

AGENDA FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 17, 2020
7:00 p.m.

It is the Township Committee's intention to conclude this meeting no later than 11:00 p.m.

ROLL CALL - Jaffer (), Schuldiner (), Gural (), Keenan (), Huang ()

ALSO PRESENT - Van Hise (), Nieman (), Pitts (), Kukla ()

MAYOR'S STATEMENT - 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 and simulcast on Comcast Cable Channel 29.

In order to offer the public more opportunities for participation, Montgomery Township is now conducting its remote televised Twp. Committee meetings as Live Zoom Webinars. Instructions for participating in this meeting and copies of available documents relevant to the meeting are provided on the Township's website at "www.twp.montgomery.nj.us."

You may join the webinar by computer through the link:

<https://www.zoomgov.com/j/1614101837?pwd=b2ZVc0RhUDJwMmxVNEVwVE83bXRZdz09>

Or by using

Webinar ID: 161 410 1837

Passcode: 1227549

Or call into +1 646 828 7666

SALUTE TO THE FLAG

1. **RESOLUTION HONORING MAYOR SADAF JAFFER**

WHEREAS, Quality public service demands intelligence, skill, energy, and a commitment to advancing the public good; and

WHEREAS, A quality public servant needs to possess a strong sense of responsibility, compassion, and empathy; and

WHEREAS, Sadaf Jaffer has demonstrated all of these characteristics and more, working diligently on behalf of Montgomery Township residents; and

WHEREAS, Mayor Jaffer will leave public office on December 31, 2020, having served Montgomery Township in the following capacities:

Mayor - 2019, 2020
Township Committee - 2018, 2019, 2020
Board of Education, Township Committee Liaison - 2020
Board of Fire Prevention, Township Committee Representative - 2020
Budget & Finance Committee, Township Committee Liaison - 2019, 2020
Emergency Services Coordinating Committee, Township Committee Liaison - 2019, 2020
Environmental Commission, Township Committee Liaison - 2018
Sustainable Montgomery's "Green Team", Township Committee Liaison - 2018
Local Emergency Planning Council, Mayor - 2019, 2020
Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission,
Twp. Committee Liaison - 2019
One Montgomery - 2019, 2020
Planning Board, Class I - 2019
Site Plan/Subdivision Committee - 2019
Master Plan/Land Development Ordinance Update Committee - 2019
Sewer Committee, Mayor - 2019, 2020
Shade Tree Committee, Township Committee Liaison - 2018
Somerset County Multi-Jurisdictional Hazard Mitigation Committee - 2019, 2020
Somerset County Municipal Wastewater Management Planning Committee - 2020
Wildlife Management Committee, Township Committee Liaison - 2018

(Item #1 Cont.)

WHEREAS, During her years of service, Dr. Jaffer has faithfully performed the duties and obligations of public office, and has given her utmost to the people of Montgomery, who in turn have benefited by her experience, wisdom, and love for this community; and

WHEREAS, Dr. Jaffer's strong sense of responsibility, compassion, and empathy were critically important this year as Montgomery Township navigated the public health and economic challenges arising from the COVID-19 pandemic and as Montgomery Township focused on addressing the racial injustice and inequities that exists in this country; and

NOW, THEREFORE, BE IT RESOLVED That we, the members of the Montgomery Township Committee, on behalf of the people of Montgomery, express our deepest appreciation to the Honorable Sadaf Jaffer for her outstanding service to our community, and extend a fond farewell and warmest wishes for the future to Dr. Jaffer and her family on this, the 17th day of December 2020

Motion_____ Second_____ Favor_____ Opposed_____

2. **RESOLUTION HONORING POLICE OFFICERS AND CONDEMNING ANTI-ASIAN BIAS**

WHEREAS, The Montgomery Township Police Department works diligently to protect life and property, preserve the peace, and prevent crime; and

WHEREAS, On March 10, 2020, Officers Connor Chapkowski and Kendall Bohannon responded to a report that a woman walking with her small children was being robbed, threatened and chased by a man who was holding an imitation firearm; and

WHEREAS, Officer Chapkowski ordered the suspect to put down the weapon multiple times before he complied and was placed under arrest, with assistance from Officer Bohannon; and

WHEREAS, The brave actions of these officers helped to swiftly de-escalate and control a dangerous situation; and

WHEREAS, The suspect was charged with second-degree robbery and third-degree bias intimidation because of his threatening behavior motivated by anti-Asian bias; and

WHEREAS, Montgomery Township stands firm against intolerance, discrimination and violence.

NOW, BE IT RESOLVED, That the Montgomery Township Committee condemns and denounces racism and prejudice in any form and commends Officers Connor Chapkowski and Kendall Bohannon for their exemplary service.

Motion_____ Second_____ Favor_____ Opposed_____

3. **COVID-19 VIRUS UPDATE**

4. **PUBLIC COMMENT**

We respectfully ask members of the public to limit your comments and/or Q&A to approximately three (3) spoken minutes.

Zoom Participants may comment by typing their questions into the Q&A or utilizing the "Raise Your Hand" feature in Zoom. If participating by teleconference, you can raise your hand by dialing *9.

Members of the public may submit comments or questions in advance of meetings by sending an email to: publiccomment@twp.montgomery.nj.us. Comments may also be submitted in written letter form, delivered to the Montgomery Township Municipal Building, 2261 Route 206, Belle Mead, New Jersey 08502. All advance comments must be received by 4:00 p.m. the day of the scheduled meeting. Comments submitted in advance will be read by the Township Clerk during the public comment portion of the meeting.

5. 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 #20-12-237 - REFUND OVERPAID 2020 TAXES

BE IT RESOLVED That refunds be given to the following for the overpayment of 2020 taxes:

| Block | Lot | Name | Amount |
|-------|-----|-------------------------------|------------|
| 4026 | 3 | Sheng Liu & Yue Jiao | \$5,822.98 |
| 4069 | 13 | Yingyue Zhang & Wei Meng | \$3,739.42 |
| 15001 | 41 | Venkatesh & Narayana Gurusamy | \$5,862.65 |

B. RESOLUTION #20-12-238 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2021 Health Capacity 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 items is now available as a revenue from the State of New Jersey Department of Health;

| | |
|-------------------------------|-----------|
| FY 2021 Health Capacity Grant | \$142,236 |
|-------------------------------|-----------|

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.

C. RESOLUTION #20-12-239 - AUTHORIZING THE ISSUANCE OF 2021 TOWING LICENSES

WHEREAS, The Township has received a completed towing application for a light duty towing license from Kovi Towing, LLC to provide towing services in 2021; and

WHEREAS, The Township has received a completed towing application for a heavy duty towing license from Mike's Towing & Recovery to provide towing services in 2021; and

WHEREAS, The Police Department has reviewed said applications and conducted appropriate investigations pursuant to section 4A-2.2 of the Code of the Township of Montgomery (1984); and

WHEREAS, The Police Director has reviewed the results of said investigations, approved said applications, and recommended the issuance of a light duty towing license to Kovi Towing, LLC. and a heavy duty towing license to Mike's Towing & Recovery.

(CONSENT AGENDA Item C Cont.)

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

1. The Township Clerk is hereby authorized to issue a light duty license to Kovi Towing, LLC. for 2021.
2. The Township Clerk is hereby authorized to issue a heavy duty license to Mike's Towing & Recovery for 2021.
3. All towing licenses are subject to the provisions set forth in Chapter IV-A of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2021.
4. This resolution shall take effect immediately.

D. **RESOLUTION #20-12-240 - SUPPORTING THE SUBMISSION OF MONTGOMERY TOWNSHIP'S FARMLAND PRESERVATION PROGRAM MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM FY2022 PLANNING ROUND APPLICATION**

WHEREAS, The Agriculture Retention and Development Act establishes the State Agriculture Development Committee (SADC) to implement the preservation of farmland through the retirement of development rights and the acquisition of agricultural easements; and

WHEREAS, Over 1,300 acres of agricultural land have been preserved in Montgomery Township through the SADC Farmland Preservation Program; and

WHEREAS, The SADC enacted the Planning Incentive Grant (PIG) program in 1999 to enhance farmland preservation by providing grants to eligible counties and municipalities for easement acquisition; and

WHEREAS, N.J.S.A. 2:76-17A.6 requires municipalities to submit annual Farmland Preservation Program Municipal Planning Incentive Grant applications for each year's funding round to be eligible to receive funding for that round; and

WHEREAS, N.J.S.A. 2:76-17A.6(a)2iii(3) requires Municipal PIG applications be accompanied by a resolution of support by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County New Jersey that it endorses and supports the submission of the Municipal Planning Incentive Grant FY2022 Planning Round Application to the SADC.

E. **RESOLUTION #20-12-241 - AUTHORIZING EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION THROUGH THE SOMERSET COUNTY URBAN COUNTY CONSORTIUM**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor, Clerk or Administrator are hereby authorized to execute an application for a Community Development Block Grant through the C.A.R.E.S. Act to prevent, prepare for or respond to coronavirus.

F. **RESOLUTION #20-12-242 - RELEASE OF PERFORMANCE GUARANTEE - Road Opening Permit #20-R-08 - 461 Township Line Road**

WHEREAS, Gail Smith, Township Engineer, has recommended the release of a cash performance guarantee to SJR Excavation, Inc. because all work has been satisfactorily completed with respect to a street opening permit at Block 7006, Lot 7 (461 Township Line Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee in the amount of \$3,560.00 be released to SJR Excavation, Inc., 675 Route 518, Skillman, NJ 08558.

(CONSENT AGENDA Cont.)

G. **RESOLUTION #20-12-243 - RELEASE OF PERFORMANCE GUARANTEE - Road Opening**
Permit #20-R-12 - 66 Westbury Court

WHEREAS, Gail Smith, Township Engineer, has recommended the release of a cash performance guarantee to Rustom F. and Pratibha Doctor because all work has been satisfactorily completed with respect to a street opening permit at Block 19001, Lot 8.20 (66 Westbury Court).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee in the amount of \$525.00 be released to Rustom F. and Pratibha Doctor, 66 Westbury Court, Skillman, NJ 08558-1726.

H. **RESOLUTION #20-12-244 - RELEASE OF PERFORMANCE GUARANTEE - Road Opening**
Permit #20-R-26 - 175 Monroe Avenue

WHEREAS, Gail Smith, Township Engineer, has recommended the release of a cash performance guarantee to Kenneth C. and Lydia Cook because all work has been satisfactorily completed with respect to a street opening permit at Block 7008, Lot 6 (175 Monroe Avenue).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee in the amount of \$5,365.00 be released to Kenneth C. and Lydia Cook, 175 Monroe Avenue, Belle Mead, NJ 08502.

5-1. Motion to adopt **CONSENT AGENDA** _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

6. **RESOLUTION #20-12-245 - PROFESSIONAL SERVICES RESOLUTION - Engineering Design, Permitting and Financing Assistance Services for Consolidation of the Cherry Valley and Skillman Village WWTPs - Kleinfelder**

WHEREAS, the Township of Montgomery seeks to retain the services of a professional engineering firm to provide Engineering Design, Permitting and Financing Assistance Services for Consolidation of the Cherry Valley and Skillman Village WWTPs, including but not limited to preliminary design, final design, permitting, financing assistance, meeting attendance and project administration for Consolidation of the Cherry Valley and Skillman Village WWTPs as well as additional design services for upgrades at the Skillman Village WWTP ("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 Kleinfelder, has submitted a written proposal dated December 2, 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 \$717,601.00; and

WHEREAS, Kleinfelder 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 Kleinfelder 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

(Item #6 Cont.)

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 # 08-215-55-901-1610A.

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 Kleinfelder 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. Kleinfelder shall be paid a not to exceed fee of \$717,601.00 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.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

7. **RESOLUTION #20-12-246 - AUTHORIZING CHANGE ORDER #1 - Final Contract Quantities and Time Extension, Interceptor Manhole Rehabilitation Project**

WHEREAS, Resolution #20-2-63, adopted on February 6, 2020, authorized the award of a contract for Bid #B01-2020 - Interceptor Manhole Rehabilitation Project, to SWERP, Inc. in the amount of \$206,450.00; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to reflect final contract quantities, and to extend the time of completion for the project; and

WHEREAS, Change Order #1 would allow for bid item quantity adjustments as outlined on said Change Order and for a no cost time extension to December 17, 2020; and

WHEREAS, The work comprising Change Order #1 will result in a net decrease in the original contract amount by \$24,021.92 or -11.64%; and;

(Item #7 Cont.)

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 #1 is hereby approved as the final change order for this project.
2. This Resolution, when counter-signed by SWERP, Inc., shall serve as a contract amendment to the original contract for the purpose decreasing the total contract price by \$24,021.92 for a total contract amount of \$182,428.08, and for the purpose of extending the contract completion date from November 30, 2020 to December 17, 2020.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

8. **RESOLUTION #20-12-247 - RESOLUTION FOR YEAR END BUDGET TRANSFERS**

WHEREAS, There appears to be insufficient funds in Budget accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the Current Year; and

WHEREAS, There appears to be a surplus in various Budget accounts (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund of Interest and Debt Redemption Charges) over and above the demand deemed to be necessary for the balance of the Current Year.

NOW, THEREFORE, BE IT RESOLVED That, in accordance with the provisions of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be, and the same hereby transferred, to the accounts (excepting the appropriation for Contingent Expenses, Deferred Charges) mentioned as being insufficient, to meet the current demands.

(Item #8 Cont.)

BE IT FURTHER RESOLVED That the Finance Officer be and is hereby authorized and directed to make the following transfers:

| Account | From | To |
|--------------------------|--------------|--------------|
| GIS (OE) | \$ 500.00 | |
| Administration (SW) | \$ 5,000.00 | |
| Electricity (OE) | \$ 10,000.00 | |
| Summer Camp (SW) | \$ 32,000.00 | |
| Streets & Roads (OE) | \$ 35,000.00 | |
| Group Health (OE) | \$ 90,000.00 | |
| Liability Ins. (OE) | \$ 25,000.00 | |
| | | |
| GIS (SW) | | \$ 500.00 |
| Administration (OE) | | \$ 5,000.00 |
| Buildings & Grounds (OE) | | \$ 10,000.00 |
| Data Processing (SW) | | \$ 12,000.00 |
| Telephone (OE) | | \$ 10,000.00 |
| Data Processing (OE) | | \$ 20,000.00 |
| Finance (SW) | | \$ 30,000.00 |
| Health (SW) | | \$ 50,000.00 |
| Vehicle Maintenance (OE) | | \$ 60,000.00 |
| | | |
| Total | \$197,500.00 | \$197,500.00 |

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

9. **RESOLUTION #20-12-248 - RESOLUTION AUTHORIZING MORTGAGE MODIFICATION AGREEMENT FOR PIRHL AFFORDABLE HOUSING PROJECT**

WHEREAS, As set forth in the Township of Montgomery's ("Township") affordable housing plan, PIRHL Acquisitions, LLC ("PIRHL") and its affiliated entity, Montgomery LIHTC LLC ("Montgomery LIHTC") (collectively, "Developer") is constructing an 86-unit affordable family rental housing development (the "Project") situated at 9 Hartwick Drive within the Township, known as Lot 4 in Block 28004 on the Montgomery Township Tax Map (the "Property"); and

WHEREAS, Pursuant to an Affordable Housing Agreement dated April 4, 2019 between the Township and PIRHL, the Township agreed to provide an Affordable Housing Loan in the amount of \$1,300,000 to Developer in order to financially assist Developer in facilitating the production of low- and moderate-income housing in satisfaction of a portion of the Township's Mount Laurel affordable housing obligations; and

WHEREAS, The Township funded the loan and is the holder of a Promissory Note dated September 27, 2019 in the amount of \$1,300,000 (the "Loan"), said Note secured by a Mortgage dated September 27, 2019, recorded in the Office of the Somerset County Clerk on October 1, 2019 as Instrument No. 2019037238; and

(Item #9 Cont.)

WHEREAS, The Affordable Housing Agreement and Loan provided that in the event Developer is able to obtain Federal Home Loan Bank ("FHLB") funding, Developer shall repay the Township a portion of the Loan (1) in the amount of \$250,000 at the time Developer receives the first installment of FHLB Funds, and (2) an additional \$150,000 upon receipt of a final Certificate of Occupancy for the entirety of the Project, provided that there is a surplus in the Total Sources of Funds for the Project, after payment of the deferred Development Fee to the Developer pursuant to the final closing budget, which will be provided in the final closing budget to the Township; and

WHEREAS, Developer successfully obtained funding from FHLB and in accordance with the terms of the Loan Agreement, Developer has partially prepaid a portion of the Loan in the amount of \$250,000, thereby reducing the outstanding principal balance of the Loan to \$1,050,000; and

WHEREAS, As part of Developer's funding, FHLB requires that the Mortgage be amended to reduce the principal sum secured by the Mortgage from \$1,300,000 to \$1,050,000 to reflect the prepayment made by Developer, with all other terms and conditions remaining unchanged and in full force and effect.

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

1. The preamble to this resolution is hereby incorporated as if fully restated herein.
2. The Township of Montgomery is hereby authorized to enter into a Mortgage Modification Agreement with Montgomery LIHTC LLC to reduce the principal sum secured by the Mortgage from \$1,300,000 to \$1,050,000 to reflect the prepayment made by LIHTC LLC, with all other terms and conditions remaining unchanged and in full force and effect, as set forth and authorized by this Resolution. The Mayor and Clerk are authorized and directed to sign the Mortgage Modification Agreement on behalf of the Township, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Township Attorney in consultation with the Mayor and Administrator.
3. The Township is also authorized to enter into any further Mortgage Modification Agreement that may be required by the Federal Home Loan Bank to reduce the principal sum secured by the Mortgage by the amount of any future prepayment made by Montgomery LIHTC LLC and received by the Township, provided that all other terms and conditions of the Mortgage remain unchanged and in full force and effect, and the terms and form of which shall have been reviewed and approved by the Township Attorney in consultation with the Mayor and Administrator.
4. The Mayor, Administrator, Clerk, Finance Officer, Attorney, and other appropriate officers, employees and professionals are hereby authorized and directed to prepare and execute any and all documents regarding the agreement authorized above and undertake any and all further acts necessary to accomplish the purposes hereof.
5. This resolution shall take effect immediately.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

10. **RESOLUTION #20-12-249 - RESOLUTION ENDORSING HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, The New Jersey Council on Affordable Housing ("COAH") failed to adopt new third round affordable housing rules for the administration of affordable housing within the State; and

WHEREAS, By decision and Order entered on March 10, 2015 in In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), the New Jersey Supreme Court authorized the State's trial courts to resume their role as the forum for evaluating municipal compliance with their fair share obligations via a process that permitted municipalities to file a declaratory judgment action ("DJ Action") with the court seeking a declaration that its municipal Housing Element and Fair Share Plan ("HEFSP"), to be prepared in accordance with COAH's Prior Round Rules, N.J.A.C. 5:91 and N.J.A.C. 5:93, presents a realistic opportunity for the production of affordable housing; and

WHEREAS, In accordance with Mount Laurel IV, on July 7, 2015, the Township filed a DJ Action with the Superior Court captioned In the Matter of the Application of the Township of Montgomery in Somerset County, Docket No. SOM-L-924-15, and during the pendency of the proceedings, was able to reach a settlement with Fair Share Housing Center ("FSHC") regarding satisfaction of the Township's third round fair share obligation; and

WHEREAS, By Order entered February 20, 2018, the Court found that the December 8, 2017 settlement agreement between the Township and FSHC was fair and reasonable and protects the interests of low and moderate income households and is therefore approved; and

WHEREAS, As required by the Settlement Agreement and the Court's February 20, 2018 Order, the Planning Board prepared, and on July 2, 2018, adopted, an amended HEFSP in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., COAH's Second Round Rules at N.J.A.C. 5:93 et seq., and the Settlement Agreement and the Governing Body endorsed said plan on July 5, 2018; and

WHEREAS, By Order entered July 24, 2019, the Court approved of the Township's amended HEFSP and granted Final Judgment of Compliance and Repose subject to the adoption of a revised amended HEFSP to update and incorporate certain changes that occurred subsequent to the adoption of the July 2, 2018 plan; and

WHEREAS, As required by the Court's July 24, 2019 Order, the Planning Board prepared, and on November 16, 2020 adopted, an amended HEFSP in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., COAH's Second Round Rules at N.J.A.C. 5:93 et seq., and the Settlement Agreement; and

WHEREAS, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a) requires that the municipal governing body endorse a HEFSP adopted by the municipal planning board;

WHEREAS, The Township now adopts this resolution to meet the procedural requirements for submission of the amended HEFSP to the Court pursuant to Mount Laurel IV.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, that the 2020 Amended Third Round Housing Element and Fair Share Plan, adopted by the Montgomery Township Planning Board on December 7, 2020, is hereby endorsed.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

11. ORDINANCE #20-1646 - LDO-Stormwater Management - Public Hearing

- A. Title: AN ORDINANCE AMENDING CHAPTER 16, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), COUNTY OF SOMERSET, STATE OF NEW JERSEY, UPDATING AND AMENDING THE REQUIREMENTS FOR STORMWATER MANAGEMENT FOR DEVELOPMENT WITHIN THE TOWNSHIP.
- B. Report from Planning Board.
- C. Public Hearing. Motion to close_____ Second_____ Favor_____ Opposed_____
- D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 17th day of December, 2020 and that notice thereof be published in an official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

12. ORDINANCE #20-1647 - Providing for Creation of the Inclusion and Equity Committee - Public Hearing

- A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY PROVIDING FOR THE CREATION OF THE INCLUSION AND EQUITY COMMITTEE FOR THE TOWNSHIP OF MONTGOMERY.
- B. Public Hearing. Motion to close_____ Second_____ Favor_____ Opposed_____
- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 17th day of December, 2020 and that notice thereof be published in an official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

13. **ORDINANCE #20-1648** - Adopting Redevelopment Plan for Property Located on Orchard Road/
 Headquarters Park Drive (Block 20001, Lot 10.05) - Public Hearing

- A. Title: ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY LOCATED ON ORCHARD ROAD / HEADQUARTERS PARK DRIVE, DESIGNATED AS LOT 10.05 IN BLOCK 20001 ON THE MONTGOMERY TOWNSHIP TAX MAP, PURSUANT TO N.J.S.A. 40A:12A-7.
- B. Report from Planning Board.
- C. Public Hearing. Motion to close _____ Second _____ Favor _____ Opposed _____
- D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 17th day of December, 2020 and that notice thereof be published in an official newspaper as required by law.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

14. **APPROVAL OF MINUTES**

If there are no corrections, the minutes for December 3, 2020 stand approved.

15. **PAYMENT OF BILLS - Posted**

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.

Motion _____ Second _____

ROLL CALL VOTE:

| COMMITTEE MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------|-----|----|---------|--------|
| Huang | | | | |
| Keenan | | | | |
| Gural | | | | |
| Schuldiner | | | | |
| Jaffer | | | | |

OLD/NEW BUSINESS

Reorganization Meeting via Zoom at January 7, 2021 at 7:00 p.m.

COMMITTEE AND SUB-COMMITTEE REPORTS

TENTATIVE JANUARY 7 REORGANIZATION AGENDA

UPCOMING MEETINGS

16. 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 is as follows:
 - Confidential advice of counsel regarding potential contract negotiations with respect to Bloomberg.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Agreements shall be authorized by the Township Committee in a public session.

Motion_____ Second_____ Favor_____ Opposed_____ Abstain_____

ADJOURNMENT at _____ p.m. Motion_____ Second_____ Favor_____ Opposed_____