considered a statistic from Montgomery or from where they are attending college? Ms. Carey responded that they ultimately should be counted where they go to school.

5. **PUBLIC COMMENT**

Township Clerk Donna Kukla read the following public comment:

"Hello. This is Dariusz Kobajlo from La Meche Hair Design.

Last week Montgomery Township posted article about La Meche's landlord/tenant dispute. I would like to check some fact with everyone in this committee and get the answer to my question. I stop by last week but Mr. Donato Nieman did not answer my question.

First: Township posted this in the article:

"Montgomery supports local business. Township elected officials, Township Attorney, and Township Staff have met with both parties in an attempt to resolve what is landlord/tenant dispute. Unfortunately, no resolution could be reached to satisfy the parties involved."

Can Township Attorney or any township staff member confirm the day WHEN WE MET?

Second: You read in the article:

"The owner of La Meche Hair Design, a tenant in Village Shopper 2 was offered alternate space by his landlord while the construction was underway. No agreement was reached as to relocation."

It would be nice to explain what was the alternate location, if members of this community don't know they can check one of Dariusz's horrible videos on Facebook page but if do not like to watch that I will tell you now Second floor office space with restroom in the hallway next to dentist, space 1000sf too big for what we need. May be Township would be interested to rent the office space like this but not HAIR SALON.

Third: I would like to know why Mr. Nieman is telling Township officials "this is all about \$300,000 dollars that Dariusz wants from Vincent". Can I have the explanation where that came from?

I will not allow township lie to Montgomery community. Thank you."

Mayor Jaffer responded that there is no such article, but in terms of the Township's statement or understanding involving La Meche Salon, this is a landlord/tenant dispute and it is not something that involves the Township.

6. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #20-9-186 - EXTENSION OF TIME FOR COMPLETION OF IMPROVEMENTS - Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on September 9, 2020 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

<u>Development</u>	<u>New Completion Date</u>
159 Dutchtown-Harlingen Road - Landscaping Guarantee	November 27, 2021
JER/Herring - Residential Parcel & Landscaping	October 1, 2021
Montgomery Ridge, Phase 2 - Townhouse Site Work	December 23, 2021
Montgomery Ridge, Phase 3 - Townhouses and 17 Additional Parking Spaces	December 23, 2021
Montgomery Promenade, Temporary Parking	November 14, 2021
Rollins-Western Real Estate Holdings	November 7, 2021
Tapestry at Montgomery - Restoration 1 - Temporary Trailer	December 31, 2021

(CONSENT AGENDA Cont.)

B. **RESOLUTION #20-9-187 - AUTHORIZING RESERVATION OF REMAINING CAPACITY IN THE SKILLMAN VILLAGE SEWAGE TREATMENT PLANT - Montgomery Crossing, Phase II (Block 28005, Lot 66)**

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BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement with Sharbell Plainsboro, Inc. for reservation of remaining sewer capacity in the Skillman Village Sewage Treatment Plant for Block 28005, Lot 66 subject to review and approval by the Township Engineer and Township Attorney as to form and content.

C. **TOWNSHIP COMMITTEE APPOINTMENT - Building Subcode Official**

BE IT RESOLVED That Michael Krupsky is hereby appointment Building Subcode Official effective October 1, 2020, 4 year term expiring September 30, 2024.

6-1. 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  
Abstain - Schuldiner (Item A)

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

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

B-2. Open Space Coordinator Lauren Wasilauski explained the reason for the ordinance and the property location.

B-3. There being no comment, Deputy Mayor Schuldiner moved that the public hearing be closed. The motion was seconded by Committeewoman Keenan and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 17<sup>th</sup> day of September, 2020 and that notice thereof be published in an official newspaper as required by law.

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

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

8. **APPROVAL OF MINUTES**

The Regular Session minutes of September 3, 2020 were approved as printed.

9. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Chief Finance Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

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

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

10. COMCAST SERVICE AREAS

Administrator Nieman spoke about a map from Comcast showing the service areas in Montgomery. He explained that they constructed what they call their aerial network. He stated that the only areas of town that are not served are:

- A portion of Dutchtown-Zion Road;
- A portion of Route 601;
- Mountainview Road;
- Grandview Road;
- Mill Pond Road.

These areas are the least densely populated areas in Montgomery.

He stated that he reached out to Verizon and there is very limited FIOS service in Montgomery, mostly in the 609 area code in the Princeton-Hopewell area. He explained that he was unable to get a map or even talk to a human.

Committeewoman Keenan asked about the CenturyLink area. Administrator Nieman explained that the CenturyLink area is any area that has a 908 area code.

Mayor Jaffer asked what are the options in terms of addressing these gaps. Administrator Nieman responded that he believed legislation mandates it to be treated as a utility as opposed to the way it's being treated now. Mayor Jaffer asked if this was a situation where the Governing Body could write a letter, pass a resolution, contact the State Assemblyperson or contact the Governor's office. Administrator Nieman stated that this is something he believes requires action on the State level. Deputy Mayor Schuldiner explained that he spoke with Assemblyman Andrew Zwicker and was told that this was more a Federal issue than a State issue. He stated that each of the Governing Body should reach out to the two Senators and Representative Malinowski to let them know that the Township needs internet to be declared a utility and a necessity. It was suggested that a resolution be drafted to be put on an upcoming agenda.

11. TOWNSHIP COMMITTEE UPDATES

11-1. 9/11 EVENT

Mayor Jaffer reported that Committeeman Huang, Committeewoman Keenan and she attended the 9/11 Observance event at Fire Company #2 on Route 518 in Blawenburg. She reminded the public that there is a memorial at the fire house dedicated to the 9/11 event.

11-2. BUSINESS FORUM

Mayor Jaffer reported that there would be a Business Forum held on September 23 at 7:00 p.m. Members of the Somerset County Business Partnership will be in attendance to discuss available resources.

11-3. VETERANS MEMORIAL COMMITTEE

Committeeman Huang reported that the Veterans Memorial Committee discussed the Veterans Day virtual event. He stated that he has been working with the Committee on a signage project.

11-4. WATERSHED INSTITUTE/ANJEC SEMINAR

Committeeman Huang and Deputy Mayor Schuldiner reported that they attended the Watershed Institute/ANJEC sponsored virtual seminar on the new upcoming Stormwater Management Ordinance. They stated that the Township will need to have this ordinance in place by early March, 2021.

11-5. OPEN SPACE COMMITTEE

Committeewoman Keenan reported that the Open Space Committee discussed Phase 1 of the Skillman Road Pathway between Route 601 and Burnt Hill Road. They will also be reaching out to Somerset County to see if they will have some pathways within Skillman Park which will connect to the Skillman Road Pathway. At their next meeting, the Open Space Committee is going to look at the Pathways Plan and the connections to the new Municipal Complex. She stated that there a few invasive plants that need to be addressed. They also discussed the Spotted Lanternfly which is in Montgomery and a possible ordinance regarding backyard chickens and roosters.

11-6. ENVIRONMENTAL COMMISSION

Committeewoman Keenan reported that the Environmental Commission hosted a river friendly presentation from the Watershed Institute to improve environmental stewardship. They are considering a community partner program with the Watershed Institute. There was also some discussion about work on some detention basins. There will be a virtual "Save the Sourlands" festival on October 10. She stated that the Natural Resources Inventory was selected as one of the winners for the 2019 Somerset County Land Development "Excellence in Planning" awards. They also looked at the possible backyard chicken ordinance.

(Item #11 Cont.)

11-7. RECREATION COMMITTEE

Committeewoman Gural reported that the Recreation Committee discussed the Skillman Road Pathway. This is a three phase project with Phase 1 starting within the next two months. She spoke about the portion of Skillman Road that has a dip or gully. She wondered if that could be remediated by Somerset County. Administrator Nieman stated that he would look into this. They also discussed the Food Pantry. She stated that there is still an urgent need for donations to the Food Pantry. The Recreation Department sent out their Newsletter and registrations for the different programs are coming in. They are also holding a free "Movies in the Park" on October 2 at the park behind the Municipal Building with a rain date or over flow date of October 23. They also discussed the naming of the park behind the Municipal Building.

11-8. TRANSPORTATION ADVISORY COMMITTEE

Deputy Mayor Schuldiner reported that the Transportation Advisory Committee discussed speed limits in Blawenburg and the Intersection of Route 518 and Route 601. He stated that because Route 518 and Route 601 are County roads, the County would have to be involved in any changes. He explained that the County would not be looking at this area at present because traffic patterns are not normal due to people working from home and schools not being open. He also mentioned that the County has put down a slurry seal on Route 601. This is an experiment to see if this will help the road last a bit longer. He reported that the Township is working with the New Jersey Department of Transportation to try to get a weight limit on the Grandview Road Bridge. There was discussion regarding the Master Plan loop roads. They also discussed the 2020 New Jersey Department of Transportation Local Aid project.

11-9. 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.

11-10. NOVEMBER MEETING CALENDAR

Township Clerk Donna Kukla spoke about the meeting schedule for November, 2020. She stated that since the New Jersey League of Municipalities Conference has gone virtual due to COVID-19, she wondered if the Governing Body would like to meet on November 19. She explained that usually the meetings for November would be the 1<sup>st</sup> and 2<sup>nd</sup> Thursday of that month. Committee asked the Township Clerk to schedule the meeting for November 19.

11-11. NEW MUNICIPAL COMPLEX

Administrator Nieman reported that the Township held its pre-construction meeting on the new Municipal Complex. The County is waiting for one more approval from the Somerset Union Soil Conservation District. Once this approval is received, the Notice to Proceed will be issued.

12. RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject to be discussed in this session are as follows:
  - 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.

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

13. Meeting reconvened in Open Session and ADJOURNMENT was at 8:52 p.m. on a motion by Deputy Mayor Schuldiner. The motion was seconded by Committeewoman Keenan and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk