

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
May 2, 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 Madrid and Sugden  
Committeeman Smith was absent.

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. **PUBLIC COMMENT**
  - 4-1. Kevin Hayes, Country Club Meadows, stated that he submitted a letter to Administrator Nieman earlier in the day, which expressed his company's concerns with Resolution #13-5-114 on the agenda regarding the consolidation of the Oxbridge and Riverside Waste Water Treatment Plants into the Pike Brook Sewer Service area. Attorney Hadinger confirmed that his letter was received and provided to all members of the Governing Body.
  - 4-2. Robert Kress, Meadow Run Drive, inquired as to the time allotted to discuss the proposed 2013 budget hand-out from the last meeting. He felt his comments would take longer than 5 minutes. Mayor Trzaska explained that CFO Walter Sheppard was not present today and that a public hearing is scheduled for June.
  - 4-3. Chuck Urban, representing Bernie Handler, said he was looking at a property for development and saw that there was a relevant ordinance on this agenda. Attorney Hadinger confirmed that no action will be taken on an updated draft of the stream corridor ordinance. She stated that the Governing Body is going to discuss the scheduling after distributing the draft to all the relevant boards, such as the Environmental Commission and Open Space Committee. There will be a Master Plan subcommittee meeting held on it, as well, prior to Governing Body taking action.
5. **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 #13-5-104 - REFUND OVERPAID 2013 TAXES**

BE IT RESOLVED That a refund in the amount of \$1,920.20 be given to Tula Sayalkham, 38-D Chicopee Drive, Princeton, NJ 08540 for the overpayment of 2013 taxes on Block 37002 Lot 1.128.

B. **RESOLUTION #13-5-105 - ACCEPTANCE OF DONATIONS - Earth Day Fair 2013**

BE IT RESOLVED that the Montgomery Township Committee hereby accepts the following donations for the Earth Day Fair 2013.

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
Rocky Hill Cleaners	\$200.00	1588
All American Poly Corp	\$113.68	67846

C. **RESOLUTION #13-5-106 - AUTHORIZATION TO EXECUTE A SHARED SERVICES/PUBLIC HEALTH MUTUAL AID AGREEMENT WITH LOCAL SOMERSET COUNTY HEALTH DEPARTMENTS**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Shared Services/Public Health Mutual Aid Agreement with Somerset County and local County Boards of Health with respect to mutual aid for emergency public health services for a term of one year from January 1, 2013 to December 31, 2013.

D. **RESOLUTION #13-5-107 - AUTHORIZING SOLICITATION OF BIDS FOR ROAD MATERIALS**

WHEREAS, the Township of Montgomery seeks to solicit bids for the purchase of road materials; and

WHEREAS, the Township seeks to solicit bids from qualified contractors for this purpose in the manner set forth by the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Township Purchasing Agent, in coordination with the Township Administrator and Township Clerk, is hereby authorized and directed to draft the necessary specifications and contract documents and advertise for the purchase of road materials.

(CONSENT AGENDA Cont.)

**E. RESOLUTION #13-5-108 - AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED AT 103 DOMINICUS COURT, BELLE MEAD, NEW JERSEY**

WHEREAS, Applicant 2012-3 ("Tenant") has entered into a lease for 103 Dominicus Court, Belle Mead, New Jersey a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, Tenant requested a loan through Montgomery Township's Affordability Assistance Program to pay for a portion of the security deposit at 103 Dominicus Court; and

WHEREAS, the Township's Affordable Housing Administrative Agent, Community Grants Planning and Housing, reviewed the Tenant's application and qualified Tenant for the requested assistance; and

WHEREAS, the Township Committee approved an affordability assistance loan to Tenant in the amount of one thousand three hundred twenty-four dollars and thirteen cents (\$1,324.13) in Resolution #12-10-252 adopted on October 4, 2012; and

WHEREAS, in order to finalize and effectuate the loan, the Township Committee now desires to authorize the execution of a loan repayment agreement with Tenant and the disbursement of funds; and

WHEREAS, the funding for the loan will be from the Montgomery Township Affordable Housing Trust Fund.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of May, 2013, by the Township Committee of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township's Affordability Assistance Program, to enter into an Affordability Assistance Program Loan Repayment Agreement with Tenant and provide Tenant with a loan to be used as a partial security deposit for an affordable housing unit located at 103 Dominicus Court, Belle Mead, New Jersey.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the loan amount.

**F. RESOLUTION #13-5-109 - EXTENSION OF TIME FOR COMPLETION OF PUBLIC IMPROVEMENTS - Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on April 19, 2013 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

<u>Development</u>	<u>New Completion Date</u> _____
Princeton N. Shopping Center SW Benjamin Blvd.	May 20, 2014
Tapestry at Montgomery Main Pump Station and Force Main	June 30, 2014
Tapestry at Montgomery Phase 1B-1 site w/o Force Main & Pump Station	June 30, 2014
Tapestry at Montgomery Phase 1B-2 site w/o Force Main & Pump Station	June 13, 2014
Tapestry at Montgomery Phase 1B-3 site w/o Force Main & Pump Station	May 20, 2014
Tapestry at Montgomery Temporary Trailer Restoration Bond	December 31, 2013
Waldorf School of Princeton Phases 1 & 2 Building Additions & Pathway	May 13, 2014

**G. RESOLUTION #13-5-110 - RELEASE OF MAINTENANCE GUARANTEE - Tapestry at Montgomery 1B-1 - Portion of Vreeland Drive**

WHEREAS, Gail Smith, Township Engineer, has certified on April 3, 2013 that all public improvements in a project known as Tapestry at Montgomery 1B-1 - Portion of Vreeland Drive have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond in the amount of \$12,528.58 (LOC #39604513) be released to Sharbell Plainsboro, Inc. One Washington Blvd., Suite 9, Robbinsville, NJ 08691.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #13-5-111 - AUTHORIZING THE ISSUANCE OF 2013 TOWING LICENSE**

WHEREAS, The Township has received a completed towing application for a heavy duty license from SHT Corp., (d/b/a Somerset Hills Towing) to provide towing services in 2013; and

WHEREAS, The Police Department has reviewed said application 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 application, and recommended the issuance of a heavy duty license to SHT Corp., (d/b/a Somerset Hills Towing).

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 heavy duty license to SHT Corp., (d/b/a Somerset Hills Towing) for 2013.
2. 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.
3. This resolution shall take effect immediately.

5-1. Committeeman Sugden moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Graham and carried on the following:

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

6. **RESOLUTION #13-5-112 - 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:

Utility Fund	
Long Term Disability	
Other Expenses	\$2,000.00
Workers Compensation Insurance	
Other Expenses	\$2,000.00
Employee Group Insurance	
Other Expense	\$63,800.00
Deferred Compensation	
Other Expenses	\$8,000.00

6-1. 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, Graham, Trzaska  
Nays - None  
Absent - Smith

7. **RESOLUTION #13-5-113 - AWARD OF BID - Hook Lift Truck Conversion**

WHEREAS, the following bids for a Hook Lift Truck Conversion were received and publicly opened on April 23, 2013:

<u>BIDDER</u>	<u>AMOUNT</u>
Trius Inc.,	\$66,869.00
(less deduction for Tractor trade-in)	-\$3,500.00
Total	\$63,369.00
Henderson Truck Equipment	\$64,819.00
(Less, deduction for Tractor trade-in)	-\$4,000.00
Total	\$60,819.00 exceptions taken

WHEREAS, Henderson Truck Equipment took numerous exceptions to the technical specifications, one being the minimum lifting capacity of the hook; and

WHEREAS, the specified minimum lifting capacity of the hook was a 25,000 pound capacity and Henderson Truck Equipment's exception was to supply an 18,000 pound capacity; and

WHEREAS, the minimum lifting capacity of the hook is a material component of the bid specifications and, therefore Henderson Truck Equipment's bid is rejected as non-responsive; and

(Item #7 Cont.)

WHEREAS, it is the recommendation of the Purchasing Agent and Superintendent of Public Works that Trius Inc., be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, there exists account #01-201-44-901-2-421 which will fund this item; 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.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the Hook Lift Truck Conversion with trade-in is hereby awarded to Trius Inc., 458 Johnson Ave. PO Box 158, Bohemia, NY 11716-0158 in the amount not to exceed \$63,369.00.

BE IT FURTHER RESOLVED that the Purchasing Agent is hereby authorized to sign a purchase order for the purchase of the Hook Lift Truck Conversion for Trius, Inc.

7-1. 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, Graham, Trzaska  
Nays - None  
Absent - Smith

8. **RESOLUTION #13-5-114 - AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER EAST, INC. (a/k/a/ "KLEINFELDER/OMNI") FOR AN ANTI-DEGRADATION STUDY, WMP AMENDMENT AND PRELIMINARY DESIGN SERVICES RELATED TO CONSOLIDATION OF OXBRIDGE AND RIVERSIDE WASTEWATER TREATMENT PLANTS INTO PIKE BROOK WASTEWATER TREATMENT PLANT**

WHEREAS, the Township of Montgomery seeks to retain the services of a professional engineering firm to complete an anti-degradation study, prepare an amendment to the Montgomery Township Chapter of the Somerset County Wastewater Management Plan, and develop preliminary designs for the consolidation of the Riverside, Oxbridge and Pike Brook Wastewater Treatment Plants; 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 of Kleinfelder East, Inc. (a/k/a "Kleinfelder/Omni") has submitted a proposal dated April 8, 2013 to provide the sought-after services to the Township on a time-plus-expenses basis, at a projected cost of \$172,000 for preparation of the anti-degradation study, \$15,000 for preparation of the wastewater management plan amendment, and \$98,900 for preparation of preliminary designs for consolidation of the Riverside, Oxbridge and Pike Brook Wastewater Treatment Plants, for a total not to exceed cost of \$285,900; and

WHEREAS, Kleinfelder/Omni has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Kleinfelder/Omni has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for these purposes in account #08-216-55-901- -1363c.

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

1. The Mayor and Clerk are authorized and directed to execute an agreement with Kleinfelder East, Inc., (a/k/a "Kleinfelder/Omni" or "Kleinfelder") for the provision of professional engineering services necessary to complete an anti-degradation study, prepare an amendment to the Montgomery Township Chapter of the Somerset County Wastewater Management Plan, and develop preliminary designs for the consolidation of the Riverside, Oxbridge and Pike Brook Wastewater Treatment Plants.
2. The total amount of the contract shall not exceed \$285,900 without prior authorization. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the April 8, 2013 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.

8-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham.

(Item #8 Cont.)

- 8-2. Administrator Nieman explained that this item is related to the consolidation of the Oxbridge and Riverside Waste Water Treatment Plants into the Pike Brook Sewer Service area. He stated that completion of an anti-degradation study was the next step to investigate if the body of water into which we discharge would be able to handle the load. Should this study indicate that this could be done successfully, the Township would amend its Wastewater Management Plan, do the preliminary plant design, and come up with a cost estimate for same.

Deputy Graham asked if this authorization was only to do the study and design. Administrator Nieman responded yes and that if the investigation was unsuccessful, then the design and cost estimate would not be done.

Committeeman Sugden asked if this study had been discussed with Governing Body before this. Attorney Hadinger responded that last year the findings of the preliminary study were presented to Governing Body.

Committeeman Sugden asked what more would be accomplished through further discussion as requested by Country Club Meadows Estates. Attorney Hadinger responded that Country Club Meadows Estates, a company which has a pending litigation with the Township, is asking for the study not to be done or to be delayed. Mayor Trzaska stated his support for going forward with the study.

Attorney Hadinger explained that both parties could proceed with discussions in good faith but that there were time constraints on doing the water study as per DEP requirements and that the study would have to wait a long time if it is not done now.

Administrator Nieman explained further that the study must be done when oxygen levels are at their seasonal low in the Millstone River which is now the case and delaying the study would mean it could not be done for another year.

Attorney Hadinger said the possibility of settling the lawsuit and this study are not mutually exclusive concepts.

Deputy Mayor Graham clarified that the Governing Body could wait until completion of the study to decide what further action was prudent.

There being no further questions, the vote was then carried on the following:

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

9. **RESOLUTION #13-5-115 - 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 #9 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 June 17, 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 July 1, 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 July 8, 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 July 18, 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.

(Item #9 Cont.)

- 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.
  - 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 December 17, 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.
- 9-1. 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, Graham, Trzaska  
Nays - None  
Absent - Smith

10. **RESOLUTION #13-5-116 - DESIGNATING SPECIFIC TRACTS OF MUNICIPALLY-OWNED PARKS AND OPEN SPACES TO BE INCLUDED IN MONTGOMERY TOWNSHIP'S DEER MANAGEMENT PROGRAM PURSUANT TO CHAPTER IX, SECTION 9-9 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) FOR THE HUNTING SEASON BEGINNING ON SEPTEMBER 14, 2013 AND ENDING ON FEBRUARY 15, 2014**

WHEREAS, as part of a comprehensive deer management plan and for the purpose of reducing the Township's white-tailed deer population, the Township Committee of the Township of Montgomery amended Chapter IX, "Parks and Recreation" of the Code of the Township of Montgomery (1984) ("Code") to allow limited hunting on the Township's parks and open spaces for the purpose of culling white-tailed deer; and

WHEREAS, Section 9-9 of the Code authorizes the Township Committee to designate annually by resolution which parks and open spaces will be made available for hunting through the Township's municipal deer management program and during which dates;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY as follows:

1. Pursuant to Section 9-9 of the Code of the Township of Montgomery (1984), the hunting of white-tailed deer will be allowed from September 14, 2013 to February 15, 2014 on the properties listed below and subject to the restrictions and conditions set forth herein:

A. **Folusiak**

Designation: Block 11001, Lot 56

Location: 63± acres located on Hollow Road

Seasons/dates: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

(Item #10 Cont.)

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013 December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014
<u>Permit shotgun:</u>	December 4 - December 6, 2013 December 9 - December 14, 2013 December 18 - December 20, 2013 January 7 - February 11, 2014
<u>Permit muzzle-loader:</u>	December 2 - December 6, 2013 December 9 - December 14, 2013 December 16 - December 17, 2013 December 21 - December 24, 2013 December 26 - December 31, 2013 January 1 - February 11, 2014
<u>Six-day firearm:</u>	December 9 - December 14, 2013

Permits: No more than six (6) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

**B. Opatut and Adjacent Land**

Designation: Block 34001, Lots 35, 35.01, 35.06, 38.02, 43.02, 43.03, and an 18± - acre portion of Block 34023, Lot 72

Location: 165± acres located off of County Route 518 and Pine Brae Drive

Seasons: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013 December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014
<u>Permit shotgun:</u>	December 4 - December 6, 2013 December 9 - December 14, 2013 December 18 - December 20, 2013 January 7 - February 11, 2014
<u>Permit muzzle-loader:</u>	December 2 - December 6, 2013 December 9 - December 14, 2013 December 16 - December 17, 2013 December 21 - December 24, 2013 December 26 - December 31, 2013 January 1 - February 11, 2014
<u>Six-day firearm:</u>	December 9 - December 14, 2013

Permits: No more than eighteen (18) municipal deer management permits shall be issued for this property.

Other restrictions: Anyone with a permit for this property may also hunt on Lot 72, provided that said hunting on Lot 72 shall take place only from three (3) designated tree stand locations, and only bow hunting shall be permitted from said stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

There shall be a "no firearm hunting" zone located on the easterly side of the northern portion of Lot 35 near the solar panel array located on the adjacent lot (Lot 38.03) as shown on the Deer Management Program Map. The boundaries of said "no firearm hunting" zone shall be clearly marked on the property. Only bow hunting shall be permitted in said zone and no loaded firearms shall be carried therein.

Hunting on Sundays shall be strictly prohibited.

(Item #10 Cont.)

C. Dead Tree Run

Designation: Block 18026, Lot 27

Location: 69± acres located on Dead Tree Run Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than four (4) municipal deer management permits shall be issued for this property.

Other Restrictions: Hunting on Sundays shall be strictly prohibited.

D. Ingersoll-Rand

Designation: Block 23001, Lot 13

Location: 151± acres located on Montgomery Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than sixteen (16) municipal deer management permits shall be issued for this property.

Other Restrictions: Hunting on Sundays shall be strictly prohibited.

E. Runyon Farm-Fox Brook-Tomenchok

Designation: Block 15001, Lots 31, 29, and 34

Location: 141± acres located on State Highway Route 206 and Sunset Road

Seasons: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014
<u>Permit shotgun:</u>	December 4 - December 6, 2013
	December 9 - December 14, 2013
	December 18 - December 20, 2013
	January 7 - February 11, 2014
<u>Permit muzzle-loader:</u>	December 2 - December 6, 2013
	December 9 - December 14, 2013
	December 16 - December 17, 2013
	December 21 - December 24, 2013
	December 26 - December 31, 2013
	January 1 - February 11, 2014
<u>Six-day firearm:</u>	December 9 - December 14, 2013

Permits: No more than fourteen (14) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #10 Cont.)

F. Dale/Washington Well

Designation: Block 27001, Lot 6

Location: 63± acres located between County Route 518 and Burnt Hill Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than seven (7) municipal deer management permits shall be issued for this property.

Other restrictions: There shall be a 15±-acre "no hunting" zone erected around the sledding area located in the northern portion of the property. The boundaries of said "no hunting" zone shall be clearly marked and shall further be delineated with snow fencing. No hunting whatsoever shall take place in said zone after the first snowfall or November 15, 2013, whichever is earlier.

Hunting on Sundays shall be strictly prohibited.

G. Broadway Area

Designation: Block 4007, Lot 12, Block 4008, Lot 13, Block 4009, Lot 14, Block 4010, Lots 1, 2 and 3, and Block 4011, Lot 1.

Location: 50± acres located on County Route 601 and Broadway Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than six (6) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

H. Somerset Holdings/Bridgepoint Road Tract

Designation: Block 22001, Lots 10, 11, 12.02, 12.03, and a portion of Lot 5 excluding the northeastern portion between Mill Pond Road to the north and the southern lot line of Block 22024, Lot 5, as shown on the map on file in the office of the Township Clerk

Location: 35± acres located on Bridgepoint Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than four (4) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #10 Cont.)

I. Bennett Tract

Designation: Block 31001, Northern Portion of Lot 9.03

Location: 31± acres located on Provinceline Road

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2012-2013 permittees who (i) harvested at least two (2) deer during the 2012-2013 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2013-2014 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements. No hunting shall take place when there is snow on the property. No hunting whatsoever is permitted in the southern portion of Lot 9.03.

Hunting on Sundays shall be strictly prohibited.

J. Platz Tract

Designation: Block 15001, Lot 26 & Block 15004, Lot 9

Location: 39± acres located on Dutchtown-Harlingen Road

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2012-2013 permittees who (i) harvested at least two (2) deer during the 2012-2013 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2013-2014 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

Hunting on Sundays shall be strictly prohibited.

(Item #10 Cont.)

K. Montgomery Meadows

Designation: Block 15001, Lot 43

Location: 16.4 acres located on Brandywine Road

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2012-2013 permittees who (i) harvested at least two (2) deer during the 2012-2013 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2013-2014 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

Hunting on Sundays shall be strictly prohibited.

L. Saxon Ridge

Designation: Block 16012, Lots 1.02 and 1.03

Location: 17.4± acres located at the corner of Route 601 and Sunset Road, and on Saxon Way

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 14 - October 25, 2013
<u>Permit bow:</u>	October 26 - December 24, 2013
	December 26 - December 31, 2013
<u>Winter bow:</u>	January 1 - February 15, 2014

Permits: No more than four (4) municipal deer management permits shall be issued for this property; however, only two (2) permits may be in use at the same time. Permit eligibility for this property is restricted to 2012-2013 permittees who have (i) harvested at least two (2) deer during the 2012-2013 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2013-2014 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements. No hunting shall take place when there is snow on the property. There shall be no hunting in areas south of the brook that traverses the property. Permittees shall be restricted to use of tree stands furnished by the Township.

Hunting on Sundays shall be strictly prohibited.

(Item #10 Cont.)

M. Nicolaysen and Opatut Landlocked

Designation: Block 34001, Lots 36 and 37.02

Location: 111± acres located on Cherry Valley Road

Seasons/dates: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 14 - October 25, 2013  
Permit bow: October 26 - December 24, 2013  
December 26 - December 31, 2013  
Winter bow: January 1 - February 15, 2014

Permits: No more than seven (7) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

N. Zeloof

Designation: Block 15001, Lot 1

Location: 29.73± acres located on Belle Mead Blawenburg Road

Seasons/dates: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 14 - October 25, 2013  
Permit bow: October 26 - December 24, 2013  
December 26 - December 31, 2013  
Winter bow: January 1 - February 15, 2014  
Permit shotgun: December 4 - December 6, 2013  
December 9 - December 14, 2013  
December 18 - December 20, 2013  
January 7 - February 11, 2014  
Permit muzzle-loader: December 2 - December 6, 2013  
December 9 - December 14, 2013  
December 16 - December 17, 2013  
December 21 - December 24, 2013  
December 26 - December 31, 2013  
January 1 - February 11, 2014  
Six-day firearm: December 9 - December 14, 2013

Permits: No more than five (5) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

O. Montgomery Woods

Designation: Block 37002, Lot 2.01

Location: 6.064± acres located on River Road

Seasons/dates: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2013-2014, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 14 - October 25, 2013  
Permit bow: October 26 - December 24, 2013  
December 26 - December 31, 2013  
Winter bow: January 1 - February 15, 2014

Permits: No more than two (2) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #10 Cont.)

2. Except as otherwise set forth, hunting shall be allowed only during the dates designated by the State of New Jersey Department of Environmental Protection, Division of Fish and Wildlife for the applicable seasons listed above. The specific dates shall be set forth on each permit. Any dates set forth on the permits notwithstanding, the Township may make it a condition of any permit that hunting not take place on certain days as may be necessary to protect the health and safety of the public.

3. The taking of a coyote while engaging in deer hunting on Township property is permissible, provided that hunters abide by all State regulations on coyote hunting. Coyote hunting on Township property shall be incidental to, and not separate from, deer hunting and shall conclude on the last day of the deer hunting season. The hunting of coyote at night is strictly prohibited. **The hunting, shooting or killing any other game is strictly prohibited.**

4. Hunting may take place only pursuant to the requirements set forth in Section 9-9 of the Code of the Township of Montgomery (1984) ("Code"). **Except for the provisions set forth hereinabove prohibiting hunting on Sundays,** all applicable State and local regulations shall remain in effect and nothing herein shall be construed to abrogate same.

5. Pursuant to Section 9-9 of the Code, every permittee shall be required to participate in a hunter orientation and safety course to be conducted by an agent of the New Jersey Division of Fish and Wildlife, as well as in a property-specific hunter orientation and safety course to be conducted by a member of the Montgomery Township Wildlife Committee.

6. Warning signs shall be posted at the entrances to the properties designated above and in the vicinity of tree stands; in addition, the properties shall be posted in accordance with any specific terms and conditions of the individual permits.

7. All permittees shall be required to check in with the Police Dispatcher prior to hunting any property. This procedure shall be required each time the permittee intends to hunt.

8. A press release and a legal notice in a form approved by the Township Attorney notifying the public of the above designated dates and locations shall be published on the Township's website and in the Township's newsletter and shall be submitted to the Township's officially-designated newspapers as well as such others newspaper or newspapers as may be deemed advisable to publicize the above-referenced dates and locations as widely as possible. In addition, individual notices shall be sent to all property owners situated within two hundred feet of the properties set forth above.

9. The Township reserves the right to modify the conditions and restrictions set forth above **at any time, including after issuance of 2013-2014 permits,** in the interests of the public health, safety and welfare of Township residents.

10. Permittees are limited to use of one portable tree stand per permittee, except on properties where the tree stand has been furnished by the Township in which instance(s), the permittee shall be required to use the stand furnished by the Township.

10-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid.

10-2. Mayor Trzaska asked if there were any changes to the program from last year. Attorney Hadinger responded that there was a request to add a new property. This property will be reviewed for next year on the concern that adding it now might affect the application process for this year.

10-3. Deputy Graham said she has never heard objections to any of the current properties hunted in the program. Administrator Nieman concurred. About five years ago there were some questions related to bow hunting and these questions were satisfied.

10-4. Mayor Trzaska said he was liaison to the Wildlife Committee a few years ago and during that time it was indicated to him that car accidents with deer in the Township have dropped significantly since the program was implemented.

10-5. Deputy Graham asked if this resolution is only for deer hunting and incidental coyotes. Administrator Nieman confirmed that this resolution does not authorize hunting of other animals on these lands.

There being no more questions, the vote was carried on the following:

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

11. **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.

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

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

12. **STREAM CORRIDOR ORDINANCE**

Attorney Hadinger stated that the current Stream Corridor Ordinance is 15 to 20 years old and pre-dates State of NJ flood hazard rules currently in effect. Montgomery's ordinance is in need of revamping on a procedural basis. She stated that substantive standards proposed would remain more stringent than State of NJ standards. She explained that under the proposed ordinance an application for an existing dwelling that has a portion of its property in a stream corridor area would be reviewed in-house rather than going before the Planning Board. Likewise, for a new single family dwelling on a pre-existing lot, any improvements within the regulated stream corridor would be reviewed in-house. These are the most significant changes to the ordinance. It streamlines process and reduces fees, since these types of applications do not belong before the Planning Board. Any site plan otherwise requiring Planning Board review or subdivision applications in need of variances would still go before the Planning Board or Zoning Board of Adjustment.

Committeeman Sugden asked if it were possible to provide a simple written explanation of the standards of the ordinance for applicants. Attorney Hadinger responded that the ordinance spells out the requirements for applicants.

Chuck Urban, representing Mr. Handler of Griggstown Rd., stated that NJDEP has certain standards in place for properties which have been previously disturbed, as this property has been, and he wanted to know if this ordinance will also address that issue. Attorney Hadinger responded that the engineer could better speak to property specific questions but that she believed that the standards in the ordinance for pre-existing/pre-disturbed were similar to NJDEPs standards.

Mr. Urban thanked the Governing Body for their time working on this issue. He stated that if the new ordinance addresses pre-existing/pre-disturbed lots in the same manner as NJDEP, then he was satisfied.

13. **FIREWORKS/INFLATABLE RIDES**

Attorney Hadinger explained that the Township insurance carrier excludes from coverage any Township event at which inflatable rides are used. Therefore if the Township hosts an event including these types of rides, there will not be coverage with the Township's insurance carrier.

It has been recommended that if the Township wishes to have an event including inflatable rides then the vendors should provide certain additional minimum insurance themselves. This insurance should name the Township and its officers as additional insured and should not be just general liability but an excess policy. Last year a vendor was unable to provide that level of insurance and our carrier provided an additional Tulip or temporary event based coverage for tenants and the like. An additional policy and premium was required. This is a separate single event policy and requires a separate analysis by the insurer.

Deputy Mayor Graham asked if we could ask the vendor or the sponsor of the event to pay the extra premium. Attorney Hadinger confirmed that the vendor is responsible to pay the additional premium but that the vendor does not know the cost of the policy until they make application and there is no guarantee upfront that the risk will be underwritten.

Administrator Nieman explained that in 2009 the State of New Jersey began to license inflatable rides and this was a trigger for the Township and Joint Insurance Fund to ask for additional coverage. They started to have more claims filed for injuries related to inflatable rides. This caused them to decide to exclude standard coverage of these events so as to not have to absorb this additional risk.

Attorney Hadinger said the Recreation Director will follow up on making vendor arrangements and see to it that suitable vendors obtain this additional 'tulip' insurance and have the vendors sign hold-harmless agreements.

14. **CROWN CASTLE USE OF RIGHT-OF-WAY**

Administrator Nieman explained that Crown Castle is asking for permission to use the Township roads' rights-of-way for placement of their company's cell signal-enhancing technology. They have a statutory right to be in the right-of-way, much like a cable company. Their service is sold to cellular companies and requires placement of very small 24" high antennas which are mounted on the telephone poles. They would like to meet with the Township and negotiate a payment for this right. The trend is that these smaller devices appear to be surpassing huge cell tower technology-wise. They try to use existing poles but may wish to place a small number of additional base poles where poles are not available.

Committeeman Sugden asked if the Township can or cannot limit the company to only utilize existing poles. Attorney Hadinger responded that this company is subject to comply with Township ordinances, so if there are underground utilities in an area, the company can be precluded from placing poles in that area. If there is a pole lacking where needed but there are no underground utilities, Crown Castle could in theory place a new pole at that location. But economically, this company does not wish to place poles if they do not have to.

Administrator Nieman explained that there is now a federally mandated deadline requiring cell phone companies to provide seamless coverage and this is putting pressure on these companies to find solutions. There are several dead zones in Montgomery which might be addressed by Crown Castle's technology.

Committeeman Sugden asked under what law the company has a statutory right to be in road rights-of-way. Attorney Hadinger responded that the authority was both Federal and under the New Jersey State Board of Public Utilities.

15. **INTERNATIONAL CITY AND COUNTY MANAGERS ASSOCIATION CONFERENCE**

Administrator Nieman stated that under his employment agreement with the Township, he is able to attend ICMA conferences, with the Governing Body's permission. This year's ICMA Conference in Boston is significant in that he is receiving his 30 year award publicly.

16. **MONTGOMERY SHRED DAY**

Township Clerk Donna Kukla updated the Governing Body on the Somerset County shredding program which provides free and secure document disposal for County residents. A specially outfitted shredding truck will be parked in the back of the Griggstown Fire Station on May 18 from 9:00 a.m. to 1:00 p.m.

17. **EARTH DAY FAIR**

Committeeman Sugden reported on the Montgomery Earth Day Fair held on April 21<sup>st</sup> at Montgomery High School. He and Deputy Mayor Graham attended. The attendance was excellent and it was an impressive showing. He felt the Environmental Commission should be commended for their efforts.

18. **MUNICIPAL ALLIANCE**

Deputy Mayor Graham reported that the Municipal Alliance for Prevention of Drug Abuse will hold an event titled, "Walk-out on Drugs Day" on June 2<sup>nd</sup> in Montgomery Park from 11:30 am to 3:30 pm.

19. **TELEPHONE WIRES AT INTERSECTIONS**

Administrator Nieman reported that photos had been taken of the utility poles where low wires obscuring views were a concern at the intersections of Route 206 & Route 518, and Route 206 & Cherry Valley/Princeton Road. These photos were forwarded to Verizon and the Township was waiting to hear back from Verizon's engineers. He stated that Verizon's Government Affairs Liaison Eileen Leahey has been instrumental in getting the attention of engineers at Verizon.

20. **POLICE SWEARING-IN**

Administrator Nieman reported that the three police candidates had passed their background checks and will be given conditional offers of employment. They will be sworn in on June 6 and their families are anticipated to be in attendance to congratulate them.

The cadets will begin attendance at the Academy in late June or July and complete their training before the end of year.

21. 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:
  - Interview for Kid Connection Director;
  - Advice of counsel regarding pending Hunter Farms hearing;
  - Advice of counsel regarding COAH.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No appointments shall be made except by action of the Township Committee at a public meeting, and matters concerning legal hearings may be announced upon the conclusion of the hearing or any settlement of the proceedings.

21-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

22. The meeting reconvened in Open Session and ADJOURNMENT was at 9:25 p.m. on a motion by Deputy Mayor Graham. The motion was seconded by Committeeman Sugden and carried unanimously.

Date of Approval:

\_\_\_\_\_  
Donna Kukla, Township Clerk