

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
July 11, 2013

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 6:00 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. **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:
  - Acquisition of lands with public funds for open space purposes (Jim Irish - Block 12001, Lot 15 and Thompson Belle Mead - Block 3001, Lots 1 & 2);
  - Advice of Counsel with respect to Presbyterian Homes tax appeal;
  - 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;
  - Advice of Counsel with respect to Country Club Meadows pending litigation;
  - Potential litigation - Police power ordinance.
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. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.
- 3-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham and carried unanimously.
4. The meeting reconvened in Open Session and Mayor Trzaska led the salute to the flag.

5. **POLICE REPORT**

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

-- 53 motor vehicle accidents;  
-- 21 arrests;  
-- 2 motor vehicle thefts  
-- 3 thefts;  
-- 1 domestic violence;  
-- 4 criminal mischief.

6. **PUBLIC COMMENT**

- 6-1. Walter Beadling, Thornton Way, spoke about broadcasting the Township meetings and posting the town bulletin board on Comcast. Recently the Administrator investigated the feasibility of broadcasting the meetings on Comcast, using the existing equipment. He remarked that this could be done inexpensively and commented on the \$3,000.00 monthly franchise payment from Comcast to the Township. He explained that he and some of his like-minded friends have embarked on a project to make Montgomery Township's cable subscribers aware of how their cable fees are being used or not used. He is asking residents to sign a petition to the Township Committee to broadcast Township meetings and to post a bulletin board on Comcast. He stated that he felt he was not the only person who felt this way and asked why they had to keep waiting to get this service.

Mayor Trzaska responded that broadcasting meetings was a duplicative service. The Township Committee decided a better option was to post video recordings of the meetings on the website. They can be streamed live and archived in a very user friendly way. Regarding the emergency services point, he definitely wanted to discuss this again with the Township's professionals. He felt that putting emergency broadcasts out to the public was a great idea by using a reverse 911 system. He stated that everyone has access to the website version of the meetings because the library has computers for use.

Deputy Mayor Graham inquired about broadcasting emergency bulletins on the school's channel. Administrator Nieman replied that the Township has done this in the past and it can and will be done.

7. **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 #13-7-167 - REFUND OVERPAID 2012 AND 2013 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
5008	104	Citi Mortgage	2013	\$2,735.63
5018	4.02 CONDO	Genuine Title Agency, LLC	2012	\$1,716.26
5018	122.1 CONDO	Willow Settlement Services, Inc.	2012	\$2,167.42
7003	9	Gateway Title Agency, LLC	2013	\$2,824.26
7017	16	Trident Land Transfer Co. of NJ	2012	\$3,777.16
34019	39	Bruce Goldsmith & Rika Aoki	2012	\$3,183.30

B. **RESOLUTION #13-7-168 - REFUND OVERPAID 2012 TAXES**

BE IT RESOLVED That a refund in the amount of \$8,535.33 be given to Montgomery Hills Title Services, 2230 Route 206, Belle Mead, NJ 08502 for the overpayment of 2012 taxes on the following properties:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
5007	8	\$3,297.08
4068	13	\$5,238.25

C. **RESOLUTION #13-7-169 - REFUND OVERPAID 2012 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$1,898.27 be given to Tietjen, Keith, 20 Sunnyside Lane, Skillman, NJ 08558 for the overpayment of 2012 sewer charges on Block 31001, Lot 11.07.

D. **RESOLUTION #13-7-170 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Potter/Rock Mill Park Grant**

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

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

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2013, in the amounts listed below, which items are now available as a revenue from the Montgomery friends of Open Space.

Potter/Rock Mill Park Grant	\$9,700.00
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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 shall be forwarded to the Division of Local Government Services.

E. **RESOLUTION #13-7-171 - AUTHORIZATION TO BID - Reclamation of Hollow Road**

The Township Committee of the Township of Montgomery hereby authorizes the Purchasing Agent to solicit and receive bids in accordance with the Local Public Contracts Law for the reclamation of Hollow Road.

F. **RESOLUTION #13-7-172 - AUTHORIZATION TO BID - Chip Seal Hollow Road**

The Township Committee of the Township of Montgomery hereby authorizes the Purchasing Agent to solicit and receive bids in accordance with the Local Public Contracts Law for chip sealing of Hollow Road.

G. **RESOLUTION #13-7-173 - APPROVAL OF LICENSE AGREEMENT - Use of a Portion of Skillman Park**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a License Agreement with the County of Somerset Improvement Authority, and the Montgomery Township Board of Education for the use of a portion of Skillman Park.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #13-7-174 - RELEASE OF MAINTENANCE GUARANTEES - Red Fox Run II, Phases I and II**

WHEREAS, Gail Smith, Township Engineer, has certified on July 2, 2013 that the projects known as Red Fox Run II, Phases I and II were recently inspected and it was determined that all of the deficiencies have been corrected and are acceptable, with the exception of the pavement repair item. Portions of the pavement were found to be raveling and it was determined that a surface treatment such as micro sealing was an appropriate repair. However, due to the relatively small size of the micro sealing work to be performed, a contractor could not be secured for the work. It was determined that the developer should post a fair share contribution and the Township would complete the work as part of a bigger micro sealing project. The fair share contribution is \$15,000.00.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee hereby approves the recommendation of the Township Engineer to release of the posed Maintenance Guarantees, conditioned upon the following:

- Deposit of a \$15,000 fair share contribution for improvements to the roadways within the development to be used by the Township in a manner and at a time determined by the Township in its sole discretion.
- The Developer's lawfully authorized representative countersigning the resolution and this memorandum to confirm the Developer's agreement with these terms.

7-1. Deputy Mayor Graham 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

8. **RESOLUTION #13-7-175 - AWARDING A NON-FAIR AND OPEN CONTRACT FOR CAMMPS HARDWARE**

WHEREAS, The Township Committee of the Township of Montgomery has a need to contract for various purchases at CAMMPS Hardware; 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, CAMMPS Hardware 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 CAMMPS Hardware in an amount not to exceed \$36,000 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.

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

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

9. **RESOLUTION #13-7-176 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE PURCHASER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 33 RIVER BIRCH CIRCLE**

WHEREAS, Applicant 2013-2 ("Owner") is purchasing 33 River Birch Circle, a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, The Owner has requested a down payment assistance loan through Montgomery Township's Affordability Assistance Program toward the purchase of 33 River Birch Circle; And

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

WHEREAS, The amount of the requested Loan for down payment assistance is \$25,169.20 and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a Loan to the Owner in the amount of \$25,169.20; and

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

(Item #9 Cont.)

NOW THEREFORE BE IT RESOLVED On this 11<sup>th</sup> day of July, 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 Repayment Agreement with Owner and provide Owner with a Loan to be used as a down payment toward the purchase of an affordable housing unit located at 33 River Birch Circle.
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.

9-1. 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

10. **RESOLUTION #13-7-177 - RESOLUTION ACCEPTING BID OF CLUBCORP NV I, LLC d/b/a CHERRY VALLEY COUNTRY CLUB FOR PLENARY RETAIL CONSUMPTION LICENSE TO BE ISSUED BY THE TOWNSHIP OF MONTGOMERY**

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WHEREAS, By Resolution 13-5-115 adopted on May 2, 2013, the Township Committee of the Township of Montgomery ("Township") in the County of Somerset, State of New Jersey, authorized the sale of a Plenary Retail Consumption License pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*; and

WHEREAS, ClubCorp NV I, LLC d/b/a Cherry Valley Country Club (hereinafter "ClubCorp NV I, LLC") satisfied all conditions for pre-qualification as set forth in Resolution 13-5-115 and submitted a bid in the amount of Five Hundred Eighty Thousand Dollars (\$580,000.00).

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it hereby accepts the bid of ClubCorp NV I, LLC in the amount of Five Hundred Eighty Thousand Dollars (\$580,000.00), under the following conditions:

1. Payment of the balance of the bid amount by certified check made payable to the "Township of Montgomery" within five days of the date of this resolution. 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 bidder's deposit.
2. Payment of the New Jersey State License Application Fee.
3. Payment of the Annual Municipal Retail License Fee.
4. Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license.
5. Receipt of favorable State and/or Federal criminal background checks for each prospective licensee.
6. Compliance by ClubCorp NV I, LLC with the publication, hearing and resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*
7. Pursuant to *N.J.S.A. 33:1-19.2*, if the license has not issued pursuant to this resolution by December 17, 2013, then the license shall not be issued.

BE IT FURTHER RESOLVED That a copy of this resolution, certified by the Township Clerk to be a true copy, shall be forwarded to ClubCorp NV I, LLC.

10-1. 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 - Madrid, Graham, Trzaska  
Nays - None  
Abstain - Sugden  
Absent - Smith

11. **ORDINANCE #13-1447** - Police Department-Authorized Strength/Deputy Police Director - Introduction

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

AN ORDINANCE AMENDING SUBSECTIONS 2-3.1 AND 2-3.10 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY, NEW JERSEY (1984) REGARDING THE AUTHORIZED STRENGTH OF THE POLICE DEPARTMENT AND ESTABLISHING THE ADMINISTRATIVE POSITION OF DEPUTY POLICE DIRECTOR.

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 August 8, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

11-1. 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

12. **ORDINANCE #13-1448** - Montgomery Veterans Memorial Advisory Committee - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, CREATING THE MONTGOMERY VETERANS MEMORIAL ADVISORY COMMITTEE AND AMENDING CHAPTER TWO OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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 August 8, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

12-1. 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

13. **ORDINANCE #13-1449** - 2013 Salary and Wage - Introduction

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

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2013.

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 August 8, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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. ORDINANCE #13-1441 - Acquisition of Equipment-Sewer Capital 2013 - Public Hearing

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.

B. 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.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 11<sup>TH</sup> day of July, 2013 and that notice thereof be published in an official newspaper as required by law.

14-1. 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

15. ORDINANCE #13-1442 - Acquisition of Equipment-Capital Improvement Fund 2013 - Public Hearing

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 11<sup>TH</sup> day of July, 2013 and that notice thereof be published in an official newspaper as required by law.

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

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

16. ORDINANCE #13-1443 - BOND - Providing for Various Capital Improvements - Public Hearing

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. 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.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 11<sup>th</sup> day of July, 2013 and that the ordinance summary and proper 20-day statement be published in an official newspaper as required by law.

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. ORDINANCE #13-1444 - BOND - Providing for Various Sewer Utility Improvements - Public Hearing

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 11<sup>th</sup> day of July, 2013 and that the ordinance summary and proper 20-day statement be published in an official newspaper as required by law.

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. ORDINANCE #13-1445 - LDO - Continuing Care Retirement Community - 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 16-6.9 REGARDING "CONTINUING CARE RETIREMENT COMMUNITIES".

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

"At the July 1, 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, Committeeman Sugden 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 11<sup>th</sup> day of July, 2013 and that notice thereof be published in an official newspaper as required by law.

18-1. 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

19. ORDINANCE #13-1446 - 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 Planning Board:

"At the July 1, 2013 Planning Board meeting, the Board found the above-referenced ordinance consistent with the Master Plan and recommended adoption as written."

C-1. Mayor Trzaska opened the hearing to the public.

C-2. Tracy Carluccio, East Amwell Township resident and representative from the Sourland Alliance, gave a brief background of the Alliance and explained their Comprehensive Management Plan. The Alliance is very concerned about some of the changes that are being proposed. They do not feel that the changes that the Township is making is in concert with their Comprehensive Management Plan. They do not want to see structures placed in the stream corridor and asked that the Township Committee remove Section D of the ordinance.

C-3. Deputy Mayor Graham moved that the public hearing be closed. The motion was seconded by Committeeman Sugden and carried unanimously.

(Item #19 Cont.)

- D. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 11<sup>TH</sup> day of July, 2013 and that notice thereof be published in an official newspaper as required by law.

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. **APPROVAL OF MINUTES - May 2, 2013, June 6, 2013, June 20, 2013**

The minutes of May 2, June 6 and June 20, 2013 were approved as printed.

21. **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.

21-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham and carried on the following:

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

22. **SIDEWALK INSPECTION AND MAINTENANCE**

Attorney Hadinger stated that there had been discussion about sidewalks and establishing a program by which, to the extent the Township has the resources, there would be a list of priorities and two methods of repair. She reviewed the draft ordinance for future introduction.

23. **WEBSITE POLICY**

Attorney Hadinger explained the updated website policy. She stated it will be posted on the Township's website and distributed to all Department Heads, Boards, Committees and Commissions.

23-1. **Motion #13-7-1** - Deputy Mayor Graham moved the adoption of the website policy. The motion was seconded by Committeeman Sugden and carried on the following:

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

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject to be discussed in this session is as follows:
  - 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;
  - Potential litigation - Police power ordinance.
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. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. It is not anticipated that any action would be taken at the conclusion of the closed session.

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

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

Date of Approval:

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