

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 21, 2013

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 Trzaska, Deputy Mayor Graham,
Committeemembers Smith, Madrid and Sugden

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TOWNSHIP CLERK - Donna Kukla

2. Mayor Trzaska stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Mayor Trzaska led the Salute to the Flag.

4. **RECOGNITION OF ROBERT SIPOS**

WHEREAS, A community possesses no greater treasure than the dedicated service of its young citizens; and

WHEREAS, Montgomery High School student Robert Sipos has shown a strength and vitality beyond his years by his compassion and generosity towards those less fortunate; and

WHEREAS, In 2009, Robert constructed a "Haunted Trail" in his backyard for the enjoyment of the neighborhood children, and through the years his design has grown in size with the addition of a hay ride and outdoor movie night; and

WHEREAS, In 2010 Robert decided to use his project as a fundraiser for those less fortunate, raising \$1,279 for the Central Asia Institute that builds schools in remote areas and also collected \$2,056 in 2011 and \$2,117 in 2012 for the Michael Robert Damato Memorial Scholarship Fund; and

WHEREAS, Robert is an example of true community spirit finding time to complete his Eagle Project at the Village Elementary School tot lot as well as volunteering for Hurricane Sandy cleanup at Highlands, New Jersey through the Montgomery Cares Organization.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the distinguished service and significant dedication and contributions made by Robert Sipos and wishes him continued success in all his future endeavors on the 21st day of February, 2013.

- 4-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

- 4-2. Robert Sipos stated that he started the "Haunted Trail in his back yard with some of his Friends, for the neighborhood friends and families to enjoy. The following year they realized they could use their efforts to do something larger and better to benefit their community and the world. He stated that this event occurred for one day the weekend before Halloween. He spoke about his Eagle Scout project, which consisted of building retaining walls at the Village Elementary School playground so the mulch would not slide down the hills onto the blacktop and block the drainage. He also built two wooden benches and an outdoor stairway made from timbers and blue stone.

5. **PUBLIC COMMENT**

- 5-1. Robert Kress, Meadow Run Drive, spoke about the installation of the tall utility poles. He presented a letter to the editor from the Princeton Packet questioning the need for 50 foot poles along Route 206. He asked how much input the Township had in the installation of these poles. The Township's Traffic Circulation Plan is predicated on loop roads, and his concern is that these poles will end up on these loop roads. He questioned why the utility company did not put the lines underground in the area of the new substation. He stated that he recently read in the Trenton Times that one lawmaker wanted to ban the building of new jug handles, and he wondered if the Township's loop roads could be considered jug handles.

Administrator Nieman stated that the utility was well aware of the loop road and would actually be building three quarters of it.

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- 5-2. Frank Drift, Sunset Road, spoke of his concern about the Construction Department. He recently brought in an application for the Elks, to re-insulate the ceiling. He complained that the process is too long for certain things. He stated that something needed to be done.

Administrator Nieman stated that there was a plan in place to hire an electrical inspector and to increase the building and plumbing inspector's hours.

Committeeman Smith stated that he knew what Mr. Drift was speaking about; how slow inspections and permitting could hurt a builder. The Township has got to streamline and automate the Building Department, bringing it up to the 21st century. He spoke about figuring out how to get building department forms online so that the public can access them easier. A lot of other towns are already doing this. He stated that the Township has to get ahead of where they are now, as there is a lot of new construction coming up.

Mayor Trzaska stated he was all for investing in the technology to allow the work to get done by the staff already in place, instead of having to hire more people to do the work manually. He felt that if the Township was going to save money on employees, then he was in agreement that the Township should have the tools to make those employees more productive.

Committeeman Smith suggested enlisting the help of some of the local builders to help "fix" the Construction Department so it works for everyone.

Robert Kress spoke about the future construction in the Township and asked about the possibility of using Princeton's inspectors as help.

Deputy Mayor Graham asked about the possibility of a Shared Services Agreement with another municipality for inspection services. Administrator Nieman stated that there had been discussion about this in the past. Deputy Mayor Graham stated that she would like consideration of this to be continued. Administrator Nieman stated he would speak with the Administrator of Princeton again about this.

6. **NASSAU RACQUET & TENNIS CLUB CONSERVATION EASEMENT DISCUSSION**

Attorney Hadinger spoke about a letter received from Attorney Michael Fedun. Essentially, there was problem in a Conservation Easement at the Nassau Racquet and Tennis Club. Trees were downed that should not have been and the applicant was compelled to go back and discuss this before the Zoning Board of Adjustment and also come to the Township Committee because the Township holds the easement. The Board of Adjustment looked at the problem and talked about replacing the trees with a different species that won't grow as high, because the violation was due to the trees shading the solar panels. Attorney Hadinger asked if the Township Committee could tolerate this one time change in the configuration of the trees with the understanding that the terms and conditions of the Board's approval will require the replanting of different kinds of species.

Mayor Trzaska inquired as to if there were any penalty to go along with the replanting of trees, such as donating to the tree bank. Attorney Hadinger stated that the Township could go back to the applicant.

Frank Drift stated that he is on the Zoning Board and he was the one who brought up about planting more trees because they were in that easement. The biggest problem was that the trees were so big and were in bad shape. Township Landscape Architect Bartolone and he went to look at the situation and reported back to the Zoning Board. He believed that the applicant was going to replace every tree that they removed, including the ones that were not in the easement. A lot of the new plants will be evergreens which will screen the building and screen the houses behind the Racquet Club. The applicant is also, per the agreement, responsible for maintaining those replacement trees forever.

- 6-1. **Motion #13-2-1** - Committeeman Smith moved to approve the request of Attorney Michael Fedun on behalf of Nassau Racquet and Tennis Club. The motion was seconded by Committeeman Sugden and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

7. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of January, 2013:

- 51 motor vehicle accidents;
- 13 arrests;
- 2 burglaries;
- 7 thefts;
- 5 domestic violence;
- 2 criminal mischief.

Director Palmer reported on the progress on the testing for the Police Department. The application process was opened on February 19, and after having sent out a number of notices to universities and colleges in New Jersey and the States immediately contiguous to New Jersey and having advertised in the Courier News, the Star Ledger and all of the Star Ledger's sister newspapers. As of the close of business on February 21 there had been 105 out of the 200 applications picked up. It is the intention of the Police Department to administer the test on March 16 at the Lower Middle School at 9:00 a.m. This will include both the written exam and the physical agility exam. Those that prevail at the rate indicated on the application will advance to an oral interview that will be pre-scheduled, and they will know that date when they leave the testing site that day. He stated that the Department would like to have their picks by mid-May so they can get these candidates registered into the next session of the Somerset County Police Academy.

8. **SIDEWALK ORDINANCE DISCUSSION**

Administrator Nieman stated that Township Engineer Gail Smith and Public Works Superintendent Art Villano each wrote a series of comments about the sidewalks issue. He explained that Attorney Hadinger, Ms. Smith, Mr. Villano and he will have to look at the recommendations and decide whether or not this needs to be an ordinance or a policy that is adopted by resolution.

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

A. **RESOLUTION #13-2-53 - REFUND OVERPAID 2012 AND 2013 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2012 and 2013 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
29002	22	Claude Albert & Kelly M. Quesnelle	2013	\$3,195.29
34021	25	Dharshanika & Braheen Washington	2012	\$6,290.63

B. **RESOLUTION #13-2-54 - AWARDING NON-FAIR AND OPEN CONTRACT FOR THE CLEANING OF POLICE UNIFORMS**

WHEREAS, The Township Committee of the Township of Montgomery has a need to provide uniform cleaning for the Township Police Department; and

WHEREAS, The Township Committee is permitted to acquire such services through a "non-fair and open" process (as defined by NJSA 19:44A-20.4) meaning the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Montgomery, and not by a "fair and open" process (as defined by NJSA 19:44A-20.7) such as awarding to the lowest bidder; and

WHEREAS, The contract cost for the disposal is expected to exceed \$17,500 but less than the bid threshold of \$36,000; and

WHEREAS, Three (3) quotes were requested and three (3) were received; and

WHEREAS, Belle Mead Dry Cleaners, LP, 2162 Route 206 South, Belle Mead, NJ 08502 has submitted a unit price quote dated January 30, 2013; and

WHEREAS, Belle Mead Dry Cleaners has completed and submitted a Business Entity Disclosure Certification; and

WHEREAS, It is the recommendation of the Township Administrator; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and filed in the office of the office of the Township Clerk.

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery authorizes a contract with Belle Mead Dry Cleaners pursuant to the attached proposal in the amount not to exceed of \$25,000 for the 2013 budget year; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Quote be placed on file; and

BE IT FURTHER RESOLVED that notice of this award will be published as required by law within ten days of the passage of this Resolution.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #13-2-55 - APPROVAL OF AN AGREEMENT FOR RESERVATION OF REMAINING SEWAGE CAPACITY - Westwinds Farms (Block 16002, Lot 9, Phase 2)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement for reservation of remaining sewage capacity with East Country Development Associates Corp. related to remaining capacity in the Skillman Village Sewage Treatment Plant for Westwinds Farms, Block 16002, Lot 9, Phase 2.

D. **RESOLUTION #13-2-56 - APPROVAL OF AN AGREEMENT FOR RESERVATION OF REMAINING SEWAGE CAPACITY - Westwinds Farms (Block 16002, Lot 9, Phases 3, 4 and 5)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement for reservation of remaining sewage capacity with East Country Development Associates Corp. related to remaining capacity in the Skillman Village Sewage Treatment Plant for Westwinds Farms, Block 16002, Lot 9, Phases 3, 4 and 5.

E. **RESOLUTION #13-2-57 - AUTHORIZING THE ISSUANCE OF 2013 TOWING LICENSES**

WHEREAS, The Township has received completed towing applications for light duty licenses from Kovi Towing, Stewart's Towing, Rich's Offroad Towing and Mike's Towing and Recovery, and completed towing applications for heavy duty licenses from Stewart's Towing, Dave's Heavy Towing, Rich's Offroad Towing and Mike's Towing and Recovery to provide towing services in 2013; 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 light duty licenses to Kovi Towing, Stewart's Towing, Rich's Offroad Towing and Mike's Towing and Recovery, and heavy duty towing licenses to Stewart's Towing, Dave's Heavy Towing, Rich's Offroad Towing and Mike's Towing and Recovery.

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 light duty licenses to Kovi Towing, Stewart's Towing, Rich's Offroad Towing and Mike's Towing and Recovery for 2013.
2. The Township Clerk is hereby authorized to issue heavy duty licenses to Stewart's Towing, Dave's Heavy Towing, Rich's Offroad Towing and Mike's Towing and Recovery for 2013.
3. All towing licenses are subject to the provisions set forth in Chapter IVA of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2013.
4. This resolution shall take effect immediately.

F. **RESOLUTION #13-2-58 - AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE A LETTER OF INTENT TO PARTICIPATE IN THE SOMERSET COUNTY HAZARD MITIGATION PLAN UPDATE PROJECT**

BE IT RESOLVED That the Township Administrator is authorized to execute a letter of intent to participate in the Somerset County Hazard Mitigation Plan Update Project; and

BE IT FURTHER RESOLVED That the Montgomery Township Committee authorizes the Somerset County HMP Update Steering Committee (aka "Steering Committee") to guide and direct the planning process, perform certain parts of the planning process, and prepare certain parts of the plan documents on its behalf; and

BE IT FURTHER RESOLVED That the Montgomery Township Committee agrees to meet the minimum requirements of jurisdictional participation and support public outreach efforts in the community.

G. **RESOLUTION #13-2-59 - AUTHORIZING SHARED SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET FOR TRANSPORTATION SERVICES**

WHEREAS, The Township of Montgomery in Somerset County has the need to provide transportation services to certain residents; and

WHEREAS, The County of Somerset, Division of Transportation, has the proper equipment and qualified drivers and can provide transportation services to the Township.

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

(CONSENT AGENDA Item G Cont.)

1. The transportation services contract between the County of Somerset and Township of Montgomery authorizing the County to provide transportation services on weekdays between the hours of 8:30 a.m. and 2:00 p.m. to Township residents, as determined by the Township, as well as transportation services for weekend trips is hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the Township. Said services shall be provided by the County at a rate of \$22.16 per hour worked for weekday services, \$33.25 per hour for weekend trips, together with an hourly fringe benefit cost of \$10.87 per hour and a \$45.90 per day operating cost for administrative costs incurred by the County.
2. The terms of the agreement shall be from January 1, 2013 through December 31, 2013.
3. The Clerk shall file a copy of this agreement for informational purposes with the Division of Local Government Services, Department of Community Affairs, in accordance with N.J.S.A. 40A:65-4.

H. **RESOLUTION #13-2-60 - REJECTION OF BID FOR ELECTRICAL SERVICES CONTRACT AND AUTHORIZATION TO RE-BID**

WHEREAS, Bids for Electrical Services were received and publicly opened on February 14, 2013; and

WHEREAS, It is the recommendation of the Purchasing Agent to reject and re-bid due to the need to make a substantial change to the bid documents pursuant to N.J.S.A. 40A:11-13.2(d).

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the aforesaid bid is hereby rejected and the Purchasing Agent is hereby authorized and directed to re-bid the Electrical Services Contract.

- 9-1. Deputy Mayor Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

10. **RESOLUTION #13-2-61 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, the 2013 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2013 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body.

NOW, THEREFORE, BE IT RESOLVED, by confirmation of two-thirds of the full governing body, that the Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Current Fund

Employee Group Insurance	
Other Expenses	\$250,000.00
Workers Compensation Insurance	
Other Expenses	\$70,000.00
Municipal Court	
Salaries and Wages	(\$4,000.00)

Utility Fund

Liability Insurance	
Other Expenses	\$97,000.00
Workers Compensation Insurance	
Other Expenses	\$36,000.00
Social Security	
Other Expenses	\$5,000.00

- 10-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

11. **RESOLUTION #13-2-62 - AUTHORIZATION TO RATIFY AGREEMENT - PBA, Local 355**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Township Clerk are hereby authorized and directed to execute a collective bargaining agreement with the PBA, Local 355 for a four year period effective January 1, 2012 to December 31, 2015.

11-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

13. **RESOLUTION #13-2-63 - RESOLUTION FOR EXTENSION OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE TO COURT APPOINTED RECEIVER**

WHEREAS, Tusk, LLC is the holder of Plenary Retail Consumption License 1813-33-002-015; and

WHEREAS, Alan I. Gould, Esq. has been appointed by the court as the receiver for Tusk, LLC via court order filed January 25, 2013, and is thereunder authorized to conduct and carry out the business of Tusk, LLC; and

WHEREAS, An application has been filed for the extension of Plenary Retail Consumption License 1813-33-002-015 to the court appointed receiver; and

WHEREAS, The aforementioned application is complete in all respects, including proof of appointment to act as receiver.

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

1. The extension of Plenary Retail Consumption License 1813-33-002-015 to Alan I. Gould, Esq., as Receiver for Tusk, LLC is hereby approved, effective February 22, 2013.
2. The Receiver shall conduct business under the privileges, terms and conditions of said License as Receiver until such time as the License is sold, transferred or otherwise disposed of in accordance with applicable law.
3. The Township Clerk is hereby directed to endorse the License Certificate with the following: "This license is hereby extended, subject to all its terms and conditions to Alan I. Gould, Esq., Receiver, until June 30, 2013."

13-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

14. **RESOLUTION #13-2-64 - AUTHORIZING THE SALE OF A PLENARY RETAIL CONSUMPTION LICENSE**

WHEREAS, N.J.S.A. 33:1-12.14 provides that no new Plenary Retail Consumption License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one for each 3,000 of its population as shown on the last preceding Federal Census; and

WHEREAS, the 2010 Federal Census determined that the population of the Township of Montgomery ("Township") exceeds 22,000 persons; and

WHEREAS, pursuant to N.J.S.A. 33:1-1 et seq. and Chapter VI of the Code of the Township of Montgomery (1984), the Township is authorized to issue a new Plenary Retail Consumption license; and

WHEREAS, it is in the interests of the Township to permit the issuance of an additional Plenary Retail Consumption license.

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

1. The Township hereby determines that it will sell at public sale one Plenary Retail Consumption License for the sale of alcoholic beverages, in accordance with the procedures set forth in N.J.S.A. 33:1-19.3 et seq.
2. The Township Clerk shall publish a notice of the public sale and an invitation to bid in the official newspaper of the Township at least two times, the notices to be published at least one week apart, the second of which shall be published at least thirty days prior to the date after which no further applications shall be accepted. Nothing herein shall preclude the Township Clerk from publishing additional newspaper or alternative notices, provided the publication requirements set forth above are satisfied.

(Item #14 Cont.)

3. The following conditions shall apply to the award and issuance of each license:
 - a. Each license shall be used in conjunction with a restaurant, which is defined by the Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1(t)* as "an establishment regularly and principally used for the purposes of providing meals to the public, having an adequate kitchen and dining room equipped for preparing, cooking and serving of food for its customers and in which no other business, except such as incidental to such establishment, is conducted." Said restaurant shall have seating for a minimum of seventy-five (75) persons.
 - b. The premises on which the licensee operates may be (1) an existing restaurant, (2) an existing building in which such use is a permitted use, or (3) a site which has or may receive preliminary and final site plan approval (within the time period required for license issuance set forth in paragraph 10 below) from the Township Planning Board. Pursuant to *N.J.A.C. 13:2-2.1*, proposed building plans should be included for sites that have or may receive preliminary and final site plan approval but are not yet constructed.
 - c. The premises on which the licensee operates must comply with all Township zoning regulations and New Jersey Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*
 - d. The minimum bid that shall be considered for the license shall be \$500,000.00.
 - e. Prospective bidders must be pre-qualified at least five business days prior to the opening of bids, and only the bids of qualified bidders will be opened.
 - f. To pre-qualify, a prospective bidder must submit the following to the Township Clerk at the Township Municipal Building at 2261 Van Horne Road, Belle Mead, New Jersey 08502, on or before 10:00 a.m. on April 8, 2013:
 - (1) A full and complete twelve-page Alcoholic Beverage Control Application form.
 - (2) A separate certification of proof of compliance by the applicant that it meets any and all conditions or requirements contained in this resolution, including that the license will be used in conjunction with a restaurant having seating for a minimum of seventy-five (75) persons, and knows of no other reason why he or she would be disqualified from having an interest in a Retail Liquor License in the State of New Jersey under the standards set forth in the Alcoholic Beverage Control Act and the rules and regulations promulgated thereunder.
 - (3) The remittance of a deposit in the amount of \$50,000.00 (10% of minimum bid amount) by certified check, made payable to the "Township of Montgomery."
 - (4) A separately sealed opaque envelope containing the bid amount, the outside of which shall state "2013 Retail Consumption Liquor License Bid" and the name of the bidder.
4. At 10:00 a.m. on April 22, 2013, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified for bidding in compliance with the Alcoholic Beverage Control Act, and the rules and regulations promulgated thereunder, Township ordinances, the conditions set forth in the published notices, and other applicable law. A list of such pre-qualified bidders shall be posted on the public announcements bulletin board in the Township Municipal Building 2261 Van Horne Road, Belle Mead, New Jersey 08502.
5. The Township Clerk shall open the bids of the pre-qualified bidders at 10:00 a.m. on April 30, 2013 at the Township Municipal Building, 2261 Van Horne Road, Belle Mead, New Jersey 08502. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid and the name of each bidder.
6. The Township Committee, by written resolution, adopted at the public meeting on May 16, 2013 shall award the license to the highest bidder, if the Township does not reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following:
 - a. Payment of the balance of the bid for the license by certified check made payable to the "Township of Montgomery" within five days of the date of the resolution of the Township Committee awarding the license. Failure to make timely payment of the balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the next highest qualified bidder or take no further action.
 - b. Payment by the successful bidder of the New Jersey State License Application Fee.
 - c. Payment of the Annual Municipal Retail License Fee.
 - d. Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license.
 - e. Receipt of favorable State and/or federal criminal background checks for each prospective licensee.
 - f. Compliance with publication, hearing and resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

(Item #14 Cont.)

g. Compliance with publication, hearing and resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

7. The deposit of all unsuccessful bidder(s) shall be returned within ten days of the date of the award of the license(s).
8. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.
9. The sale may be postponed or cancelled at any time prior to the opening of the bids.
10. If the license has not been issued pursuant to this resolution by October 8, 2013, no license shall thereafter be issued without further resolution by the Township Committee, determining to issue a new license.
11. The successful bidder shall comply with all other provisions of *N.J.A.C.13:2-2.1 et seq.*, including, but not limited to, publication of notice of application.

14-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

15. **ORDINANCE #13-1430 - Pay-to-Play Amendment - Excluding State or Federal Contracts or Cooperative Purchasing Programs - Public Hearing**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 2-22.2 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY (1984) TO CLARIFY THE NON-APPLICABILITY OF THIS SUBSECTION TO TRANSACTIONS UNDERTAKEN PURSUANT TO STATE OR FEDERAL CONTRACTS OR COOPERATIVE PURCHASING PROGRAMS

B. Mayor Trzaska opened the hearing to the public. There being no comment, Committeeman Sugden moved that the public hearing be closed. The motion was seconded by Committeeman Smith and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of February, 2013 and that notice thereof be published in an official newspaper as required by law.

15-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

16. **ORDINANCE #13-1431 - 2013 Sewer Capacity Charges and 2013 Sewer User Rates - Public Hearing**

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

Title: AN ORDINANCE AMENDING CHAPTER XII SEWER AND WATER OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH 2013 SEWER CAPACITY CHARGES AND 2013 SEWER USER RATES

B. Mayor Trzaska opened the hearing to the public. There being no comment, Committeeman Smith moved that the public hearing be closed. The motion was seconded by Deputy Mayor Graham and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of February, 2013 and that notice thereof be published in an official newspaper as required by law.

16-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

17. ORDINANCE #13-1432 - Kid Connection - Fees - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY INCREASING FEES FOR KID CONNECTION PROGRAMS AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

B. Mayor Trzaska opened the hearing to the public. There being no comment, Committeeman Sugden moved that the public hearing be closed. The motion was seconded by Committeewoman Madrid and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of February, 2013 and that notice thereof be published in an official newspaper as required by law.

17-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

18. APPROVAL OF MINUTES

February 7, 2013
Minutes were approved as printed.

19. 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.

19-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham and carried on the following:

ROLL CALL - Ayes - Sugden, Madrid, Smith, Graham, Trzaska
Nays - None

20. NO SMOKING IN TOWNSHIP PARKS

Deputy Mayor Graham stated that the Board of Health voted to recommend an ordinance to the Township Committee regarding No Smoking in Township Parks. They voted on a more limited ordinance, not banning smoking in the entire park but banning smoking in particular areas.

Attorney Hadinger explained that her recollection was the feedback to the Health Officer was that the Board of Health should not draft an ordinance until it was confirmed that the Governing Body was interested in pursuing this subject. Administrator Nieman stated that in speaking with the Health Officer, what would be recommended for draft by the Board of Health would reflect some of the concerns expressed by the Governing Body.

Mayor Trzaska stated that he read that the Board of Health member who was dissenting or was having issues about the language potentially being too broad was okay with a limited ordinance.

Committeemembers stated that they felt it was a great compromise from what was first presented.

21. ENERGY AGGREGATION PUBLIC MEETING SCHEDULE

Township Clerk Donna Kukla stated that she was trying to set up a public meeting for the Energy Aggregation issue. It was decided to have a public meeting on March 14, 2013.

22. **ENVIRONMENTAL COMMISSION**

Committeeman Sugden reminded the Township Committee that the Earth Day Fair is April 21. He stated that the registrations for exhibitors has opened up and asked if anyone knew of people interested.

Administrator Nieman stated that the Environmental Commission is looking at a pilot program that was done in East Windsor, through the New Jersey Department of Transportation for the NHTS program. They would be applying to get money to purchase strobe lights for bicyclists. They are also working with the Dodge Foundation for a Green Mapping Grant. A problem arose that the Green Mapping software did not speak to GIS software, which many municipalities have. They are working on a solution to that problem, such that we will be able to take all of Montgomery's data and give it to the Green Mapping people.

23. **TRANSCO PIPELINE CONSTRUCTION MEETING**

Administrator Nieman stated that there is tentatively going to be a meeting April 11 at the Otto Kaufman Community Center, held by Transco as an informational meeting for their pipeline construction project. Attorney Hadinger explained that this was the meeting where they would show the plans and explain exactly what they were proposing to do.

Administrator Nieman explained that this would be the Skillman Loop and it was approximately 6.85 miles of 42" gas line in Montgomery. Attorney Hadinger stated that it was fair to anticipate that the easement is going to be widened, which would affect a couple of properties that the Township holds and some residences where the easement is located. She explained that the time to influence the project, if the Township wished to, is now.

Mayor Trzaska stated that once this meeting date is firmed up, the Township is going to want to pass the information to Congressman Lance's office.

22. **ECONOMIC DEVELOPMENT COMMISSION**

Committeeman Smith reported that the Economic Development Commission is holding their annual forum on February 26 at the Princeton Elks from 6:00 p.m. to 8:00 p.m.

23. **MEET THE MAYOR**

Mayor Trzaska reported that the next "Meet the Mayor" would take place in the Pike Run Development on March 6.

24. **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 subjects to be discussed in this session is as follows:
 - Pending Country Club Meadows litigation and advice of counsel regarding same.
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.

24-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

25. The meeting reconvened in Open Session and **ADJOURNMENT** was at 9:11 p.m. on a motion by Deputy Mayor Graham. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk