

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 19, 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. **PROCLAMATION HONORING FORMER MAYOR R. WILLIAM PAULEY**

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

WHEREAS, R. William Pauley died on August 1, 2013 after a valiant struggle with Parkinson's Disease; and

WHEREAS, Bill Pauley was Mayor of Montgomery in 1975 and served two terms on the Township Committee from 1972 to 1977; and

WHEREAS, Bill was the founder, president and trustee of the Van Harlingen Historical Society; was appointed by the Governor to the Delaware Raritan Canal Commission for two terms; and rendered countless years of service to the residents of Montgomery in the following capacities:

Open Space Committee - 1966-1968
Open Space Committee, Planning Board Representative - 1989
Open Space Committee, D&R Canal Commission Representative - 1990-1997
Open Space Committee, Advisor - 1998-2003
Conservation Commission - 1969-1971
Local Assistance Board - 1973
Delaware/Raritan Canal Coalition - 1973-1980; 1993-1997
Board of Adjustment - 1978-1985
Board of Adjustment, Chairman - 1981-1982
Committee on Route 206 Dualization - 1982
Highway Committee - 1984-1986
Planning Board, Class III - 1974, 1976
Planning Board, Class I - 1975
Planning Board, Advisor - 1984-1985
Planning Board, Class IV - 1986-1989
Landmarks Preservation Committee, Class B - 1987-1997
Landmarks Preservation Committee, Chairman - 1997
Landmarks Commission, Alternate I - 1998-2004
Public Safety Committee - 1974-1977
Landfill Ad Hoc Committee - 1987-1988
Ad Hoc Charter Committee - 1993
Ad Hoc Belle Mead-Griggstown Road Committee - 1994-1997
Ad Hoc NPDC Task Force - 1995-2001
Ad Hoc Bridge Advisory Committee - 1997-2003

WHEREAS, Each appointment was served in a distinguished and professional manner, which affirmed his deep dedication to public service; and

WHEREAS, During his many years of service Bill Pauley gave his utmost to the citizens of Montgomery who benefited from his experience, knowledge and love of this community.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the dedicated, selfless contribution of time and talent made by Bill Pauley and extends its sincere condolences to his family and friends on this 19th day of September, 2013.

- 4-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.
- 4-2. Open Space Committee Chair Clem Fiori; former Mayor Louise Wilson; Van Harlingen Historical Society President Ann Woolley; former Planning Board member Tom Lee; and former Mayor Robert Kress spoke about Mr. Pauley and how much they miss him. They spoke about all that he did for the community and for people in general.

5. PROCLAMATION - DAY OF THE GIRL - October 11, 2013

WHEREAS, Equality and universal access to education for every girl and boy are among the United Nations' Millennium Development Goals supported by 189 countries including the United States; and

WHEREAS, The United Nations established October 11 as the annual International Day of the Girl Child supported and co-sponsored by the United States and 97 other countries; and

WHEREAS, The "Day of the Girl" campaign calls on communities across the globe to recognize that girls worldwide face many injustices such as discrimination, gender stereotypes, child marriage and lack of education; and empowers girls to fight for their rights; and

WHEREAS, The Township of Montgomery supports increasing girls' participation in sports, science and math-related activities, high school graduation rate, and providing equal opportunities for all girls by speaking out against gender-based injustices, celebrating all girls' potential, and encouraging all girls to pursue their dreams.

NOW, THEREFORE, BE IT PROCLAIMED, That the Montgomery Township Committee hereby does proclaim October 11, 2013 as the Day of the Girl in Montgomery Township.

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

6. DIVERSITY SURVEY PRESENTATION - Environmental Commission

Mary Reece, Environmental Commission and Sustainable Montgomery representative, explained the background of the Township's certification in Sustainable New Jersey and how the diversity survey plays into that certification. She stated that one of the areas they wish to pursue in 2013 is looking at diversity on boards and commissions. Part of the Sustainable movement is to look at people in the community and social equity issues. They put together a survey that was being presented to the Township Committee for their approval. She explained that the Environmental Commission and Sustainable Montgomery would like to send this survey to members of boards, committees and commissions in town along with the Board of Education to get a sense of the diversity that exists.

7. POLICE REPORT

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

- 56 motor vehicle accidents;
- 7 arrests;
- 3 burglaries;
- 4 thefts;
- 1 domestic violence;
- 3 criminal mischief.

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

- 34 motor vehicle accidents;
- 22 arrests;
- 2 burglaries;
- 2 motor vehicle thefts;
- 3 thefts;
- 3 domestic violence;
- 7 criminal mischief.

Police Director Palmer reported an accident that happened between a tractor trailer and a motorcycle, on Route 206 and involved a fatality.

8. PUBLIC COMMENT

- 8-1. Robert Kress, Meadow Run Drive, commented on the Construction Sequence Agreement with the Herring Corporation, which was on the agenda for approval. He stated that there was a key roadway in the Master Plan associated with this development, which connects Orchard Road to Route 518 and is extremely important. He spoke about the traffic issues that occurred due to the recent accident on Route 206. He stated that the Traffic Circulation Plan was the only solution that allows traffic to continue to flow. He stated his concern regarding the cost of the piece of property between where the dedication is in that location and the other piece that is already shown on the Convatec property.

Attorney Hadinger explained that the land dedication for the road takes place in Phase 1, with the filing of the first plat. The dedication is made early on, up front, which was a requirement of the Planning Board and it was restated in the Construction Sequence Agreement.

- 8-2. Ernie Willson, Shetland Green, spoke about the abandoned gas station on the corner of Route 206 and Route 518.

Mayor Trzaska stated that there is a new owner of that property and an application will be in front of the Zoning Board of Adjustment in October.

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

A. **RESOLUTION #13-9-220 - REFUND OVERPAID 2013 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
18019	8	Cortes & Hays, Inc.	\$4,065.66
31007	71	Dovenmuchle Mortgage, Inc.	\$4,712.93

B. **RESOLUTION #13-9-221 - AUTHORIZATION TO EXECUTE PROJECT AGREEMENT FOR THE MONTGOMERY TOWNSHIP LANDMARKS PRESERVATION 2013 GRANT PROGRAM**

WHEREAS, The preservation of historic structures within the Township of Montgomery (hereinafter "Township") is vital to the education of the Township's residents and to the continuity of the Township's rich heritage; and

WHEREAS, The Township established the Landmarks Preservation Grant Program (hereinafter "Program") to provide financial assistance to the property owners of historically significant properties for the repair and restoration of exterior historic features and significant structural elements of structures that have been designated as historic sites or included within historic districts; and

WHEREAS, The Township Landmarks Commission (hereinafter "Commission") received one application for the 2013 Program; and

WHEREAS, The Commission has recommended the award of the following grant in the amount specified:

1. William Evans of 570 Belle Mead Griggstown Road in the amount of two thousand dollars (\$2,000) for the purpose of window replacement.

WHEREAS, The Township Committee has reviewed the recommendations of the Commission, and finds their implementation to be in the best interests of the Township and its residents.

NOW THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Township is hereby authorized to enter into a grant agreement with William Evans in the specified amount, and the Mayor and Clerk are authorized to sign the same.

C. **RESOLUTION #13-9-222 - RESOLUTION AUTHORIZING NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) BIKEWAYS GRANT APPLICATION**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the execution of an application for the 2014 New Jersey Department of Transportation (NJDOT) Bikeways Grant for the construction of sidewalks on portions of Montgomery Road and Sycamore Lane.

BE IT FURTHER RESOLVED That the Mayor and Clerk and hereby authorized to submit an electronic grant application identified as "BIKE-2014-Montgomery Township-00048" to the New Jersey Department of Transportation on behalf of Montgomery Township.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montgomery Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

D. **RESOLUTION #13-9-223 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GREEN AVENUE IMPROVEMENT PROJECT**

BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby approves the grant application for the Green Avenue Improvement Project.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Montgomery Township-00499 to the New Jersey Department of Transportation on behalf of the Township of Montgomery.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Montgomery and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

E. **RESOLUTION #13-9-224 - AUTHORIZATION TO EXECUTE REVISIONS TO THE CENTRAL JERSEY HEALTH INSURANCE FUND PLAN DOCUMENTS TO COMPORT WITH THE AFFORDABLE HEALTH CARE ACT**

BE IT RESOLVED That the Township Administrator, Donato Nieman, is hereby authorized to execute plan documents for the Township of Montgomery Central Jersey Health Insurance Fund to comport with the Affordable Health Care Act.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #13-9-225 - AUTHORIZATION TO ENTER INTO A CONSTRUCTION SEQUENCE AGREEMENT - JER/Herring Orchard, LLC.**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Construction Sequence Agreement with JER/Herring Orchard, LLC. with respect to Block 28001, Lot 5.

G. **TOWNSHIP COMMITTEE APPOINTMENTS - Recreation Committee and Zoning Board of Adjustment**

BE IT RESOLVED That Peter Willis is hereby appointed Recreation Committee, Alternate I, 3 year unexpired term expiring December 31, 2013.

BE IT FURTHER RESOLVED That Charles "Cap" Post is hereby appointed Zoning Board of Adjustment Regular Member, replacing Frank Drift, 4 year unexpired term expiring December 31, 2016.

9-1. 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

10. **RESOLUTION #13-9-226 - AMENDING RESOLUTIONS #13-9-219 - 2013 Salaries for Non-Union Employees**

WHEREAS, Resolution #13-9-219 adopted on September 5, 2013 incorrectly listed the salaries of three employees.

NOW, THEREFORE, BE IT RESOLVED That the resolution be amended to reflect the following changes:

Construction Official/Fire Marshall	Roy Mondi	\$95,576.00	\$110,240.00
Clerk-Typist	Elizabeth Mann	\$14.94 p/hr	\$15.26 p/hr
Administrative Assistant/Afterschool Supervisor	Ellen Elgort	\$27.45 p/hr	\$28.04 p/hr

10-1. 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

11. **RESOLUTION #13-9-227 - AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO CLUB CORP. NV I, LLC TO BE ISSUED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY**

WHEREAS, By Resolution 13-5-115 adopted on May 2, 2013, the Township Committee of the Township of Montgomery in the County of Somerset, State of New Jersey ("Township"), 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, Club Corp. 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 \$580,000.00 for the license; and

WHEREAS, By Resolution No. 13-7-177, adopted on July 11, 2013, the Township accepted the bid of Club Corp. NV I, LLC, upon the conditions set forth in said Resolution; and

WHEREAS, Club Corp. NV I, LLC, has satisfied the conditions set forth in Resolution No. 13-7-177; and

WHEREAS, Club Corp. NV I, LLC's application is complete; and

WHEREAS, Club Corp. NV I, LLC, is qualified to be licensed according to the standards established pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*, the regulations promulgated there under, Township ordinances and other applicable law; and

WHEREAS, Club Corp. NV I, LLC, has disclosed to the Township and the Township has reviewed the source of funds used in the purchase of the license and the licensed business and additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it hereby authorizes the issuance of a Plenary Retail Consumption License to Club Corp. NV I, LLC; and

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

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

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

12. **RESOLUTION #13-9-228 - CHANGE ORDER #1 (DECREASE) - Meadow Run Neighborhood Road Overlay Project - S. Brothers, Inc.**

WHEREAS, On June 6, 2013, a contract for the Meadow Run Neighborhood Road Overlay Project was awarded to S. Brothers, Inc. for \$331,871.00; and

WHEREAS, The Township Engineer has requested the Committee's approval of a change order in connection with completion of the above project; and

WHEREAS, The changes outlined in Change Order No. 1 are due to changes to quantity adjustments and costs for the project; and

WHEREAS, The work comprising Change Order #1 will result in a net decrease in the original contract amount by \$2,665.15; and

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

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

1. The attached Change Order #1 is hereby approved.
2. This Resolution, when counter-signed by S. Brothers, Inc., shall serve as a contract amendment to the original contract for the purpose of decreasing the total contract price by \$2,665.15 for a total contract amount of \$329,205.85.

12-1. 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

13. **RESOLUTION #13-9-229 - AUTHORIZATION TO EXECUTE RIGHT-OF-WAY USE AGREEMENT - Crown Castle**

BE IT RESOLVED That the Mayor and Clerk are authorized to execute a Right-of-Way Use Agreement with Crown Castle NG East Inc. for the purpose of operating the Network and locate, place, attach, install, operate, control and maintain, upgrade and enhance equipment in the public way on facilities owned by the Township, as well as on facilities owned by third parties therein.

13-1. 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

14. **ORDINANCE #13-1452 - Community Center Reservation Fees - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY REGARDING RESERVATION FEES FOR THE OTTO KAUFMAN COMMUNITY CENTER AND AMENDING THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 19th day of September, 2013 and that notice thereof be published in an official newspaper as required by law.

14-1. 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

15. **RESOLUTION #13-9-230 - AMENDING THE FACILITY USE POLICY FOR THE OTTO KAUFMAN COMMUNITY CENTER**

WHEREAS, On September 19, 2013, the Township Committee adopted Ordinance No. 13-1452 implementing a facility use fee of fifteen dollars (\$15.00) per hour for the gymnasium at the Otto Kaufman Community Center ("Community Center"); and

WHEREAS, The Recreation Director recommends that the Facility Use Policy for the Community Center be amended to include the above-mentioned new facility use fee; and

WHEREAS, Section 2-12.6 of the Code of the Township of Montgomery (1984) permits the Township Committee, from time to time, to amend by resolution the Facility Use Policy for the Community Center.

(Item #15 Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Community Center Facility Use Policy be amended to include the new facility use fee for the gymnasium.

- 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 **ORDINANCE #13-1453 - Towing and Storage - 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 CONCERNING LICENSES FOR TOWING AND STORING OF MOTOR VEHICLES, AND AMENDING CHAPTER IVA OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

- B. Mayor Trzaska opened the hearing to the public. There being no comment, Committeewoman Madrid 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 19th day of September, 2013 and that notice thereof be published in an official newspaper as required by law.

- 16-1. 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

17. **APPROVAL OF MINUTES**

The minutes of September 5, 2013 were approved as printed.

18. **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.

- 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. **SIDEWALK INSPECTION AND MAINTENANCE POLICY**

Administrator Nieman updated the Governing Body on the background for the sidewalk inspection and maintenance policy drafted by Committeeman Smith, Township Engineer Gail Smith and himself.

Attorney Hadinger stated that she had spoken to Committeeman Smith and they made a couple of non-substantive "tweaks" on the policy and he is comfortable and recommends it.

Township Engineer Gail Smith reported that this started with Committeeman Smith giving his thoughts and ideas about what he thought the sidewalk policy should be. As the funds will allow, the Township will proceed to complete repairs on a priority basis, grouping the areas in a neighborhood by neighborhood basis. She outlined a number of ways that the work can be completed.

Administrator Nieman pointed out that this was for residential communities only and where there is a Homeowners Association or entity responsible for sidewalks, they then must maintain them. This does not apply to commercial properties.

(Item #19 Cont.)

Attorney Hadinger stated that it needed to be made clear that having this policy doesn't mean that every sidewalk gets fixed immediately. There is always going to be an allocation of resources. Those sidewalks that have been called to the Township's attention that are in the most dire of needs, will be addressed, to the extent resources permit. Resources won't permit everything to be taken care of right away.

- 19-1. Deputy Mayor Graham moved the approval of the Sidewalk Inspection and Maintenance Policy. The motion was seconded by Committeeman Sugden and carried on the following:

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

20. **POLICE PROMOTIONAL PROCESS FOR LIEUTENANTS AND SERGEANTS**

Administrator Nieman reported that the process had already commenced for the position of Deputy Director.

Police Director Palmer spoke about the promotional process established by former Labor Counsel Steve Goodell in 2008. This was constructed for the purpose of establishing a procedure for selecting and promoting candidates for captain and lieutenants. It was used very successfully in 2008. One of the two most critical functions in law enforcement is hiring and selection at the entry level and it is very important to continue that tradition of promotion through the ranks and achieving high performing Police Departments. This system seems to have worked very well. It gave a broad level of input and a full range of individuals who would have input into this process, that being current higher ranking and senior members of the Police Department, the Township Administrator and elected officials. He went over the anticipated timeline. He highly recommended that the Township stay with something very much akin to what had been used previously.

Administration Nieman noted that the process required a subcommittee of the Township Committee, to review exams.

21. **SCHEDULE FOR MEETINGS**

Attorney Hadinger explained that there was a need to continue to do work on the Country Club Meadows litigation matter. There is a need to schedule a meeting for this.

After discussion, it was proposed that there be a special meeting scheduled for October 7 or October 8 at 7:00 p.m. Township Clerk Kukla was instructed to poll the Township Committee to determine their availability.

22. **HIGH SCHOOL SPEED ZONE**

Township Administrator Nieman explained that this was an outgrowth of a meeting that occurred on Route 601 to discuss the road safety audit. Somerset County asked if the Township would support reducing the speed limit on Route 601.

It was the consensus of the Township Committee to authorize Administrator Nieman to write a letter on behalf of the Township Committee to support the County's request in reducing the speed limit.

23. **ENVIRONMENTAL COMMISSION**

Administrator Nieman reported that the Environmental Commission was applying for a grant for safety lights including reflective lights and flashing lights for bicyclists.

24. **OPEN SPACE COMMITTEE**

Deputy Mayor Graham stated that the Open Space Committee is very concerned about the Transco Pipeline and is very actively involved. Representatives from the Open Space Committee would be walking the length of the pipeline with representatives from Williams.

25. **GOVERNMENT OFFICIALS FROM CHINA**

Administrator Nieman stated that there would be 19 Government Officials visiting from China on September 26, and they wanted visit the Township Municipal Building.

25. Mayor Trzaska stepped down from the dais.

26. 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 Open Space (Grosso property - Block 15001, Lot 99 - 173 Dutchtown-Harlingen Road) with public funds for farmland, open space and other purposes;
 - Pending Country Club Meadows litigation and COAH proceedings matters, together with advice of counsel regarding these matters.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of land shall only be authorized by the Township Committee in a public session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. It is possible that at the conclusion of the Closed Session, the Township Committee may reconvene in Open Session for the purpose of taking action.

26-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

27. The meeting reconvened in Open Session and ADJOURNMENT was at 8:45 p.m. on a motion by Committeeman Sugden. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk