

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
October 1, 2020

1. Montgomery Township Committee met via Zoom 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 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 and a moment of silence in remembrance and respect for all who lost their lives due to COVID-19.

4. **COVID-19 VIRUS UPDATE**

Devangi Patel, Health Officer reported Montgomery Township has 176 cases, 11 currently ill and 2 new cases as of today. Montgomery Township has seen an uptick in college age persons. She stressed that although a person may test positive for the virus and not show any symptoms, it effects each person differently and should not be taken lightly. A person that tests positive should self-isolate because they can still spread the virus. If anyone has tested positive and has not heard back from the Health Department in twenty-four hours please give them a call as they may not have heard from the testing laboratory. This will insure the expeditious start of their investigation with contact tracing.

Ms. Patel stated that reports from other agencies regarding additional positive cases involve persons that work or are visitors in Montgomery Township. They are not counted unless their permanent residence is within Montgomery Township.

She wanted to remind everyone to get their Flu vaccine. The Health Department is sending out reminders and news alerts of drive-through clinics shortly.

Committeeperson Keenan asked if Rocky Hill was included in today's numbers.

Ms. Patel stated that only Montgomery Township numbers were reported today, but that when they send emails out to officials, Rocky Hill is included in those numbers.

Mayor Jaffer reminded everyone that Montgomery Township provides regular updates and current case numbers on the Township website through E-bulletins or Nixel.

5. **POWER GRID PRESENTATION - PSE&G**

Donato Nieman introduced Mr. Michael Coyle and Ms. Isabelle Gonzalez Rooney, representatives of PSE&G. Mr. Nieman stated he asked Mr. Coyle to do a presentation on the power grid and what residents can do to reduce the likelihood of power loss and how the Rights of Way are maintained.

Mr. Coyle stated that PSEG has an entire page on their website dedicated to safety and reliability. The page contains helpful procedures for what to do pre-storm, during a storm and post-storm. Residents are encouraged to sign up and download to their mobile device a text link so that PSE&G may send information on a storm, and timelines as to when power will be restored to the customer.

PSE&G also has a designation process for those customers with Life Sustaining Equipment called P4 that identifies customers that utilize life-sustaining equipment to prioritize and ensure receipt of power restoration first. The website also contains information and outage maps indicating where power is out, how many homes without power and estimated time as to when power will be restored, generator safety and what to do if you see a down wire.

Ms. Gonzalez Rooney shared slides regarding escalating storm history, reliability performance and root causes, tree-trimming schedule, restoration process of buried underground and above ground pole transmission. Additional slides were shown on how they prioritize the electrical restoration process and how customers can help keep a clear path for access of electricity to homes and she encouraged customers to report low hanging trees or brush.

(Item #5 Cont.)

Committeeperson Keenan asked how residents with "P4" life sustaining equipment could report this information to PSE&G and what is the maintenance duration of below ground infrastructures. Ms. Gonzalez Rooney stated that customers must register for "P4" by calling 1-800-436-7734 to report that someone in the household utilizes life-sustaining equipment. PSE&G then mails a form to the customer that must be filled out by the customer and a medical professional. The form is mailed back to PSE&G, entered into their customer system, and linked to a circuit as a priority. Ms. Gonzalez Rooney further explained that below ground infrastructure should last 30 years or more.

Committeeperson Gural asked about the duration in loss of power increases from now in comparison to ten years ago; what are the drivers; how it could be mitigated; and how PSE&G prepares estimation times to repair damage. Ms. Gonzalez Rooney responded that the underlying difference from ten years ago is that the frequency and intensity of storms have increased in the last fifteen years. Therefore it is taking longer to make repairs than ten years ago. She explained that preparation is utilized by reviewing upcoming events, by using the metrics of previous storms and placing a multiplier of two on an outage duration.

Deputy Mayor Schuldiner thanked the representatives for their presentation and explanation on repair restoration times and expressed his gratitude to PSE&G for its useful applications and maps giving a greater sense of where and why an outage has occurred.

Mr. Schuldiner also asked about how often outages in Montgomery are due to adjoining towns and transmission from outside sources and where the power for Montgomery is generated. Ms. Gonzalez Rooney responded that three substations, Montgomery-Mount Laurel, Mount Rose, and Penn's Neck and Sunny Meade supply Montgomery. Montgomery has twenty-four miles of circuit that is quite lengthy, therefore giving greater exposure to damaging winds and downed trees.

Committeeperson Kent Huang asked the phone number to report a down line, and further stated that a third of Montgomery residents are on well water, therefore unable to have that service during a storm. Could PSE&G prioritize these customers as they do for their "P4" customers?

Ms. Gonzalez Rooney stated the phone number to report a down line is 800-436-7734 and conveyed her empathy and understanding of not having the use of water during a storm. Unfortunately, it is not on the set of priorities. PSE&G's priorities are Police, Fire, Hospitals, Schools, Municipal Buildings and then the largest number of customers interrupted. They try to restore the customers without service the longest the soonest.

Mayor Jaffer thanked the representatives from PSE&G for coming and Committeeperson Devra Keenan for suggesting this presentation.

6. **GREEN INFRASTRUCTURE PRESENTATION - Lori Savron**

Lori Savron, Planning Director gave an update on the Storm Water Ordinance, which will address flooding, water quality and quantity. She stated that Montgomery has a very long record of protecting the environment, open space and critical areas.

Ms. Savron shared slides to provide a status report on the Storm Water Ordinance's new regulations from the State of New Jersey. She informed the Committee that in 2004 the State set new requirements for municipalities to better manage storm water and control run off.

As of March 2020, New Jersey changed how storm water is to be managed. The biggest change is use of Green Infrastructure. Ms. Savron stated that municipalities have until March 2021 to adopt the new rules locally. After that, any new development project that comes before the Planning or Zoning Board will need to comply and certain projects that might only require a zoning or building permit may be subject to the new rules. The goal of a municipal storm water ordinance is to protect and improve water quality while mitigating flooding for the health, safety and welfare of the public. Storm water is now being thought of as resource to be reused rather than a nuisance to be removed as quickly as possible. Traditional infrastructure focuses on collecting rain water and sending it downstream to discharge into a waterway. Green Infrastructure mimics the natural process of utilizing the soil and vegetation to manage the water where it falls. She discussed the timelines to adopt the ordinance by March 2, 2021.

7. **DAY OF THE GIRL - October 11**

WHEREAS, Equality and universal access to education for every girl and boy are among the United Nations' Millennium Development Goals supported by 189 countries including the United States; and

WHEREAS, The United Nations established October 11 as the annual International Day of the Girl Child supported and co-sponsored by the United States and 97 other countries; and

WHEREAS, The "Day of the Girl" campaign calls on communities across the globe to recognize that girls worldwide face many injustices such as discrimination, gender stereotypes, child marriage and lack of education; and empowers girls to fight for their rights; and

WHEREAS, The Township of Montgomery supports increasing girls' participation in sports, science and math-related activities, high school graduation rate, and providing equal opportunities for all girls by speaking out against gender-based injustices, celebrating all girls' potential, and encouraging all girls to pursue their dreams.

(Item #7 Cont.)

NOW, THEREFORE, BE IT PROCLAIMED, That the Montgomery Township Committee hereby does proclaim October 11, 2020 as the Day of the Girl in Montgomery Township.

7-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Huang and carried unanimously.

8. **RESOLUTION TO BRING AWARENESS TO THE EMERALD ASH BORER EPIDEMIC'S IMPENDING NEGATIVE IMPACT ON NATIVE ASH TREES AND THE TREE CANOPY OF THE SOURLAND MOUNTAIN**

WHEREAS, The Emerald Ash Borer (EAB) is an invasive species of beetle, known for its metallic green color, which feeds on, and ultimately destroys, all species of North American ash trees; and

WHEREAS, The New Jersey State Forest Service estimates that there are over 24 million ash trees State wide, representing approximately 9% of New Jersey's forests, which will likely be killed by EAB; and

WHEREAS, The New Jersey State Forest Service has designated the Sourland Mountain region as one where the insect has been present since 2014 and The New Jersey Forest Inventory has estimated that the Sourland region is host to over 1 million ash trees which will be killed by the EAB, representing over 20% of the forest; and

WHEREAS, EAB larvae feed under the bark of ash trees, cutting off the flow of water and nutrients, such that a tree can die in one to three years after the first symptoms of infestation appear; and symptoms of an EAB infestation in an ash tree include leaf loss and dying branches; D-shaped, pencil-sized holes from where adult beetles exit the tree; blanding patches of bark and stripping of bark by woodpeckers, who feed on the larvae; and

WHEREAS, If an ash tree is less than 20% infected, chemical injection treatments applied by a homeowner or a licensed professional arborist are most effective, and the spring of 2021 may be a homeowners' last opportunity to have ash trees successfully treated; and

WHEREAS, A tree which is severely infected can be left to die naturally, if in an open area where its falling will not harm a person or property, or it can be removed responsibly. The earlier an infested tree is proactively removed, the safer for the homeowner and the lower the cost; and

WHEREAS, EAB infestation quickly weakens a tree, making it very brittle, leading to sudden cracking and shattering, and after only one or two years of mortality, an EAB infested ash tree can snap in half unexpectedly and dangerously; and

WHEREAS, Infested ash wood should be chipped into pieces no larger than one inch to destroy the EAB's ability to live; and

WHEREAS, Whenever an ash tree is removed, another native tree of a non-ash variety should be planted; and

WHEREAS, It is important to bring awareness to the impending Emerald Ash Borer devastation in the Sourlands, in Montgomery Township, and State wide, and provide the citizens and elected officials with the information to best address the fiscal, safety, and environmental impacts of this epidemic.

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

1. The Township Committee hereby goes on record as recognizing the detrimental impact of the Emerald Ash Borer to ash trees in the Township and the greater Sourland Mountain region and encourages the public to seek out information on management options, which include planting native vegetation to provide food and shelter for pollinators, migratory birds, fish, and other animals.
2. The Township Committee agrees to work in partnership with other municipalities, other governmental agencies, environmental organizations, and private citizens to mitigate the damage of the EAB through such means as sponsoring education programs, tree plantings, and monitoring of public properties.

8-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Keenan and carried unanimously.

9. **PUBLIC COMMENT**

9-1. Donna Kukla read an email comment from Dariusz Kobajlo of La Meche Hair Design regarding his landlord dispute and the business meeting with the Mayor. Mayor Jaffer stated that the meeting Mr. Kobajlo was referring to was the Meet the Mayor event hosted by the Montgomery Business Association. There were a number of attendees via Zoom. Mayor Jaffer reminded Mr. Kobajlo that his other matter is a private matter with his landlord and the Township has no involvement.

9-2. M.J. Narula, 501 Township Line Road, Belle Mead thanked the Mayor for the Meet The Mayor event, and felt it was beneficial. She also wanted to extend her gratitude for the Township recognizing Day of the Girl, and felt it empowering to see many women on the committee.

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

A. **RESOLUTION #20-10-188 - REFUND OVERPAID 2020 TAXES**

BE IT RESOLVED That a refund in the amount of \$1,937.13 be given to Derek Chang and Shweta Pradeep, 1205 Rhoads Drive, Belle Mead, NJ 08502 for the overpayment of 2020 taxes on Block 5019, Lot 12.05 CONDO.

B. **RESOLUTION #20-10-189 - EXTENSION OF TIME FOR COMPLETION OF IMPROVEMENTS - Fiveeighteen Associates, LLC**

WHEREAS, Gail Smith, Township Engineer, has certified on September 24, 2020 that adequate funds remain in the posted guarantee to cover the remaining public improvements in the following development and therefore recommends time extensions to complete said improvements:

<u>Development</u>	<u>New Completion Date</u>
Fiveeighteen Associates, LLC - Parking Lot Expansion	October 5, 2021

C. **RESOLUTION #20-10-190 - APPROVING PATIO AND FENCE AGREEMENT - 1 Windsor Road (Block 4025, Lot 6)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a patio and fence agreement with Fnu Onkarmatj and Fnu Ruchira related to 1 Windsor Road (Block 4025, Lot 6), subject to review and approval of the Township Attorney and the Township Engineer.

D. **RESOLUTION #20-10-191 - DENYING RELEASE OF STABILIZATION GUARANTEE AND ESCROW RELEASE - Fiveeighteen Associates Parking Lot Expansion**

WHEREAS, On August 20, 2020, Larken Associates, on behalf of Fiveeighteen Associates, LLC requested release of the posted Stabilization Guarantee and Escrow for Fiveeighteen Associates Parking Lot Expansion; and

WHEREAS, On September 30, 2020, Gail Smith, Township Engineer, recommended the release be denied because all the required improvements are not complete.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee hereby denies the developer's request to release the posted stabilization guarantee and escrow funds.

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

**ROLL CALL** - Ayes - Huang, Keenan, Gural, Schuldiner (except B & D), Jaffer  
Nays - None  
Abstain - Schuldiner (Items B & D)

11. **MAYORAL APPOINTMENT - Landmarks Commission**

BE IT RESOLVED That Elizabeth Palius is hereby appointed Landmarks Commission, Class C member, 4 year unexpired term, expiring December 31, 2022.

12. **RESOLUTION #20-10-192 - AWARD OF BID #B02-2020 - 2020 Road Improvements Project**

WHEREAS, The following bids for the 2020 Road Improvements Project were received and publicly opened on Wednesday, September 30, 2020 at 11:00 a.m.:

<u>Bidder</u>	<u>Amount</u>
Top Line Construction	\$669,565.18
DeSantis Construction, Inc.	\$670,720.50
Capital Paving	\$673,940.50
Black Rock Enterprises, LLC	\$689,145.50
S. Brothers, Inc.	\$714,453.60
Stilo Excavation, Inc.	\$724,811.25
Lucas Construction Group	\$774,300.00
Schifano Construction Corp.	\$784,284.50

WHEREAS, Top Line Construction, 22 Fifth Street, Somerville, NJ 08876, 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 04-215-55-901-1639B and 04-215-55-901-1521B which will fund this project.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the 2020 Road Improvements Project is hereby awarded to:

Top Line Construction  
22 Fifth Street  
Somerville, NJ 08876

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

(Item #12 Cont.)

12-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Keenan and carried on the following:

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

13. **RESOLUTION #20-10-193 - AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - Stage II WWTP Flood Protection Project - Second Amendment for Additional Design and Permitting Services - Kleinfelder, Inc.**

WHEREAS, By Resolution No. #17-8-185 adopted on August 3, 2017, the Township Committee awarded an agreement for professional services to the firm of Kleinfelder, Inc. to provide Design and Permitting Services for the Stage II Flood Protection Project("Project"), for the sum of \$ 473,600 ("Agreement for Professional Services" or "Agreement"); and

WHEREAS, Resolution #19-4-111, adopted on April 18, 2019, and Resolution #20-4-97, adopted April 16, 2020 authorized an amendment, increasing the contract amount to \$668,350.00; and

WHEREAS, The Township Engineering Department has requested that the Township Committee authorize Kleinfelder, Inc. to complete additional design and permitting services in connection with this Project, and in particular, to extend the scope of Kleinfelder's services to include preparation of a Level 2 Environmental Planning Report, additional wetlands delineation and surveying, additional wetlands permitting and mitigation, re-evaluation of wetlands disturbances based on unanticipated NJDEP classification of wetlands resource value, additional work related to Delaware and Raritan Canal Commission (DRCC) requirements, assistance in determining Township easements and assistance in the acquisition of Block 38001, Lot 1, assistance securing access to a Green Acres easement on Block 38001, Lot 1, additional evaluation and design necessary to change from helical piles for the floodwall to auger cast piles necessary due to poor soil conditions, all of which were not included in the original scope of services for said Project; and

WHEREAS, Kleinfelder, Inc. submitted a written proposal dated September 18, 2020 to complete these additional services at a not to exceed sum of \$89,290 ("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 Kleinfelder, Inc., and therefore, the parties seek to memorialize the Proposal's scope of work and estimated cost by amending the existing Agreement; and

WHEREAS, The existing Agreement with Kleinfelder, Inc. 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 number 08-215-55-901-1495C 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 Kleinfelder, Inc., is hereby amended, to extend the scope of Kleinfelder's services to include preparation of a Level 2 Environmental Planning Report, additional wetlands delineation and surveying, additional wetlands permitting and mitigation, re-evaluation of wetlands disturbances based on unanticipated NJDEP classification of wetlands resource value, additional work related to Delaware and Raritan Canal Commission (DRCC) requirements, assistance in determining Township easements and assistance in the acquisition of Block 38001, Lot 1, assistance securing access to a Green Acres easement on Block 38001, Lot 1, additional evaluation and design necessary to change from helical piles for the floodwall to auger cast piles necessary due to poor soil conditions, as detailed in Kleinfelder's September 18, 2020 Proposal, incorporated herein by reference, resulting in an increase in the contract amount by \$89,290, bringing the not to exceed contract total, as amended, to \$757,640.00
2. 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.
3. 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.

13-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Huang and carried on the following:

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

14. APPROVAL OF MINUTES

The Regular Session minutes of September 17, 2020 were approved as printed.

15. PAYMENT OF BILLS

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

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

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

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

15-1. Deputy Mayor Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committeeperson Keenan and carried on the following:

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

16. GOVPILOT PRESENTATION

CFO Michael Pitts remarked that there would be presentation at the next Township Committee meeting regarding the introduction of GovPilot, an E-government management platform that will streamline and digitize many of the processes the Township utilizes daily.

17. TOWNSHIP COMMITTEE UPDATES

17-1. ROCK BROOK BRIDGE PROJECT

Committeeperson Huang reported that the Landmarks Committee heard a presentation by Van Cleef Engineering regarding the Rock Brook Bridge Project. Also, the NJ State Review Board will be reviewing the Township's application for the Harlingen Historic District. He attended the Somerset County Business Diversity Inclusion Summit that included panelists from private industry and State and municipal governments giving their insights on inclusion and diversity.

17-2. BUSINESS FORUM

Committeeperson Keenan said she attended a Somerset County Business Forum meeting regarding local businesses on Covid response and how local government could have stronger relationships with businesses and the community.

17-3. CENSUS

Deputy Mayor Schuldiner attended the Racial Equity Forum and reminded everyone to fill out their Census. He stated the Secretary of Commerce put out a statement that the Census should be complete by October 5, 2020. He stated that if you have not completed your Census go to 2020census.gov before October 5 deadline.

17-4. VOTING

Mayor Jaffer stated that a ballot box was installed at the Municipal Building for residents to place their completed ballots.

17-5. SKILLMAN ROAD PATHWAY/NEW MUNICIPAL BUILDING

Donato Nieman attended a preconstruction meeting on Skillman Road Pathway project. He attended a meeting regarding the new municipal building and gave an update on the upcoming groundbreaking ceremony.

18. ADJOURNMENT was at 8:51 p.m. on a motion by Deputy Mayor Schuldiner. The motion was seconded by Committeeperson Keenan and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk