

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 20, 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

CHIEF FINANCIAL OFFICER - Walter Sheppard

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. **RESOLUTION HONORING SEAN SULLIVAN**

WHEREAS, The Police Officers of America work devotedly and selflessly in behalf of all citizens in a community, regardless of the peril or hazard to themselves; and

WHEREAS, On October 31, 2012, Montgomery Police along with fire and EMS, were dispatched to a structure fire in the Pike Run Development; and

WHEREAS, Police Officer Sean Sullivan was the first emergency responder to arrive and was informed that a resident was trapped inside the burning apartment; and

WHEREAS, Upon entering the dark, smoke filled apartment, Officer Sullivan realized the trapped occupant was emotionally distressed and had secreted himself in a closet in the rear of the unit; and

WHEREAS, Officer Sullivan with the assistance of the Superintendent of the complex, Jaime Betancourt, moved beyond the fire location and physically removed the tenant who was combative and did not want to leave the burning apartment; and

WHEREAS, After restraining the tenant in order to prevent him from returning to the apartment, Officer Sullivan was then transported to the hospital suffering from smoke inhalation; and

WHEREAS, Because of his heroic actions, Officer Sullivan was a recipient of the 2012 Valor Award from the Somerset County 200 Club, an organization that recognizes members of Police and Fire Departments, Rescue Squads, and State Police involved in dangerous and life threatening confrontations.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby expresses the gratitude of the entire Township and recognizes the heroic actions of Officer Sean Sullivan on this 20th day of June, 2013.

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

5. **RESOLUTION HONORING JAIME BETANCOURT**

WHEREAS, A community possess no greater treasure than the dedicated and selfless service of its people; and

WHEREAS, On October 31, 2012, Montgomery Police along with fire and EMS, were dispatched to a structure fire in the Pike Run Development; and

WHEREAS, Police Officer Sean Sullivan entered the burning apartment after learning that the occupant was emotionally distressed and had secreted himself in a closet in the rear of the unit; and

WHEREAS, Without regard for his own personal safety, the superintendent of the complex, Jaime Betancourt, ran into the building to assist Officer Sullivan who had moved beyond the fire location and both men physically removed the tenant who was combative and did not want to leave the burning apartment; and

WHEREAS, The quick response and courageous actions of Jaime made the difference between life and death for a citizen of this community.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby recognizes and applauds the heroic action of Jaime Betancourt on this 20th day of June, 2013.

- 5-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

- 5-2. Police Director Palmer gave a brief description of the incident. He and Police Lieutenant Curry praised the heroic actions of Officer Sullivan and Mr. Betancourt.

6. **RESOLUTION HONORING LAURE SCASSERRA**

WHEREAS, After almost 19 years of dedicated service to Montgomery Township, Laure Scasserra will be retiring on July 1, 2013; and

WHEREAS, During her tenure, Laure has brought the utmost professionalism to her position as Director of Kid Connection as she performed countless services, mostly unknown and unheralded in the course of a normal school day; and

WHEREAS, Laure was one of the original "Kid Connection cast" starting her career as a teacher in 1994, moving up to Supervisor of the Kid Connection Program in 1996 and then appointed as Director of the program in January 2000; and

WHEREAS, Laure has seen a full generation of students grow up, graduate and have children of their own; and

WHEREAS, During her years of faithful service, Laure has earned the admiration and respect of her Kid Connection co-workers and parents, for her caring and loving attention to her students and her deep concern for their well-being.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby recognizes the contribution made by this most valued employee and extends its sincere best wishes for a healthful, happy, and well-deserved retirement.

- 6-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.
- 6-2. Administrator Nieman spoke of Laure's tenure at Montgomery Township Kid Connection. He stated that she was one of the most hard-working, loyal and dedicated department heads that he has had the pleasure of working with.
- 6-3. Laure Scasserra thanked the Governing Body for their support. She thanked her staff for their support and friendship.
- 6-4. Committeeman Sugden thanked Ms. Scasserra for her hard work and dedication. His children went through the Kid Connection program and he praised Ms. Scasserra and her staff.

7. **RESOLUTION HONORING GRADUATING EMS CADETS**

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

WHEREAS, Montgomery EMS was officially formed on June 1, 1972 and currently consists of more than 80 volunteer members who provide emergency medical services 24 hours a day, 7 days a week, 365 days a year; and

WHEREAS, The following cadets have graduated to full member and are to be recognized for their contributions while cadets to this great organization:

Saisree Chillara	Suhani Gokhru	Jillian Kelly
Ashish Patel	Darshan Patel	Shruti Patel
Kathryn Riman	GauravJit Singh	Ritu Vadodaria

WHEREAS, These Cadets joined the Montgomery EMS as early as age 16; have completed the same 210 hour EMT class and passed the State EMT test as all other EMT's; volunteered with Montgomery EMS at least 20 hours a month; have competed in inter-squad competitions such as the Clinton First Aid & Rescue Future Stars of EMS Junior EMT competition; have assisted in squad fundraising by running activities such as the pancake breakfast and car wash; have assisted in Montgomery EMS events such as the Blood Drive and Open House as well as many community standby's; have been recognized by the Township for their assistance during Hurricane Sandy; and in the past year these EMS Cadets have volunteered over 2191 hours to the community.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery Township Committee congratulates the 2013 graduates on all their past accomplishments and expresses deep gratitude for their continued commitment to the citizens of Montgomery Township on this 20th day of June, 2013.

- 7-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

8. **POLICE REPORT**

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

- 57 motor vehicle accidents;
- 25 arrests;
- 10 thefts;
- 1 motor vehicle theft;
- 5 domestic violence;
- 3 criminal mischief.

9. **PUBLIC COMMENT**

- 9-1. Walter Beadling, Thornton Way, spoke about Resolution #13-6-142 regarding energy aggregation and asked if signing this meant that the Township is definitely going ahead with this program. He stated his concern and displeasure with this program.

Robert Chilton, Gabel Associates, explained the resolution is one of the precursor steps to the program. What will ultimately happen is that the Township will develop bid documents, by which it will go out to bid for a supplier. Those bid documents will be reviewed by the Board of Public Utilities and by the Division of Rate Counsel. There is certain information that the Township needs from PSE&G in order to start the process, and this addresses that so the Township has data to put into the bid documents.

- 9-2. Walter Beadling, Thornton Way, asked Administrator Nieman for an update on broadcasting the Township meetings on cable TV. He asked that the Township Committee consider doing this in the near future.

Administrator Nieman responded that to create the cable channel with Swagit equipment, the equipment would cost \$9,760 for the hardware and \$1,080 per year for software support and maintenance. Comcast will install the necessary connections at no cost to the Township.

- 9-3. Ken Knieser, Oak Ridge Drive, emphasized the point Mr. Kress made at the June 6 meeting about the inherent gap and the structural financial results. He thought it was important enough that the Township begin to look at that gap and the kinds of things that can be done to mitigate that starting now.

10. **RESOLUTION #13-6-142 - AUTHORIZING EXECUTION OF A LOCAL DISTRIBUTION COMPANY AGREEMENT WITH PSE&G**

WHEREAS, By Ordinance No. 13-1434 adopted on April 4, 2013, the Township created a Government Energy Aggregation Program pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. ("Act"), and rules of the Board of Public Utilities, N.J.A.C. 14:4-6.1 et seq. ("Rules"), known as the "Montgomery Community Energy Aggregation" ("MCEA"); and

WHEREAS, The Rules require that the Township execute a Local Distribution Company aggregation agreement with each electric public utility serving customers within the Township for purposes of governing the working relationship between the Township and the electric public utility during the establishment and operation of the MCEA; and

WHEREAS, PSE&G is the only electric public utility serving customers in the Township; and

WHEREAS, The Township and PSE&G have prepared an agreement that governs the relationship between them and sets forth their respective obligations and rights during the establishment and operation of the MCEA; and

WHEREAS, Among other things, the agreement provides for a term to conclude upon both parties' satisfaction of their respective obligations under said agreement, which in no event will extend more than 30 days beyond termination of the MCEA; and

WHEREAS, As required by N.J.A.C. 14:4-6.7(c)4., the agreement provides that the Township is obligated to reimburse PSE&G for its actual, incremental costs incurred as a result of PSE&G's participation in the MCEA, which amount shall not exceed \$750; and

WHEREAS, The agreement further provides, as permitted by N.J.A.C. 14:4-6.8(e), that the costs paid to PSE&G by the Township shall be subject to reimbursement by the successful Third Party Supplier; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available to pay for said services.

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

1. The Mayor and Township Clerk are hereby authorized to execute an agreement with PSE&G consistent with this Resolution.
2. The Township shall reimburse PSE&G's costs associated with its participation in the MCEA, which amount shall not exceed \$750 and shall be paid as set forth by the terms of the agreement.
3. The agreement shall terminate upon the satisfaction of each of the parties' obligations under the agreement, and in no event will extend more than 30 days beyond the MCEA's termination.
4. A copy of this resolution and the agreement shall be placed on file in the Office of the Township Clerk.

- 10-1. 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

11. **RESOLUTION #13-6-143 - AUTHORIZING THE SUBMISSION OF COMMENTS ON ENVIRONMENTAL ISSUES AND REQUESTING AN ENVIRONMENTAL IMPACT STATEMENT BE PREPARED FOR THE LEIDY SOUTHEAST EXPANSION PROJECT DOCKET NUMBER PF 13-5-000, SKILLMAN LOOP BY THE TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC**

WHEREAS, Transcontinental Gas Pipeline Company, LLC ("Transco") is proposing to expand its natural gas pipeline infrastructure in Montgomery Township by adding a second natural gas pipeline of 42 inch diameter adjacent to its existing 36 inch diameter pipeline; and

WHEREAS, The proposed "Skillman Loop" consists of 6.36 miles of pipeline in Montgomery Township, Somerset County and Princeton Township in Mercer County, where approximately 5.3 miles of the proposed project is within Montgomery Township; and

WHEREAS, Transco is proposing to expand the width of the right of way to accommodate the new pipeline by acquiring new land and also by using additional land as temporary construction and staging areas; and

WHEREAS, Transco has filed an application with the United States Federal Energy Regulatory Commission ("FERC") for authorization to construct and operate the above-referenced project; and

WHEREAS, FERC is seeking input on the project to determine what issues will be evaluated in an environmental assessment ("EA") to be prepared by FERC, and also whether preparation of an environmental impact statement is more appropriate for the proposed project based upon potential significance of the anticipated levels of impact; and

WHEREAS, The Township Committee strongly believes that an Environmental Impact Statement ("EIS") is more appropriate for this project based upon the potential for significant adverse environmental consequences from the project; and

WHEREAS, The significant impacts of the proposed project include, but are not limited to, destruction of mature forest, wider and more significant forest fragmentation, destruction of valuable stream corridor habitat, degradation of water quality, compaction of soils on agricultural lands, increased air and noise pollution, significant impact to preserved open space and farmland, and a much wider area of impact considering soil segregation areas and the land to be traversed between those areas and the pipeline itself; and

WHEREAS, The New Jersey Department of Environmental Protection's Landscape Project identifies the presence of State Threatened and Endangered Species on properties impacted by the proposed project; and

WHEREAS, The Township Committee is concerned that nine (9) streams to be breached, and potentially contaminated, during construction drain into the Bedens Brook which drains into the Millstone River and D&R Canal which is a source of drinking water for millions of residents in central New Jersey; and

WHEREAS, Montgomery Township is part of the Raritan and Millstone Rivers Flood Control Commission which works to mitigate the effects of flooding on a regional basis; and

WHEREAS, Montgomery Township and other municipalities within the Millstone River watershed, experience severe flooding;

WHEREAS, The Committee is concerned about the long term effects of soil compaction and the potential for soil contamination caused by the construction that will also result in the continued loss of trees and habitat for many years to come; and

WHEREAS, The Committee is very concerned about the impact of truck and heavy equipment traffic associated with pipeline construction on both the environment and public health, including damage to the roadway bed and its shoulders, damage off road to the ecosystem, damage to water, storm water, sanitary sewer, natural gas, electrical, and communication lines, air pollution, noise pollution, tree removal, soil compaction, damage to groundcover and shrubbery, and damage to residential structures and congestion, as well as road bed damage and air-water-noise pollution along local roadways; and

WHEREAS, Mitigation plantings are ineffective without long-term maintenance commitment of watering, deer protection and invasive species control; and

WHEREAS, The proposed project affects significant areas of preserved open space and farmland which were preserved with public funds through Montgomery Township's open space tax, the Somerset County Open space tax, the New Jersey Department of Environmental Protection Green Acres Program and the New Jersey State Farmland Preservation Program; and

WHEREAS, The proposed pipeline route is in the vicinity of the Waldorf School and Village Elementary School and the Township Committee is concerned about disruptions to the school day due to construction noise, and also possible disruptions to school traffic as the proposed route crosses Main Boulevard; and

WHEREAS, Transco and FERC are not proposing to develop a Hazard Mitigation Plan to reduce the potential for ordinary accidents and damage to the environment caused by normal construction means and methods nor prevent the rare but catastrophic accident;

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

(Item #11 Cont.)

1. The Township Committee strongly suggests the following:
 - a. FERC prepare a full Environmental Impact Statement (EIS) to assess and require full mitigation of the myriad environmental consequences of the project;
 - b. The width of the proposed 105 foot wide construction easement be reduced in environmentally sensitive areas to reduce the negative impacts on these sensitive areas including the loss of trees;
 - c. The Township Committee requests directional drilling for certain stream crossings and will provide more detailed information for specific streams;
 - d. Transco and FERC should prepare a comprehensive Hazard Mitigation Plan;
 2. The Township Committee expects Transco to do the following:
 - a. Provide a plan detailing the Environmental Mitigation and Restoration measures to be utilized including, soil preparation, replanting and maintenance of native habitat using native species and best practices, including measures to be taken to prevent the growth of invasive species within the disturbed areas, and providing plans for washing down equipment. The Township Committee requests Transco provide for independent oversight to insure proper implementation of all mitigation measures;
 - b. Seek the Township's approval for mitigation plans, including planting list, for municipal properties impacted by the proposed project;
 - c. Restore and reconstruct all roadways impacted by the project and for Transco to obtain the required road opening permit from the Township prior to construction for road and utility repairs and reconstruction necessary to restore Township infrastructure impacted by the pipeline construction, including repair or reconstruction, as appropriate, of road beds, shoulders, sidewalks, storm sewers, sanitary sewers, etc.;
 - d. Construction equipment should be of a size, weight and design (e.g. tracks preferred over tires) to minimize soil compaction, especially on agricultural lands;
 - e. Monitor noise levels to not exceed the Municipal noise ordinance requirements;
 3. The Township Committee requests a meeting with Transco, which all residents can attend, to discuss localized impacts on the Township and its resources and to discuss information from the company on the safety of the project, where this type of expansion project has been constructed before, and what type of equipment and engineering techniques will be used within the Township.
 4. The Township Committee authorizes the Planning Director, Township Engineer and Township Administrator, in concert with other members of the staff, to forward these comments to the Federal Energy Regulatory Commission and to prepare additional information regarding the detrimental effects or concerns.
- 11-1. Administrator Nieman thanked Deputy Mayor Graham and Township Engineer Gail Smith for attending the Federal Energy Regulatory Commission hearing with him. It became clear at that hearing that this was the first step in a long process along the way, which will allow for comments on all phases of the approval process. The comment period reflects those items that the Township expects and demands, to the ability possible, Transco to meet in terms of what the Township believes its obligations are to Montgomery Township.
- 11-2. Attorney Hadinger noted that the last paragraph authorizes the staff to submit additional comments and information. This resolution may be supplemented.
- 11-3. Clem Fiori, Open Space Committee Chair, submitted to the Township Clerk for her records, a joint memo from the Open Space Committee and Environmental Commission noting their concerns.
- 11-4. 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. **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 #13-6-144 - REFUND OVERPAID 2012 AND 2013 TAXES**

BE IT RESOLVED That a 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>
7013	20	Mortgage Service Center	2013	\$5,320.82
30002	45	Anthony & Phyllis Ventresca	2012	\$5,067.90

B. **RESOLUTION #13-6-145 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - East Mountain Road Improvements**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2013, in the amounts listed below, which items is now available as a revenue from the Department of Transportation, State of New Jersey;

East Mountain Road Improvements \$200,000.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED that two copies of this document with handwritten ink signature of the Clerk on the certification and shall be forwarded to the Division of Local Government Services.

C. **RESOLUTION #13-6-146 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Clean Communities Program**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2013, in the amounts listed below, which items is now available as a revenue from the State of New Jersey;

Clean Communities Program \$52,014.82

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED that two copies of this document with handwritten ink signature of the Clerk on the certification and shall be forwarded to the Division of Local Government Services.

D. **RESOLUTION #13-6-147 - AUTHORIZING A FIRST AMENDMENT TO RIGHT OF ENTRY AGREEMENT WITH TRANSCO**

WHEREAS, On April 1, 2013, the Township of Montgomery and Transcontinental Gas Pipe Line Company, LLC ("Transco") entered into a Right of Entry Agreement; and

WHEREAS, The Right of Entry Agreement permitted Transco conditional entry upon certain properties owned by the Township for the purpose of conducting limited investigations in connection with Transco's proposed Leidy Southeast Project; and

WHEREAS, Transco has identified an additional Township-owned property that it would like to enter for said purpose under the same terms and conditions as set forth in the April 1, 2013 Right of Entry Agreement between the Township and Transco.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Item A on page 1 of the April 1, 2013 Right of Entry Agreement between the Township and Transco is amended by the addition thereto of property known as Block 16014, Lot 17 on the Montgomery Township Tax Assessment Maps (rev. ed. 2011).

(CONSENT AGENDA Item D Cont.)

BE IT FURTHER RESOLVED, That this resolution, once countersigned by the lawfully authorized representative of Transco, shall constitute the First Amendment to the April 1, 2013 Right of Entry Agreement between the Township and Transco.

BE IT FURTHER RESOLVED, That all other provisions of the April 1, 2013 Right of Entry Agreement, including, without limitation, its termination date of March 31, 2014, shall remain the same.

E. **RESOLUTION #13-6-148 - SUPPORTING THE PRESERVATION UNDER THE COUNTY PLANNING INCENTIVE GRANT (PIG) PROGRAM OF BLOCK 21007 LOTS 6 & 7 (HOWARD FARM)**

WHEREAS, Charles and Edith Howard ("Howard") made application for farmland preservation for their 35± acre farm ("Howard Farm") located at 256 Bridgepoint Road, identified as Block 21007 Lots 6 & 7 on the Township Tax Assessment Maps (last revised 2011) under the Municipal Planning Incentive Grant (PIG) program; and

WHEREAS, in consultation with the State Agriculture Development Committee (SADC) and Somerset County Agriculture Development Board (SCADB), Howard determined to transfer the application to the County PIG program due to better funding opportunities; and

WHEREAS, the preservation of the Howard Farm furthers the goals of the Township's Comprehensive Farmland Preservation Plan (adopted February 2010), which identifies the Howard Farm as a "Targeted Farm" worthy of preservation.

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

1. The Township Committee strongly supports the County and SADC in their efforts to preserve the Howard Farm; and
2. A copy of this resolution shall be sent to the SADC and Somerset County.

F. **RESOLUTION #13-6-149 - CANCELLING MILLSTONE VALLEY SCENIC BYWAY GRANT RECEIVABLE AND GRANT APPROPRIATION**

WHEREAS, The Township Committee Approved the acceptance of the Millstone Valley Scenic Byway Grant (MVSb) per Resolution #12-05-124 on May 17th, 2012, and

WHEREAS, It has been brought to our attention that this grant was recalled and will no longer be funded:

NOW, THEREFORE, BE IT RESOLVED, That the Millstone Valley Scenic Byway Grant (MVSb) Grant Receivable and Grant Appropriation of \$76,320.00 be canceled.

G. **RESOLUTION #13-6-150 - AMENDING RESOLUTION #13-5-115 - AUTHORIZING THE SALE OF A PLENARY RETAIL CONSUMPTION LICENSE**

WHEREAS, Resolution #13-5-115 authorizing the sale of a plenary retail consumption license was adopted on May 2, 2013; and

WHEREAS, Section 6 of said resolution stated that the Township Committee shall award said license to the highest bidder on July 18, 2013.

NOW, THEREFORE, BE IT RESOLVED That Resolution #13-5-115 be amended to reflect a change in the date of award to July 11, 2013.

H. **RESOLUTION #13-6-151 - APPROVAL OF A MODIFICATION OF CONSERVATION AND PEDESTRIAN BIKEWAY-PATH EASEMENT AGREEMENT WITH NEW JERSEY AMERICAN WATER COMPANY**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Modification of Conservation and Pedestrian Bikeway-Path Easement agreement with New Jersey-American Water Company, Inc. with respect to Block 28001, Lot 6.

12-1. Committeewoman Madrid moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Sugden and carried on the following:

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

13. **RESOLUTION #13-6-152 - AUTHORIZING THE MONTGOMERY TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c. 72**

WHEREAS. The Montgomery Township Tax Collector will be unable to mail the Township's 2013 tax bills on a timely basis.

WHEREAS, the Montgomery Township Chief Finance Officer/Tax Collector have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, in the County of Somerset and State of New Jersey on this 20th day of June, 2013, as follows:

1. The Montgomery Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2013 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2013 is hereby set at \$104,089,877.36.
3. In accordance with law the third installment of 2013 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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, Graham, Trzaska
Nays - None
Absent - Smith

14. **RESOLUTION #13-6-153 - CHANGE ORDER #3 (Decrease) - Pike Brook Wastewater Treatment Plant Upgrade and Expansion - APS Contracting, Inc.**

WHEREAS, On January 21, 2010, a contract for the Pike Brook Wastewater Treatment Plant Upgrade and Expansion Project was awarded to APS Contracting, Inc. for \$14,250,000.00; and

WHEREAS, On November 4, 2010, the Montgomery Township Committee authorized Change Order #1 increasing the original contract amount by \$33,608.20; and

WHEREAS, On March 1, 2012, the Montgomery Township Committee authorized Change Order #2 increasing the original contract amount by \$170,041.92; and

WHEREAS, The Township Engineer has requested the Committee's approval of an additional change order to include fifty-seven (57) various additions, deletions and enhancements which result in a net zero change in the contract price; and

WHEREAS, In addition, Item No 58 is the cancellation of the Wonderware software license for a decrease in the contract amount of \$6,600.00 because it was determined that the Township had already purchased the license for the Skillman Village Wastewater Treatment Plant and it was confirmed with Wonderware that the license can be used for both plants; and

WHEREAS, The work comprising Change Order #3 will result in a net decrease in the amount of \$6,600.00; and

WHEREAS, The Township Administrator has recommended approval of the Change Order; and

WHEREAS, A copy of the proposed Change Order is on file in the office of the Township Clerk and Engineer.

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

1. The attached Change Order #3 is hereby approved.
2. This Resolution, when counter-signed by APS Contracting, Inc., shall serve as a contract amendment to the original contract for the purpose of decreasing the total contract price by \$6,600.00 for a total contract amount of \$14,447,050.12.

14-1. 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

15. **RESOLUTION #13-6-154 - AWARDING A NON-FAIR AND OPEN CONTRACT FOR THE RECREATION SOFTBALL PROGRAM**

WHEREAS, The Township Committee of the Township of Montgomery has a need to contract for Recreation Softball Program; 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 service is expected to exceed \$17,500 but less than the bid threshold of \$36,000; and

WHEREAS, Proposals were requested and only one (1) received; and

WHEREAS, JR Hit n Run Academy, PO Box 108, Rocky Hill, NJ08553 has submitted a price quote dated June 12, 2013; and

WHEREAS, JR Hit has completed and submitted a Business Entity Disclosure Certification.

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery authorizes a contract with JR Hit and Run Academy in the amount not to exceed of \$32,500 for the 2013 budget year.

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.

15-1. 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, Graham, Trzaska
Nays - None
Absent - Smith

16. **RESOLUTION #13-6-155 - AUTHORIZING LIEUTENANT PROMOTIONAL PROCESS**

BE IT RESOLVED That the Montgomery Township Committee approves a promotional process to select a candidate or candidates for the position of Lieutenant of Police for the Montgomery Township Police Department.

16-1. 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

17. **RESOLUTION #13-6-156 - AUTHORIZING SERGEANT PROMOTIONAL PROCESS**

BE IT RESOLVED That the Montgomery Township Committee approves a promotional process to select a candidate or candidates for the position of Sergeant of Police for the Montgomery Township Police Department.

17-1. 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

18. **RESOLUTION #13-6- 157 - SUPPLEMENTING AND CLARIFYING PERMIT ELIGIBILITY REQUIREMENTS FOR CERTAIN MUNICIPALLY-OWNED PARKS AND OPEN SPACES 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; and

WHEREAS, On May 2, 2013, the Township Committee adopted Resolution #13-5-116 designating specific tracts of municipally-owned parks and open spaces to be included in the Township's deer management program for the hunting season beginning on September 14, 2013 and ending on February 15, 2014; and

WHEREAS, Said Resolution sets forth limitations and restrictions applicable to each specified tract included in the program; and

WHEREAS, The Wildlife Management Committee has recently recommended a change to the permit eligibility requirements for the properties known as Bennett Tract, Platz Tract, Montgomery Meadows, and Saxon Ridge to allow qualified hunters from last season to select these properties as their primary hunting assignment upon payment of the full permit price; and

WHEREAS, The Township Committee now desires to amend the permit eligibility requirements for these properties in accordance with the recommendation of the Wildlife Management Committee.

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

1. The permit eligibility requirements set forth in Resolution #13-5-116 for the properties known as Bennett Tract (Block 31010, Northern Portion of Lot 9.03), Platz Tract (Block 15001, Lot 26 & Block 15004, Lot 9), and Montgomery Meadows (Block 15001, Lot 43) are hereby repealed in their entirety and replaced with the following language:

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) pay the full permit price for this property to be their primary hunting assignment (i.e., \$100.00).

2. The permit eligibility requirements set forth in Resolution #13-5-116 for the property known as Saxon Ridge (Block 16012, Lots 1.02 and 1.03) is hereby repealed in its entirety and replaced with the following language:

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) pay the full permit price for this property to be their primary hunting assignment (i.e., \$100.00).

3. All other limitations and restrictions set forth in Resolution #13-5-116 shall remain in full force and effect.

4. This Resolution shall take effect immediately.

18-1. 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

19. RESOLUTION #13-6-158 - ABC LICENSE #1813-31-004-001 - Bedens Brook Country Club

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-004-001 for Bedens Brook Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-004-001 is hereby granted for the year 2013-2014.

- 19-1. 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

20. RESOLUTION #13-6-159 - ABC LICENSE #1813-31-008-001 - Cherry Valley Country Club

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-008-001 for Cherry Valley Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-008-001 is hereby granted for the year 2013-2014.

- 20-1. 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

21. RESOLUTION #13-6-160 - ABC LICENSE #1813-31-006-001 - Montgomery Tennis Patrons Association (Nassau Racquet & Tennis Club)

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-006-001 for Nassau Racquet & Tennis Club

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-006-001 is hereby granted for the year 2013-2014.

- 21-1. 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

22. RESOLUTION #13-6-161 - ABC LICENSE #1813-31-005-001 - Princeton BPO Elks #2129

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-005-001 for Princeton BPO Elks #2129.

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-005-001 is hereby granted for the year 2013-2014.

- 22-1. 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, Graham, Trzaska
Nays - None
Absent - Smith

23. RESOLUTION #13-6-162 - ABC LICENSE #1813-44-001-009 - Steele Built LLC
(Steele's Wine Cellar)

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-44-001-009 for Steele's Wine Cellar:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-44-001-009 is hereby granted for the year 2013-2014.

- 23-1. 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

24. RESOLUTION #13-6-163 - ABC LICENSE #1813-44-010-001 - North East Wine

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-44-010-001 for North East Wine:

- a. The submitted application form is complete in all aspects;
- d. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- e. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- e. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-44-010-001 is hereby granted for the year 2013-2014.

- 24-1. 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

25. **RESOLUTION #13-6-164 - ABC LICENSE #1813-33-011-001 - MTC Restaurant II, LLC**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-011-001 for MTC Restaurant II, LLC:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-011-001 is hereby granted for the year 2013-2014.

- 25-1. 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

26. **RESOLUTION #13-6-165 - ABC LICENSE #1813-33-012-001 - MTC Restaurant III, LLC**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-012-001 for MTC Restaurant III, LLC:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-012-001 is hereby granted for the year 2013-2014.

- 26-1. 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

27. **RESOLUTION #13-6-166 - ABC LICENSE #1813-33-003-004 - Princeton Innkeepers, Inc. (Tiger's Tale)**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-003-004 for Tiger's Tale:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-003-004 is hereby granted for the year 2013-2014.

- 27-1. 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

28. ORDINANCE #13-1441 - Acquisition of Equipment-Sewer Capital 2013 - Introduction

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE ACQUISITION OF CERTAIN EQUIPMENT BY THE TOWNSHIP OF MONTGOMERY SEWER UTILITY AND APPROPRIATING \$100,000.00 THEREFOR FROM THE "SEWER CAPITAL IMPROVEMENT FUND" OF SAID TOWNSHIP.

A. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 11, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

28-1. 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

29. ORDINANCE #13-1442 - Acquisition of Equipment-Capital Improvement Fund 2013 - Introduction

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE ACQUISITION OF CERTAIN EQUIPMENT BY THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$18,950.00 THEREFOR FROM THE "CAPITAL IMPROVEMENT FUND" OF SAID TOWNSHIP.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 11, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

29-1. 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

30. ORDINANCE #13-1443 - BOND - Providing for Various Capital Improvements - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$1,648,550 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$1,566,122 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 11, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

30-1. 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

31. ORDINANCE #13-1444 - BOND - Providing for Various Sewer Utility Improvements - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$261,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$261,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 11, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

31-1. 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

32. ORDINANCE #13-1445 - LDO - Continuing Care Retirement Community - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTION 16-6.9 REGARDING "CONTINUING CARE RETIREMENT COMMUNITIES".

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 11, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

32-1. Planning Director Lori Savron briefly explained the changes to the Continuing Care Retirement Committee ordinance. She stated that this was brought about because Stonebridge at Montgomery was requesting a minor expansion of the Clubhouse and the Health Care Center.

32-2. 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

33. ORDINANCE #13-1438 - LDO - Grandfathering - Public Hearing

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTION 16-4.2d. FOR THE MINIMUM AREA AND YARD REQUIREMENTS FOR USES WITHIN THE "MR", "R-5", "R-2", "R-1" AND "R" DISTRICTS.

B. The Clerk read the following report from the Planning Board:

"At the June 17, 2013 Planning Board meeting, the Board found the above-referenced ordinance consistent with the Master Plan and recommended adoption as written."

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

D. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 20th day of June, 2013 and that notice thereof be published in an official newspaper as required by law.

33-1. 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

34. ORDINANCE #13-1440 - LDO - Critical Areas - Stream Corridors - 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 AMENDING SUBSECTION 16-6.4 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), REGARDING DEVELOPMENT IN STREAM CORRIDORS.

B. The Clerk read the following report from the Planning Board:

"At the June 17, 2013 Planning Board meeting, the Board found the above-referenced ordinance consistent with the Master Plan and recommended adoption as written."

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

D. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 20th day of June, 2013 and that notice thereof be published in an official newspaper as required by law.

34-1. The ordinance died due to lack of a motion.

35. ORDINANCE #13-1446 - LDO - Critical Areas - Stream Corridors - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AMENDING SUBSECTION 16-6.4 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), REGARDING DEVELOPMENT IN STREAM CORRIDORS.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 11, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

35-1. 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

36. APPROVAL OF MINUTES

The minutes of May 16, 2013 were approved as printed.

37. 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.

37-1. 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, Graham, Trzaska
Nays - None
Absent - Smith

38. SMOKING BAN

Attorney Hadinger explained that the Township needed to "tweak" the penalty section of the current no smoking ordinance, but as of right now there was nothing being considered regarding banning smoking in the parks.

It was the consensus of the Township Committee that signs discouraging smoking in parks should be put up, but no ordinance be introduced and adopted at this time.

39. **SOLAR PANELS**

Administrator Nieman updated the Governing Body on the removal of the solar panels at Opies Mill and explained that PSE&G will be removing several other panels in Blawenburg. He also explained that Verizon will be taking care of the wiring overabundance situation at the Route 206/Cherry Valley Road area.

40. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject to be discussed in this session is as follows:
 - Police personnel;
 - Advice of Counsel with respect to Hunter Farms, pending CADB and other legal proceedings relative thereto;
 - Advice of Counsel with respect to Affordable Housing/COAH;
 - Pending Country Club Meadows litigation.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open session.

40-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

41. Meeting reconvened in Open Session and **ADJOURNMENT** was at 9:31 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